

THE
HISTORY and PROCEEDINGS
OF THE
House of Commons
FROM THE
RESTORATION
TO THE
PRESENT TIME.

CONTAINING

The most remarkable MOTIONS, SPEECHES, RESOLVES, REPORTS and CONFERENCES to be met with in that Interval :

AS ALSO

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V O L. X.

L O N D O N ;

Printed for RICHARD CHANDLER, and sold at the *Ship* without *Temple-Bar*, and at *York* and *Scarborough*, 1742.



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FIFTH VOLUME.

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S P E E C H E S

A N D

D E B A T E S

I N T H E

House of Commons,

D U R I N G

The Fourth Session of the Eighth Parliament of *Great-Britain*.



ON the 24th Day of *January*, 1737-8, the House of Commons being, according to Proclamation, assembled,

Anno 11 Geo. II,
1737-38.

A Message came from his Majesty, by Sir Charles Dakon, Gentleman-Usher of the Black Rod, *commanding the honourable House to attend his Majesty immediately, in the House of Peers*. Accordingly

Mr. Speaker, with the House, went up to attend his Majesty, and upon their Return, the Speaker reported to the House his Majesty's Speech from the Throne, which was as follows :

VOL. V.

B

My

Anno 11. Geo. II.
1737-38.

The King's Speech

My Lords and Gentlemen,

" I Have called you together for the necessary Dispatch
" of the publick Business, which, I hope, will be car-
" ried on with that Prudence, and Expedition, which be-
" comes the Wisdom of Parliament.

Gentlemen of the House of Commons,

" I have ordered the Estimates for the Service of the
" current Year to be laid before you ; and the Readiness,
" which I have always found in you to make the necessary
" Provisions for the Honour, Peace, and Security of my
" Crown and Kingdoms, leaves me no Room to doubt of
" the same Zeal, Affection, and due Regard for the Sup-
" port of my Government, and the publick Safety.

My Lords and Gentlemen,

" I hope you are met together, in a Disposition to lay
" aside all Heats and Animositities, which may unnecessarily
" protract this Session. I am determined, that the Affairs
" of the Publick shall suffer no Delay, or Interruption, from
" me, upon any Account whatsoever."

Henry Fox, Esq;
moves for an Address
of Thanks.

Mr. Fox then stood up, and introduced his Motion for an
Address of Thanks, in the following Manner :

' Sir, it has been always the Custom of this House, at
the Beginning of every Session of Parliament, to return his
Majesty our Thanks for his Speech from the Throne ; but,
the severe Stroke, which not only his Majesty and the Royal
Family, but all the Nation have received since our last
Meeting in the Death of the Queen, requires, that on this
Occasion our Thanks to his Majesty for his most gracious
Assurances should be attended with our Condolence for his
unexpressible Loss. A Loss, Sir, which, I flatter myself, I
read in the Eyes of every Gentleman who hears me, and
which must be regretted by every Subject in the Kingdom,
who retains in his Breast one Spark of Loyalty and Gratitude.

Gentlemen cannot miss to observe, that if his Majesty has
expressed himself on this Occasion with more Brevity than
usual, it is owing to the Remembrance of a Princess who
endeared herself in every Relation of Life, either as a Con-
fort, a Mother, or a Queen. And tho' her Death, Sir, is
an afflicting Dispensation to all the Nation, yet we cannot
suppose that any of us can feel it so deeply as the Royal Breast,
which, while she was alive, she so much eased of the Toils
of Government by her Counsels, which never had any other
Tendency than to promote his Honour by promoting the
Happiness of his People. Of this, Sir, we had many lat-
Instances, especially when the sovereign Power, in the Absence
of her Royal Consort, was delegated into her Hands. On
that Occasion, Sir, we may all remember with what Mode-
ration

ration she governed, with what Chearfulness she rewarded, and with what Reluctance she punished ; tho' the Prudence of her Measures, rendered the Exercise of this last and most ungrateful Branch of the Royal Prerogative, but seldom necessary. Therefore, Sir, however some amongst us may differ in particular Views and Interests, I hope we shall all unite in paying a Debt of Gratitude to the Memory of the best of Princesses, as well as of Duty to the best of Kings. I move, therefore, that this House should resolve, that an humble Address be presented to his Majesty ; to return his Majesty the Thanks of this House for his most gracious Speech from the Throne ; to condole with his Majesty on his, and the Nation's irreparable Loss, by the Death of her late Majesty, and to assure his Majesty, that this House does always take Part in every Thing that nearly concerns and affects him, and will endeavour to soften every Care that may approach him ; to assure his Majesty, that we will carefully avoid all Heats and Animosities ; that we will readily and effectually raise the Supplies necessary for the Service of the current Year ; and, as we are truly sensible of the Regard his Majesty has always shewn to the Liberties and Privileges of his Subjects, that we will, as becomes the Representatives of a grateful People, lose no Occasion of testifying our Affection and Zeal for the Support of his Government, and the Preservation of our excellent Constitution ; and farther, to beseech his Majesty to be careful of his sacred and inestimable Life, on which the Happiness of his Family and his People so immediately depends.*

Anno 11 Geo. II.
1737-38.

This Motion was seconded by * J. Selwyn, jun. and then W. Shippen, Esq; spoke to the following Purpose :

Sir,

‘ It would be very unbecoming any Gentleman in this House, to oppose the Motion made by the honourable Gentleman who spoke last. For my own Part, Sir, I have so deep a Sense of the Loss we all sustain by the Death of that incomparable Princess, that I think no Expressions of Gratitude or Sorrow can do more than Justice to her Character. Thus much, Sir, I speak as a Subject of his Majesty : I shall now beg Leave to trouble you with a few Words, as one who has the Honour to sit in this House.

Speeches from the Throne, Sir, have often, in my Time, been looked upon as expressing the Sense of the Ministry, rather than that of the Prince. For which Reason there have been many Instances wherein this House has taken the Liberty to debate on every Sentence of such Speeches. I do not indeed affirm that the Speech now to be consider'd is drawn up to serve any private ministerial Ends ; but think that, in our

* See to John Selwyn, Esq; Treasurer to the late Queen.

ANNO 11. GEO. II.
1737-38.

Address of Thanks, we ought to go no greater Lengths than the general Expressions in the Speech require. I am, Sir, confirmed in this Opinion from former Instances, wherein I have known that too warm an Address from this House has been looked upon by the Ministry as an Approbation, not only of their past, but their present and future Measures. I have known, Sir, a Minister, when any Part of his Conduct was objected to, tell Gentlemen; ' Did you not give ' the Crown all the Assurances possible, that you were ' perfectly satisfied with the Measures taken by the Government? Did not you return an Address of Thanks, ' and express your Resolution to concur with his Majesty in ' every Step he should take for the Welfare and Security of ' the Government?' I say, Sir, such Speeches as these have formerly been made by Ministers, and Gentlemen have found themselves very much embarrassed by the fine Words and fair Promises inserted in their Address. Therefore, Sir, I think, it not improper, as his Majesty has not been pleased to inform us of the Situation of Affairs, to suspend our Approbation of any Measures that may have been taken since last Session. When they come to be laid before us in a regular Manner, let us then approve 'em, if they are right Measures; but let us not by an over-forward Zeal preclude ourselves from the Liberty of objecting to them, if they are wrong ones. Some of them, Sir, may very soon come under our Consideration; for I believe no Gentleman here is ignorant, that our Merchants have of late made very strong Applications to the Government for a Redress of the Injuries they have suffered by the Spanish Depredations. This Affair may very probably come before us, in this Session; and then, Sir, I hope we shall have a fair Opportunity of doing Justice to the Zeal of the Administration for the Honour and Interest of the Kingdom. Besides, Sir, this last Speech from the Throne being, as the honourable Gentleman observed, shorter than usual, we can learn nothing from it concerning the State of our Affairs, with Respect to the other Powers of *Europe*; we know nothing of the many Negotiations set on Foot, since our last Session, for securing the Balance of Power, and for preventing our aspiring Neighbours of *France* from becoming too formidable, and from rising by the Depression of the Emperor. And here, Sir, I must beg Leave to take notice, that if ever the Sentiments of those without Doors are to have any Weight in this House, we have on this Occasion the strongest Reason for our being cautious, how we do any Thing that may look like an Approbation of our late Measures; for wherever I have happened to be since we last met, I have heard them unanimously condemn'd. But be that as it will, when these

these and the like Points come under our Consideration, if it shall appear that our Ministers have acted a Part becoming the Dignity, and consistent with the Welfare of this Nation, I shall very readily consent to our making them as ample Acknowledgments as their Conduct deserves ; but till this appears, it is my humble Opinion, that we ought not to be lavish of our Compliments, but leave ourselves at Liberty to object or approve, according as Truth, Justice, and the publick Good shall direct.

ANNO 11 GEO. III.
1737-38.

* Watkin-Williams Wynn, Esq; spoke next.

Sir,

I cannot but own myself to be entirely of the Opinion of my hon. Friend who spoke last. As Speeches from the Throne have been taken for the Sense of the Ministry, too lavish Addresses from this House have been regarded rather as Incense to the Minister, than a just Acknowledgment to the Sovereign. But, Sir, I hope we shall always look upon ourselves as the Trustees of the People, and endeavour to speak their Sense in our Addresses, as well as act for their Interests in our Proceedings. Tho' the Expression, Sir, proposed to be inserted in this Address, *that we will carefully avoid all Heats and Animosities*, is, to be sure, a very proper Part of Resolution of this Nature, and what I am persuaded every Gentleman will willingly agree to ; yet there have been Instances, Sir, when from as well guarded Expressions Ministers have taken Occasion to attempt the Subversion of that Liberty of Debate, and Freedom of Speech, which ought to distinguish the Representatives of a free People. Amongst such a People, Sir, an Opposition always must, and perhaps it is their Happiness that is does, exist. And, Sir, tho' it is to be wish'd that Heats and Animosities were banished from all Opposition, yet I am afraid while Men have different Passions, different Interests, and different Views, this can scarcely be effected.

The granting necessary Supplies for the current Year, Sir, is what seems very reasonable and indispensable in a House of Commons. But, Sir, I believe there are Instances when, in former Reigns, the Commons have refused to grant a Shilling for the Services of the current Year, till they were sure the Money granted for the Services of the preceding had been properly applied. Besides, Sir, the true old parliamentary Method of proceeding, was not immediately to vote an Address of Thanks for every Thing the Minister had done during the intermediate Time, right or wrong, but to appoint a Day for examining the Grievances of the Nation ; and Redress of these was always insisted on before any Supplies were granted.

* Since Sir Watkin-Williams Wynn.

No

Anno 11 Geo. II.
1737-8.

No House of Commons had ever greater Reason than we have to be frugal of the publick Money, and to enquire in what Manner it has been applied. We have already granted to his Majesty Sums sufficient to have enabled the Ministry to put the Nation into such a Situation, that she might have nothing to fear from any Enemies either at home or abroad; and consequently to have diminished the Taxes, and eased the People of some Part of the unsupportable Load of Debt they now lie under. If, upon Enquiry, it shall appear that they have acted in this Manner; if it shall appear that the People have so much as a Prospect of Relief from their present Pressures, I shall think the Sums we have already granted, not only well bestowed, but shall concur with any Motion that may be made for our granting the like in Time to come. But, Sir, notwithstanding the Sums we have already granted, if the publick Debt, instead of being diminished, is daily increasing, if it shall appear that any Part of it has been applied in promoting the Arts of Corruption, and betraying the Nation; I think it is our Duty to put a Stop to any such Grants for the future. In the mean time, Sir, I am as forward as any Gentleman here, that we should condole with his Majesty on the irreparable Loss of the late Queen, and that we express our Resolution of losing no Occasion of testifying our Zeal for the Support of his Government, and the Preservation of our excellent Constitution: Nay, of our going the greatest Lengths for securing the Crown in his Majesty's Person and Family. But, Sir, give me Leave to say, that the readiest Way to make these Engagements good, is by reserving to ourselves a Right of enquiring into any Misapplication that may have been made of the publick Money and Credit, and by determining to let the World see that we are resolved to do as much as lies in our Power for making his Majesty the Sovereign of a great, a happy, and an uncorrupted People.

The Reply was to the following Effect, by Sir W. Yonge:

‘ Sir,

The Reply by Sir
William Yonge.

‘ I really thought that the Terms in which the honourable Gentleman who spoke first, proposed we should address his Majesty, were so decent, and so expressive of our Veneration for the Memory of the late Queen, as well as of our Affection for his Majesty's Person and his illustrious Family, that they were unexceptionable. Therefore, I am surprised, that Gentlemen should take occasion from them, to throw out any Insinuations against the present Administration; because, perhaps, there have been corrupt Administrations in former Times. When Gentlemen seem to doubt, if we should assure his Majesty, that we will readily and effectually raise the Supplies necessary for his Majesty's Service,

vice, because the publick Money has been formerly misapplied, they may doubt, whether we should condole with his Majesty on the Death of his Royal Consort; because there have been Queens, whose Loss the Nation had no Reason to regret. If there has been any Misapplication of the publick Money, Sir, it will be Time enough for Gentlemen to produce their Objections, when the Bills for providing for the Supplies of the current Year come under our Consideration: But, Sir, I can, by no Means, think that this is a Time for starting these Objections, on the very first Day of a Session, and immediately after his Majesty has recommended Unanimity in our Proceedings from the Throne. If it shall appear, Sir, that any Demands that shall be then made, are unnecessary, Gentlemen are not precluded by the Terms of the Address, now proposed, from starting their Difficulties; because, by it, we only promise to grant such Supplies as shall be necessary. I shall make no Doubt but the two honourable Gentlemen who spoke last, have lived under a very corrupt and very dangerous Administration in this Nation; an Administration, that by a scandalous Abuse of their Sovereign's Power, must have sunk us in the Esteem of all Nations abroad, and entailed Superstition and Slavery on us at home, had not Providence and the Counsels of a subsequent Administration interposed. But, Sir, till the honourable Gentlemen shall prove that we are now in the same despicable Circumstances, I think there can be no Objection to our resolving upon an Address in the Terms proposed by the honourable Gentleman who made the Motion.*

No Reply being made to this, the House came to a Resolution upon the Motion, and a Committee was ordered to draw up an Address to be presented to his Majesty on the same Resolution; and they immediately withdrew into the Speaker's Chamber, and drew up an Address in the following Terms, which was agreed to.

The Motion agreed to.


The humble Address of the House of Commons to the King.

Most Gracious Sovereign,

“ **W**E your Majesty's most Dutiful and Loyal Subjects,
“ the Commons of Great-Britain in Parliament assembled, beg Leave to return our most humble and grateful Thanks for Your Majesty's most gracious Speech from the Throne.

“ To speak our utmost Sense of the great Loss Your Majesty and these Kingdoms have lately sustained, would be to revive and aggravate, what we wish to alleviate and dispel; but we hope your Majesty will pardon the Intension of our sincere Condolence, when you reflect on the
“ dou-

ANNO 11 Geo. 11.
1737-8.



“ double Duty, by which we are bound, as affectionate Sub-
 “ jects to your Majesty, and as Representatives of the Peo-
 “ ple of Great Britain, not to pass over in Silence this Ob-
 “ ject of your Distress, and their universal Mourning.

“ When we reflect on the amiable private Character of
 “ that great Princess, on her personal and domestick Merit,
 “ as an indulgent and instructive Parent, a mild and gracious
 “ Mistress; or, with regard to your Majesty, as uniting in
 “ one all the different Characters of the most pleasing as well
 “ as constant Companion; the most able as well as the most
 “ faithful Friend; the most tender as well as the most obser-
 “ vant Wife; when we reflect on these Circumstances, we
 “ mourn her Loss, as the greatest with which Your Majesty
 “ and Your Royal House could have been afflicted: But when
 “ we turn our Thoughts to her great and publick Virtues, her
 “ Love of Justice, her Attachment to the Laws and Prin-
 “ ciples of this wise and happy Constitution, her extensive
 “ Charities, her boundless Benevolence, her Succour to
 “ Distress, her Favour to Merit, her Lenity to all. When
 “ we consider these Parts of her high Character, it is no
 “ longer for particular and personal Causes that we grieve;
 “ it is a national Loss we lament.

“ If a due Submission to superior Authority, and a due
 “ Exercise of Power, when committed to her Hands, are
 “ the strongest Marks of Excellence, in both Parts of Go-
 “ vernment; and if these justly claim Praise and Admira-
 “ tion; how can we sufficiently praise or admire her Con-
 “ duct, either in the Presence or Absence of your Majesty?
 “ In the first we saw the most constant Compliance with
 “ your Will; in the last, the true Representation of him,
 “ with whose delegated Authority she was vested; for all
 “ her Acts were great, and wise, and good; alternately we
 “ beheld her Submission in this Character, and felt her
 “ Mildness in the other; and great as the Distance may
 “ seem from Command to Subjection, the Transition to her
 “ was easy, whose Abilities were equal to any Situation,
 “ and whose Temper could conform to all; as resigned to
 “ the Duties of a Queen Consort, as capable of the High
 “ Office of Guardian of the Realm; as ready to submit, as
 “ able to command, and equally an Example to all Sove-
 “ reigns, when she ruled, and to all Subjects, when she obeyed.

“ And though your Majesty’s just and great Concern on
 “ this Occasion, would perhaps receive no Extenuation from
 “ the Comfort your faithful Commons might vainly try to
 “ administer; yet, that nothing may be wanting on our
 “ Parts, which may contribute to the making your Majes-
 “ ty’s Government (the Source of our Prosperity) as easy to
 “ yourself, as it has ever been to your Subjects; we do as-
 “ sure

“ fure your Majesty, that we will not only carefully avoid
 “ all Heats and Animofities, but will, with the greateft
 “ Readinefs, effectually raife the Supplies neceffary for the
 “ Service of the current Year; and, with a Zeal and Affec-
 “ tion becoming the Representatives of a grateful People,
 “ make all neceffary Proviſions for the Honour, Peace, and
 “ Security of your Crown and Kingdoms; demonſtrating to
 “ all the World, that the Support of your Majesty’s Go-
 “ vernment, and the publick Safety, are conſtantly our
 “ Care; and that we deſire nothing more than the Prefer-
 “ vation of our wiſe and excellent Conſtitution in the ſame
 “ happy, firm, and envied Situation, in which it was deli-
 “ vered down to us from our Anceſtors and your Majesty’s
 “ great Predeceſſors.

Anno 11. Geo. II.
 1737-8.

“ But whilſt by theſe Means we endeavour to prevent
 “ any additional Diſquiet from approaching your Royal
 “ Perſon, we muſt beg Leave to lay again before Your
 “ Majesty the anxious Grief of Your whole People, toge-
 “ ther with their moſt humble and earneſt Wiſhes, that your
 “ Majesty’s known Reſolution may aid Time, in alleviating
 “ your Sorrow for that Loſs, which nothing can repair, and
 “ in reſtoring to your Majesty that Tranquility of Mind,
 “ which can alone free us from the moſt ſolicitous Fears for
 “ a Life, on which the Happineſs of your Royal Family,
 “ and of this afflicted Nation, ſo immediately depends.”

Jan 27. The Speaker reported his Majesty’s Answer to
 the Addreſs of the Houſe, in the following Terms.

Gentlemen,

“ **I** Return you my Thanks for this dutiful and very af-
 “ fectionate Addreſs: I am ſo ſenſibly touched by this
 “ convincing Proof of your particular Regard to me, that I
 “ am not able, in this Diſtreſs, to command myſelf ſufficient-
 “ ly to expreſs the juſt Senſe I have of your Affection
 “ and Concern for me upon this Occaſion.”

The Houſe then going into a Committee of Supply, his
 Majesty’s Speech was referred to the ſaid Committee.

Jan. 28. The Lord Sidney Beauclerk reported his Royal
 Highneſs’s Answer to the Houſe; and it was as follows:

“ I return the Houſe of Commons my Thanks, and thoſe
 “ of the Princeſs, for the Share they take in the Increate
 “ of the King’s Family.”

Several Eſtimates were then ordered to be laid before
 the Committee of the whole Houſe, to whom it was re-
 ferred to conſider of the Motion for a Supply to be granted
 to his Majesty.

Anno 11 Geo. II.
1737-8.

Feb. 3. Sir Charles Turner being in the Chair, in the Committee of the whole House, to whom it was referred to consider further of the Supply granted to his Majesty, reported the Resolutions which they had directed him to the House. It was moved,

That the Number of effective Men to be provided for Guards and Garrisons in Great Britain, and for Guernsey and Jersey, for the Year 1738, be, (including one thousand eight hundred and fifteen Invalids, and five hundred fifty-five Men, which the six independant Companies consist of, for the Service of the Highlands) seventeen thousand seven hundred and four Men; Commission and Non-Commission Officers included. This being objected to, a Debate ensued, on which George Barclay Esq; spoke to the following Purpose:

‘ Sir,

‘ It is very extraordinary, that a Resolution like this should be offered to the Committee, after the Multiplicity of Treaties, Conventions, Negotiations, and other Measures that have been lately carried on with almost every Court in Europe. I believe, Sir, there is not a Man in the Nation, except those who are under the Direction and Influence of the Ministry, or in the Secret of Affairs themselves, which I hope never to be, but expected, after we had been so long amused with the fine Effects that our pacifick Measures were to produce, that they at least would be attended with a Reduction of the numerous Forces that are now on Foot: But so far from that, Sir, an Addition, it seems, instead of a Reduction, is to take Place. For my own Part, I never was at Pains to enquire what the proper Number to be reduced is, because I own very frankly, that I have always been against any Standing Army in Time of Peace, as a Thing unknown to the Laws and Constitution of Britain, and destructive to the Liberty of her Subjects. Such, Sir, was always the Language of this House, while we had a Government which understood how to make the Nation formidable Abroad, by preserving to the Prince on the Throne the Love and Affection of his Subjects at Home. But this, Sir, is an Art that seems to have been lost in Great Britain: But if our Ministry have lost the Art of making themselves beloved, they seem resolved to make themselves feared by the People.

I have heard it said, Sir, that if we do not keep up a Standing-Army, every thing must run into Confusion. Sir, I am one of those who think that a Standing Army is worse than the worst Confusion; and if Order is to be preserved amongst us by a Standing Army, I could wish that Things were to run into Confusion, because out of Confusion Order might arise. Therefore, Sir, I am absolutely against the
present

present Motion. But if Gentlemen who have considered the Thing perhaps more than I have done, shall propose a Number which may not be dangerous to the Liberties of the People, I shall not be against the Motion.'


Anno 11 Geo. III
1737-8.

W. Hay, Esq; spoke next to the following Effect:

' Sir,

' Gentlemen, when they talk of Negotiations and Treaties, speak as if a Minister were to be as sure of the Success of the Event which depends upon various and impossible to be foreseen Accidents, as he could be of a mathematical Proposition. I am as much against a Minister's running into an idle, or an improbable Scheme of Negotiation, and against his amusing the Nation with groundless Hopes of Success, or putting it to unnecessary Expences, as any Gentleman here. But, Sir, Ministers are to answer for the Reasonableness, and not for the Event of their Measures: It is unjust to suppose them to be endued with the Spirit of Prophecy, so as to foresee Contingencies, to prevent Deaths, or guard against every Accident that may happen; and I believe, Sir, if we do not suppose this, and if we coolly and impartially examine the Conduct of our Ministry for some Years past, we shall find they have acted as prudent and as rational a Part, as the wisest Ministers the hon. Gentleman can instance in any Period of our History. Sir, if the hon. Gentleman will engage to shew me one Step made by the Administration that has been unsuccessful purely from the Fault of our Ministers, I will engage to shew him three in any other Reign that he shall be pleased to pitch upon. So that, Sir, unless Gentlemen come to the Point, and instance some particular Part of Conduct that is blameable in our Ministry, all these loose general Reflections must go for nothing; because they may be equally applied to a good, a bad, or an indifferent Ministry. But, Sir, I own this a Deviation from the present Question, which is, Whether the Number moved for, is the Number proper to be kept up at this Juncture? Sir, I have as little Reason as most Gentlemen in this House to wish for the Continuance of any Tax or Imposition upon the People: I am sure I may lose, but never can gain by it. But I am for continuing the present Number of Forces, because at present I enjoy both my Fortune and my Liberty; and should we break or reduce our Forces to the Number the hon. Gentleman seems to wish for, I should not be sure of enjoying either of these Advantages till next Session. This, Sir, I speak from the Experience I daily have of the present Temper and Disposition of the People without Doors. Every Rank and Degree of our Commonalty is so tainted with Dissatisfaction against that Government under which we enjoy Liberty to as full and great a

Anno 11 Geo. II.
1737-8.



Degree as any People ever did, that I dare say, were it not for our Army, we should soon see our Constitution ruined, and this House rendered useless. In this Sense it is, Sir, I vote for the present Motion ; because our Army serves at present to defend both my Fortune and my Liberty : For I dare affirm, that no Man who enjoys either, can be sure of them an Hour longer after Things go into Confusion, or after the Succession to the Crown in the present Royal Family is set aside. I shall not pretend to account to the House for this general Dissatisfaction and Degeneracy ; but, Sir, one visible, and I believe, the principal Cause of it, is the exorbitant Liberty, I should rather call it Licentiousness, of the Press. The Press, Sir, give me leave to add, when it is under proper Regulations, is one of the greatest Advantages of a free People ; but when prostituted to Dissatisfaction, Ambition, or Revenge, it becomes the Nuisance of a Government. The last, Sir, happens to be the present State of the Liberty of the Press in Great Britain ; no Rank or Character has been secure from the invetted Attacks of the pretended Friends to Liberty ; and Sir, as no People in the World are fonder of being acquainted with the Politicks of their Country than ours are, it requires no uncommon Strength of Parts or Genius to debauch them into a bad Opinion of the best Prince or Minister that ever was ; it is but telling them, *You are the Judges of the Conduct of the Administration ; it is you that furnish the Expences of our Fleets and Armies, and therefore the Ministry ought not to make one Step without your Concurrence and Advice.* Sir, there is not a Shopkeeper, nay not a Porter in the Streets who does not understand these Arguments, who does not think himself qualified to be a Minister of State, and that he has as good a Title to judge of the Measures of the Government, as any Gentleman in this House, or all the Gentlemen taken together. Any Man who flatters the Vanity of a Mob, will always have that Mob on his Side. This, Sir, seems to be the true, and the only Merit of all the Scribblers against the Government : And if the People feel any Inconveniency from the Number of Forces kept up, it is owing to them ; for both Prudence and Necessity oblige the Government not to part with their present Force, for these Writers have but too good Success in poisoning the Minds of the People : I say, Sir, Necessity obliges us to it ; for if you continue the Liberty of the Press, so as to protect every Scribler, who perhaps is hired to spirit up the People against their Governors, there is a Necessity that you should continue your Army. But, Sir, I am far from insinuating as if we were in any Danger from the Liberty of the Press : No, it is the Licentiousness of the Authors, and not the Liberty of the Press that we are to dread ; and till such Time as some effectual

fectual Stop is put to that Licentiousness, I shall be against making any Reduction of our Forces.'

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W. Shippen, Esq; next spoke to the following Purpose :

Sir,

' The honourable Gentleman who spoke first for the Motion, has indeed made the best Excuse for the Ministry that can be made ; Ministers are but Men, sometimes weak Men ; and though it would be unjust to suppose them endued with a Spirit of Prophecy, yet, I think they should at least be possessed of a tolerable Share of Prudence. I should not indeed wonder if one or two Measures went wrong upon a Minister's Hand, through unavoidable Accidents ; yet, I think it strange that every Measure should go wrong, that not one of the numerous Expedients that have been set on Foot for securing the Tranquility of Europe, or providing for the Security of Great Britain, should prove effectual. Sir, I own this gives me strong Apprehensions of what I am not inclined to express on this Occasion. I own that, with the hon. Gentleman who spoke first on this Motion, I was apt to think that the Round of Negotiations and Treaties we have been carrying on for these ten or twelve Years past with all the Powers in Europe, might have procured us at least some Respite from a Burden which our Forefathers never knew : I mean, Sir, that of a Standing Army ; I call it a Standing Army, because it has continued for these many Years, and we have always been told the same Things over and over again, as Reasons why it is continued. I have, during many Years, told the House every Session that we should have a Return of the very same Reasons next Session ; but Gentlemen never seemed to believe me, though they have hitherto found my Words but too true. Now, Sir, as the same Causes have subsisted for about these forty Years, without being any worse for the wearing, I am apt to think they may subsist forty Years longer ; and while the same Causes subsist, the same Effects must follow ; so that in reality a Standing Army may be thought as much a Part of our Constitution, as the most lawful Prerogative, or Privilege, which either Prince or People can claim. But, Sir, though even the Gentlemen who are most conversant in publick Affairs, will, I believe, be puzzled to find out one new Argument in favour of a Standing Army, yet there is nothing easier than to bring twenty against it. The Reason of this, Sir, is because it produces but one single Good, which is the Security of the Administration ; but it begets many Inconveniencies, two of which are the impoverishing the People, and the Increase of Taxes.

And here give me leave to say, Sir, that no Country can give more melancholy Instances of the Effects of a military Force than England can. The very Army which was raised

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ed by the Parliament in Defence of the Subjects, against some Encroachments made by Charles I. upon their Liberties, afterwards gave Law to the Parliament itself, turn'd its Members out of Doors, rased our Constitution to the Foundation, and brought that unhappy Prince to the Block. This Catastrophe, Sir, was not owing to the People ; for of them, nine Parts in ten were well affected to the Person and Cause of the King, but to their Army, which, like other wild Beasts, turn'd upon and destroy'd their Keepers. After the Restoration of the Royal Family, the Prince then upon the Throne rais'd a few Guards, which never swell'd to above 5890, and yet so jealous was the Nation even of that small Number, that he could never get his Parliament, prostitute as it was, to pass over one Session without taking notice of them. This, Sir, was the more extraordinary, as the Parliament was never ask'd for any Money for their Support, and the Money which was then rais'd for the Suppoort of the Government was nothing when compar'd to the Sums that have been granted since. The next Parliament proved as uneasy to him on this Head as the former had been, and were so distrustful of his Intentions, that they appointed Commissioners of their own for applying the Money granted for disbanding them, and it was paid into the Chamber of London. Nay, Sir, as a further Proof of the Apprehensions the Nation was under from a Standing Army, they came to a Resolution, ' That the ' Continuance of Standing Forces in this Nation, other than ' the Militia, is illegal, and a great Grievance and Vexation ' to the People.' I have mentioned this Period of our History, Sir, to shew that notwithstanding the Venality of that very Reign, the Parliament never could be brought to concur with what might one Day overthrow both their own and the People's Liberties. If the Nation was then so jealous of an inconsiderable Number, which did not cost it a Shilling, ought we to consent to keep on Foot so formidable a Number as 18,000 ? Sir, it is in vain for any Gentleman to say that the Army is under the Direction of a wise and a just Sovereign, who will never harbour a Thought inconsistent with the Good of his Subjects : I am as thoroughly persuaded of his Majesty's personal Virtues as any Gentleman ; but an Army, when it once finds its own Power, may very probably refuse to take Laws, even from that very Sovereign under whose immediate Direction they are. The Parliament's Army, Sir, was as absolutely under the Direction of the Parliament in the Time of Charles I. as any Army is now under the Direction of his Majesty, and yet, it is well known, they obeyed Orders no longer than they found it convenient for themselves.

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The Period, Sir, from which we are to date the Rise of our Standing Army in Britain, is the 9th Year of the late King William, when the Parliament granted an Army of 10,000 Men for the Service of the current Year. This was done in Consideration of the powerful Faction, at that Time subsisting in the Kingdom in Favour of King James. And if ever a Standing Army can be of Use at any Time, it is at such a Juncture. But nothing, Sir, could make so palpable an Infraction of the Subjects Rights, as established by the Revolution, go down. Tho' this Nation was then blest'd with a Prince that had hazarded every Thing to free us from Oppression and Tyranny, and therefore could never be supposed to have any Designs upon our Constitution; yet many Gentlemen, who were Friends of the Revolution upon Principles of Liberty, with one Consent remonstrated against a Standing Army, tho' but kept up from Year to Year, as subversive of the People's Rights, and of the Revolution Principles.


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Some I know, Sir, who appear'd early for the Revolution, were so much delighted with the Sunshine of a Court, that they join'd in all its Measures, tho' some of them were found to be directly opposite to the Principles upon which the Revolution was founded; but we find that they who were ever acknowledged to be the sincere Well-wishers of that Cause, forsook them, and could never be brought to concur with them in any one Measure. On this Account, Sir, these Gentlemen were branded by some, who then sat in the House, with the Names of Jacobites and Republicans, two Denominations of Men equally Enemies to the present Establishment. But, Sir, there was this Difference betwixt their Antagonists and them, that the former never refus'd to concur with any Measure propos'd by the Court, and the latter never voted for any Step that was dislike'd by their Country.

Their late Deliverance from a Prince, who, by Means of his Army, aimed at arbitrary Power, made them look back with so much Horror upon the Precipice they had just escaped, that there was an express Proviso against Standing Armies in Times of Peace inserted in the Claim of Right, which we may in some Measure call the last great Charter of our Liberty. I own that it gives me great Concern to see Gentlemen, who have always valued themselves upon treading in the Footsteps of those who brought about the Revolution, act a Part so inconsistent with the Principles of their Ancestors, by voting for this Question. I know a Set of Men under a different Denomination, who have always been more moderate in their Pretences, but more steady in their Adherence to these Principles. I am not at all inclined to
revive

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revive any Party Distinctions; but I will venture to say, Sir, that let any Man compare the Conduct of some Gentlemen who have affected to pass for Whigs, with that of Gentlemen who have always been looked upon as Tories, he shall find the latter acting a Part most consistent with the Revolution Principles. He will find them opposing the Crown in every Encroachment upon the People, and in every Infringement of the Claim of Right. He will never find them complimenting the Crown at the Expence of the People, when in Post, nor distressing it by opposing any reasonable Measure when out. Can some Gentlemen, Sir, who now affect to call themselves Whigs, boast of such an Uniformity of Conduct? Can they say that Times and Circumstances never influenc'd the Measures they pursued? or that when they were in Posts, they always acted in Consequence of the Principles they professed when they were out? Sir, I believe I have sat long enough in this House, to convince Gentlemen, if there were Occasion, of very great Inconsistencies in certain Characters. But, Sir, I forbear it, because the Eyes of some of these Gentlemen seem to be now open, and I hope these Distinctions are, in a great Measure, either entirely abolished or better understood.

As no Question, Sir, is of greater Importance, so none has been so frequently debated in this House, as the present. Yet I never heard any Gentleman make a Doubt that a Standing Army in Time of Peace was a Grievance to the People of Britain. But, Sir, the Tories always opposed this Grievance. When his late Majesty had, upon the Rebellion against him being suppress'd, for the Ease of his Subjects, order'd 10,000 of the Troops to be disbanded, I remember a particular Friend of mine, who always pass'd for a Tory, propos'd that it should be insert'd in our Address to his Majesty on that Occasion, *That nothing could more endear his Majesty to all his Subjects, than the reducing the Land Forces to the old Establishment of Guards and Garrisons, as his Majesty found it at his Accession to the Throne.* This, Sir, happen'd in the fourth Year of his late Majesty's Reign, and had the Amendment propos'd by my Friend been agreed to, had his Majesty thought fit to have made the propos'd Reduction, or, rather, had he been advis'd by his Ministers to have done it, and had the military Establishment continued on that Footing till now, we should have discharg'd upwards of twelve Millions of our national Debt, and yet have enabled his Majesty to have made good such Engagements with his Allies, as tended to secure the publick Tranquility.

As to what the honourable Gentleman, who spoke last, mentioned with regard to restraining the Liberty of the Press, and concerning the general Depravity that obtains among the

the People, I shall leave him to be answered by other Gentlemen, who can do it much better than I. But, I agree with the honourable Gentleman so far, as to own that the People are at present very much dissatisfied; and, as I think, that Ferment ought to subside gradually, I am willing to give my Vote for a larger Number of Forces this Session, than perhaps I may think necessary, to be kept up the next. I therefore move, that the Number of Land Forces for the Service of the current Year may be twelve thousand Men.

This Question being put, the first remarkable Speech was that of the Lord Noel Somers, which was to the following Effect.

Sir,

‘As the Question now before you is a Question of such Importance, as that every Gentleman who votes in it, ought thoroughly to understand the Nature of our Constitution, I must beg leave to explain to you what I take to be the true and genuine Form of our Government, before I attempt to give my Opinion upon the Question. I know there are many Gentlemen in this House who understand our Constitution better than I can pretend to; I believe every one understands it as well, and I hope every one has as great a Regard for it: But I think myself obliged to explain to you the Notions I have of our Constitution, because most of the Arguments I shall make use of in Favour of the present Question, are such as naturally flow from these Notions; and if I am wrong in any of them, I am sure I cannot utter them in a Place where I can expect to have them corrected with more Ability, or with greater Candour.

‘Government, Sir, is an Evil which the perverse Nature of some has obliged all to submit to. Mankind, for the Sake of preserving their Lives, and the Fruits of their Labour, against the Invasions of the Wicked and Rapacious, have been obliged to form themselves into Societies, and to promise Obedience to the Civil Magistrate; but that which was intended for protecting the People of the Society, is often made use of for their Oppression; and instead of being a Bridle upon the Inclinations of the Wicked, it often serves to strengthen their Hands, by tying up those of the Innocent. To prevent this fatal Effect, many Sorts of Governments have been invented by Men, all of which may be resolved into these three, to wit, the Monarchical, the Aristocratical, or the Democratical; for every Form of Government must either be a Monarchy, an Aristocracy, or a Democracy; or it must be a Mixture of some two of these, or of all the three.

‘By Experience, Sir, it has been found, that when the supreme Power is lodged either in a sole Monarch, or in a Set

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of Nobles, it often deviates into Tyranny ; and that when it is lodged in the People in general, there is no Possibility of preventing it from running into Anarchy ; and the next Step which follows is commonly a monarchical or aristocratical Tyranny ; especially, if the People of the Society be numerous, and their Dominions extensive. For this Reason many various Sorts of Mixtures have been contrived by Law-givers ; but of all the Mixtures that ever were contrived, that of an equal Mixture of the three, is, I believe, the best, and most lasting. How our Ancestors, the Germans, hit upon this Mixture ; whether it proceeded from their Experience, or from their natural Sagacity, I shall not pretend to determine ; but, it is certain, that from the earliest Accounts we have of them, this appears to have been the Form of Government generally established among them. The supreme Power among them was always lodged in an Assembly of their King or General, their Nobles or Chiefs of Families, and their People or Soldiers in general. In this Assembly all Matters of great Importance were considered and determined ; the King and Nobles proposed and resolved, and the People consented or disapproved. The Powers and Privileges of these three Branches of their Legislature, were not perhaps so distinctly ascertained as they are by the present Form of our Constitution ; or if they were, no certain Account of them has been handed down to us ; but it is plain that the same Spirit, upon which our present Constitution is founded, was the prevailing Spirit in their Form of Government ; and this Spirit may be traced from the Beginning of our History to this very Day.

‘The Spirit I mean, Sir, is, to have in our Form of Government such an equal Mixture of the monarchical, aristocratical, and democratical Forms of Government, that each may prove a proper Counterpoise to the other, in such a Manner, as that all these three constituent Powers may continue equal and independant. If they do, any one of them may, and always will, be a Guard for our Constitution and for our People, against the Violence and Oppression of both, or either of the other two. If our King should resolve to make himself absolute, or if he and his Ministers should begin to oppress the People, both this and the other House would certainly join together, in opposing such Schemes ; if the other House should begin to set themselves up as sovereign and arbitrary Masters of our Government, the King and this House would certainly join against them ; and if this House, as perhaps has been the Case, should begin to set ourselves up as Masters, the King and the House of Lords would as certainly join against us, and probably, by Means of a Dissolution and new Election, be able to prevent every fatal

fatal Consequence. Again, if any two of these Branches of our Legislature, should join together in any Scheme for oppressing the People, they could not carry their Scheme effectually into Execution without the Concurrence of the Third; but on the contrary, that third Branch of our Legislature, with the Assistance of the People, would probably be able not only to disappoint, but to punish the Authors of such a Scheme.


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‘ Therefore, Sir, while our Constitution remains entire, while the three constituent Parts of our Form of Government remain equal and independant, our People can never be oppressed, nor can a barefaced arbitrary Power ever be established. From hence every one may see, that from our Constitution, considered in itself, without any undue Influence, we can have nothing to apprehend; the only Danger we are exposed to, is, that of its Dissolution; and for this Reason we ought to consider carefully, and guard watchfully against all those Methods by which it may be overturned. The only Methods by which our Constitution can be overturned, and consequently the only Evils we have to guard against, is lest any one of the Branches of our Legislature should get the absolute Direction of the other two, and lest any one, by a Dissolution or Discontinuance of the other two, should be able to assume to itself an absolute and arbitrary Power. As the Power of calling, proroguing, and dissolving the Parliament, is lodged intirely in the Crown, as the Execution of our Laws, is now more fully and extensively lodged in the Crown, than it was by the antient Form of our Constitution, and as his Majesty is provided with a very large Revenue for Life, I cannot think there is the least Danger, that either House of Parliament will become able to prescribe to the other and to the King; therefore, we are at present in no Danger of either House of Parliament’s ever getting the absolute Direction of the other two Branches of our Legislature, as was once the Case in this Nation.

‘ But, Sir, that the Crown may be able to get the absolute Direction of both Houses of Parliament, and may consequently make both intirely dependant upon the King, or rather upon the King’s Ministers, for the Time being, I must think we are at present in some Danger: Nay, I must say, I think we are in such Danger, that I am afraid nothing preserves us from it but his Majesty’s known Wisdom, Justice, and Moderation. I have, I confess, such a bad Opinion of Mankind, that I believe the Generality of them will sacrifice the publick Good for their private Advantage, often for a very trifling private Advantage, especially when they can do it, without bringing immediate Infamy and Re-

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proach upon themselves. This, I am sorry to say it, is my Opinion of the Generality of Mankind; and considering what vast Sums of Money, and what a vast Number of lucrative Posts and Employments, of all Sorts and Sizes, the Crown has to bestow yearly, and what extensive Powers have been put into the Hands of the Crown, by the many penal Laws lately enacted, I am much afraid that if his Majesty would allow his Ministers to apply them towards managing and purchasing Votes at Elections, or even in Parliament, it would soon come to be in the Power of the Crown to direct both Houses of Parliament; for if the Voting at Elections, or in Parliament, from corrupt Considerations, should once come to be frequent, the Frequency of the Crime would extenuate the Guilt, and the Multitude of Criminals would smother that Reproach, which now so deservedly attends such an infamous Practice.


‘ By such Means, Sir, and by such a general Depravity, the Crown may acquire a decisive Influence, if not the absolute Direction of both Houses of Parliament; and if it should, our Constitution would be undone, our Government would become an absolute and an arbitrary Tyranny; it would become one of the worst, one of the most oppressive and wicked Sorts of Tyranny; because the Crown would be obliged to oppress the People, in order to be able to corrupt the Electors, that at least the outward Show of our antient Constitution may be kept up. This, I say, Sir, would be our Case, if the Crown, by Means of Posts and Employments, and other Favours it has to bestow, should get the absolute Direction of both Houses of Parliament; and every Gentleman knows how greatly our Army adds to the Number of those lucrative Posts and Employments, and what an Influence the Commissions in our Army may have upon some of the best Families in the Kingdom; a Consideration that of itself is sufficient to put Gentlemen upon their Guard against too numerous a Standing Army.

But, Sir, with respect to the Safety of our Constitution, this is not the only bad Effect of keeping up a large Standing Army. Suppose that some future King, for we can be in no such Danger from the present, should by corrupt Means get the absolute Direction of both Houses of Parliament, and that by the same Means he should disappoint the People of obtaining Redress upon a new Election, what could the People then do for vindicating their Liberties and restoring their Constitution? They could not propose to do it by any legal Means; they could have no Recourse to any thing but the *Ultima Ratio Regum*, which upon this Occasion I shall beg Leave to call the *Ultima Ratio Populi*. No Man could then, either for the Preservation of his Life, his Liberty, or his


his Estate, put his Trust in the Laws or Constitution of his Country ; he could put his Trust in nothing but the Success of his Arms ; and if the People, upon so just an Occasion, should fly to Arms, what an Advantage would the tyrannical Government have over them, by having a numerous mercenary Army, well disciplined, well armed, and ready to march at an Hour's Warning, against any Number of the People that should dare to assemble in Arms, for vindicating the Liberties and Constitution of their Country. This every future Government, Sir, will be sure of having, if we shall thus every Year, without any apparent Necessity, agree to continue so great a Number of Forces on Foot ; because then a Standing Army will soon be look'd upon as a Part of the Constitution. Gentlemen may exclaim as much as they please against Mobs, Tumults, and Insurrections : I shall grant it as an unlucky Thing for a Country to have any such ; but it is rather a Sign of the Government's wanting Wisdom and Justice, than of their Want of Power, because Insurrections are most frequent in the most arbitrary Governments. In a free Country, an Insurrection may become just and necessary, and if you give your Government a Power sufficient for suppressing such an Insurrection, the same Power must necessarily be sufficient for establishing arbitrary Power ; from that Time, perhaps, you may not be troubled with any Insurrections among the People ; the only Insurrections you are then to dread, are Insurrections among those Slaves, or, if you will, that Soldiery which you maintain for holding the People in Slavery ; and these Insurrections will be as frequent, and as dangerous to those in Power, as the Insurrections among a free People can possibly be.

Let us consider, Sir, that since all our military Tenures have been annihilated, and our People become altogether unaccustomed to military Discipline, and unprovided with Arms, a much less numerous Standing Army may now be sufficient, for keeping the People in a slavish Subjection, than would have been necessary for such a Purpose in former Times. If the Case I have mentioned should happen, if an ambitious Prince, or wicked Minister, should manage so as to get, by corrupt Methods, the absolute Direction of both Houses of Parliament, and that there were no Method left for vindicating the Rights and Liberties of the Nation, but by Force of Arms ; give me Leave to say, Sir, that by the Revolution Principles, it would be very lawful to resist such a Government ; but if it had a Standing Army to support it, they could not be able. And if they should attempt to do it and fail, every Man amongst them would be as liable to be hanged and forfeited by Law, as those who enter into any Plot against the most just and lawful Government ;

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ment; therefore, it would be extremely dangerous, I believe absolutely impossible, to carry on any general Concert, or to provide Arms for such a Purpose; and as there is now no great Man, nor, I believe, any two great Men, in the Kingdom, who are able to bring any considerable Number of armed Men into the Field, without a previous Concert for that Purpose among a great Number of Persons, therefore it will always be easy for our Government, with a small Number of regular Troops, to crush any Insurrection before it can come to a Head; whereas, whilst our military Tenures continued, any two or three of our great Men joining together could, without any previous Preparation, or communicating the Secret to any other Person, bring a numerous Army of well disciplined and well armed Men into the Field against the Government; so that a Standing Army cannot be said to be so necessary now as it was then, and yet our Government was then supported, our Laws executed, and the Peace of the Kingdom preserved, under every just and wise Administration, without a Standing Army, as well as it has been since, or will, I believe, ever be, with the most numerous Standing Army we can propose to keep up. The only Difference is, that in former Times, if the People did not find a proper Redress in the Laws and Constitution of their Country, they generally found it in the Superiority of their Arms; but if they give those Arms out of their Hands, and put them into the Hands of a Standing Army, they can, upon such a melancholy Occasion, no where expect Redress; for the very Men, in whose Hands they have put their Arms, will always be under the Direction of those against whom they have Reason to complain.

‘ From what I have said, Sir, I hope it appears to Gentlemen, that the Preservation of our Constitution, and the Happiness of our People, can depend upon nothing but the Honour of the Gentlemen of our Army; and whatever Regard and Esteem I may have for those who are at present the Officers of our Army, yet when I consider how easy it is for a wicked Minister to garble and make the Army fit for his Purpose, I must think the Honour of a mercenary Army but a precarious Dependance; a Dependance which the People of this Nation ought never to rely on, because, by our present Establishment, that Army must be under the absolute Direction and Command of that Sort of Men, who have always been, and always will be, the greatest Enemies to our Liberties and Constitution.

‘ I have now, I think, shewn, Sir, that a Standing Army may be extremely proper, not only for enabling some future King to get the absolute Direction of both Houses of Parliament, but also for preserving to him that Direction
against

against the only Method the People can, in such a Case, take for regaining their Liberties, and restoring their Constitution ; therefore a standing Army may greatly contribute towards rendering fatally successful, one of the Methods by which I have said our Constitution may be overturned ; I mean, that of one of the Branches of our Legislature's getting the absolute Direction of the other two. Let me now consider the only other Method, by which I have said our Constitution may be over-turned, which is, that of one of the Branches of our Legislature's assuming to itself an absolute and arbitrary Power, by the Dissolution or Discontinuance of the other two.

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‘ Here likewise, Sir, I must think our Constitution not in the least Danger from either House of Parliament ; because the King can put an End to their assembling, by a Prorogation or Dissolution, whenever he has a Mind ; and because no such Thing can be done without an Army, the General of which would very probably do the same Thing *Oliver Cromwell* did ; therefore we can hardly suppose that either House of Parliament can, or will attempt any such Thing : But if ever our Parliaments should become refractory, and begin to oppose the Measures of the Court, or attempt to bring to Justice any of those Minions who they have Reason to think have advised their Master to take unconstitutional Measures, we have great Reason from Experience to apprehend, the Court Favourites would do as they have always done ; they would endeavour to persuade the King to dissolve the Parliament, and to assume to himself an arbitrary Power, by governing without any Parliament at all. This has been often before attempted, and it must be granted, the Crown has now a greater Probability of Success in this Way, than it ever had before, because of the great Revenue now settled upon the Crown, and the great Revenue yearly coming into the Exchequer, for paying the Interest and Principal of our publick Debts ; for after a Minister has passed the Rubicon, by advising a King to reign without a Parliament, he will certainly make as little Scruple to seize upon the sacred publick Treasure of Britain, as *Julius Cæsar* did to seize upon that of Rome.

‘ Under his present Majesty we have not, ’tis true, Sir, any such Danger to apprehend ; because his Wisdom and Goodness, and the Regard he has for our Constitution, will always be more than a Balance for any such wicked Advice. He will consider, that, tho’ by our Constitution the King can be guilty of no Crime, yet by endeavouring to overturn the Constitution, in order to screen a favourite Criminal, he may bring the Repentment of the People upon himself, and that the People’s Repentment may, upon such an Occasion,

exceed

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exceed the Bounds of our Constitution. But as the same Civil List Revenue will, unless some very favourable Opportunity shall present for lessening it, probably be continued to his Majesty's Successors, and as the same Taxes must be continued, I'm afraid, for many Years, before all our publick Debts can be paid off, therefore the Crown and the Exchequer will, perhaps, for several Generations, be provided with the same yearly Revenues; and as we cannot promise ourselves the Happiness, that all his Majesty's Successors will be indued with the same Wisdom and Goodness, we ought not to add to these Temptations, the Temptation of having a numerous Standing Army to depend on. Give me leave, Sir, to suppose, that the House of Commons, in some future Reign, should enter into a strict Enquiry, with respect to some of the Measures of the Administration; that upon the Issue of such an Enquiry they should order some of the Ministers to be impeached; and that those Ministers, for their own Preservation, should advise the King to dissolve the Parliament, and seize upon all our Funds: The most powerful Argument an honest Man at Court (if there should be any such) could use against this Advice, would be to say: ' Sir, ' if you do this, your People will take Arms against you; ' the City of London will rise in Arms, and perhaps tear ' you as well as your Ministers to Pieces.' Would not it be a good Answer to say? ' No, Sir, you have nothing to fear ' from your People; they are unaccustomed to Arms, and ' unacquainted with military Discipline; you have a nume- ' rous and well disciplined Army to depend on; and if any ' of the Officers should hesitate in the least to obey your Or- ' ders, you may have them immediately shot, and give ' their Commissions to their Serjeants or Corporals: You ' may protect your own Honour, and the Lives of your ' faithful Servants, by means of your Army; whereas if ' you make a Sacrifice of any one of us to a factious Parlia- ' ment, you do not know when or where they will stop.' This, Sir, would certainly be the Answer that would be made by guilty Ministers; and I must leave Gentlemen to consider, what an Effect it might have upon a weak King, and a guilty Cabinet Council.

' Now, Sir, give me leave to suppose, what I hope never shall happen, that any future weak King should follow such a wicked Advice: What Remedy could the People have? What Method could they take for vindicating their Liberties and Privileges? Would it be possible to contrive any other Method than that of open Force? And in the Circumstances the Nation is now in, can we suppose that such a Method would be practicable, if the Court had an Army of 18 or 20,000 well disciplined mercenary Troops to depend on? It signifies

signifies nothing to say, that the Mutiny Act would expire; or that the Land Tax and Malt Tax Acts would expire; and that therefore the Court could not keep the Army in Order, nor be able to support the publick Expence, and pay the yearly Interest growing due to the Creditors of the Publick: The Court would immediately set up the Doctrine already too frequently talked of by some unthinking Men, ' That the People were become so factious and seditious, there was no governing them but by arbitrary Power; and that therefore it was become necessary to give the Force of a Law to his Majesty's Proclamation. This Doctrine would be propagated through the Kingdom, by the Placemen and Officers almost of every Rank and Degree; it would be greedily swallowed, I believe, by most of those called Soldiers of Fortune in the Army; and I am afraid most Men would chuse to submit patiently to an Evil, for which they could not in all human Probability see any Remedy, and which there would be great Danger in opposing. The Mutiny Act, the Land Tax Act, and the Malt Tax Act, would be continued by Proclamation: And what Soldier would dare to dispute the Continuance of the first, if immediate Death were to be the certain Consequence of every such Obstinacy, or Mutiny, as it would then be called? What landed Gentleman, or what Master, would refuse paying his Quota of the Land Tax, or the Malt Tax, if the Collectors and Officers were every where to come attended with a Troop of Dragoons, or a Company of Foot? Even the Interest payable to the Creditors of the Publick, upon those Debts that were contracted to preserve our Liberties, would be made Premiums for enforcing the Measures of the Court; for if the Court could pay, or refuse to pay Interest to whomsoever they pleased, we may depend on it, they would pay no Interest but to such as shewed themselves peaceable, obedient, and loyal Subjects,

' Thus, Sir, I think it must appear, that without a Standing Army, our Constitution cannot possibly be irrecoverably overturned; and that with a numerous Standing Army, it may be in the Power of the Court to overturn it whenever they have a Mind: At the same Time I am not against our keeping up as many Troops as may be found absolutely necessary for guarding us against any Insult from abroad, or any Disturbance at home. But I am fully convinced, that 18,000 is a much greater Number than is necessary; for I hope it will not be said, we ought to keep up such a Number as may be sufficient to defeat the most just and general Insurrection of the People; and 12,000 is, I am sure, more than sufficient for apprehending Smugglers, or seizing smuggled Goods, for quelling any Mob that can

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happen, or even for defeating any unjust and seditious Insurrection; because if a Spirit of Sedition should begin to appear in any particular Part of the Kingdom, the greatest Number of the Troops must be quartered in that Corner; and if a small Number of Men should unexpectedly fly to Arms in any Corner, it will always be easy for the Government to augment their Army, and provide for their Defence, faster than the Rebels can assemble, or provide for attacking them. This, I say, Sir, will always be the Case, unless the Discontent should become general and violent all over the Kingdom; and in that Case the People must be pacified by a Change of Ministers, or a Change of Measures: In such a Case some soft and peaceable Measures must be made use of for satisfying the People, and for removing those Grievances they may have Reason to complain of, which a free and independant Parliament will always be able to effectuate; for surely no Man will say, that for the Security of those who have, by their Folly or Wickedness, raised such a general Discontent, we ought to give them such an Army as may enable them to overturn our Constitution; because, as the Security of such Men must always be absolutely inconsistent with our Constitution, they will therefore certainly make use of that Army for its Overthrow.

The chief Expeditions upon which our Army has been of late employed, have been against Smugglers and Mobs; but Sir, an Army of 12,000 Men will always be more than sufficient for quelling them. Therefore the only Reason that can be assigned for keeping up a greater Number, is the Danger we may be in from foreign Invasions. As to this, Sir, if we consider our happy Situation, and the formidable Squadrons of Men of War we are able to put to Sea upon a few Days Warning, we cannot possibly think ourselves in any Danger, as long as the Government retains the Hearts and Affections of the People; for surely it cannot be said, that a foreign Army of 4 or 5000 Men, even with the Assistance of some few of our Countrymen, who may then happen to be disaffected or seditiously inclined, would be able to conquer these three Kingdoms; and if any of our Neighbours should think of invading us with a much greater Number, they could not do it without several Months previous Preparation, which we would certainly hear of, and by sending out a superior Squadron, might lock them up in their Ports, or sink most of their Ships before they could approach our Coasts; and in the mean Time, we would have an Opportunity of raising a Land Army sufficient to give them a proper Reception, in case, by any Accident, they should have the good Luck to escape our Fleet at Sea.

For this Reason, Sir, I must be of Opinion, we can never
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be in any Danger of an Invasion, as long as our Government takes Care, by a just and wise Administration, to cultivate and retain the Affections of our People; and if our People should, from the Folly or Wickedness of an Administration, become generally discontented, the Parliament, while it continues free and independant, will always be able to remove that Discontent, by giving Satisfaction to the People, and inflicting condign Punishment upon those who have been the Causes of their Discontent. From whence I must conclude, that the keeping up of more than 12,000 Men in this Island, can never be necessary for the Support of any Government, but such a one as has overturned our Constitution, either by corrupting our Parliaments, or by ruling without any Parliament at all.

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The next remarkable Speech which was made upon this important Question, was that of the Right Honourable Sir Robert Walpole, who spoke in Substance as follows, viz.

Sir,

‘ That the Question now before you is a Question of great Importance I shall readily agree, and therefore it is with great Concern, it is even with Reluctance I attempt to speak upon it. I am convinced no Reduction of our Forces ought to be made; I am convinced the same Number we now have ought to be kept up, at least for this ensuing Year; and yet I do not well know how to give my Reasons, or how to express myself on such an Occasion: For as a Standing Army must always be expensive, and if it swells to too great a Number, may be dangerous to the People, I could wish with all my Heart that no such Thing were ever necessary; but if we consider the present Circumstances of this Nation, and the present Circumstances of every one of our Neighbours, we must view a Standing Army in the same Light, in which the honourable Gentleman has told us Society, or Government itself ought to be viewed; we must look upon it as an Evil which we are obliged to submit to, for the Sake of avoiding a greater.

Sir R. Walpole.

‘ The honourable Gentleman, who spoke last, Sir, has given us a very ingenious, and, I believe, a very just Description of our Constitution, and has with great Judgment pointed out to us the Dangers to which we are, or may be exposed; but I cannot think a Standing Army, constituted as our present Army is, can be of any such dangerous Consequence to our Constitution as he has represented, were it much more numerous than it is at present. An Army composed intirely of our own Subjects, and commanded by Gentlemen of the best Families, and some of them of the best Estates in the Kingdom, and an Army depending for its very Being upon the annual Consent of Parliament, can no way

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contribute towards rendering the Parliament altogether dependent upon the King or his Ministers, nor can it contribute towards enabling the King to govern without any Parliament at all. While our Parliament meet regularly once a Year, and are rechosen once every seven Years, no Gentleman of the Army can propose to have a Seat in Parliament, unless he be a Man of Family and Fortune in his Country; and though a Commission in the Army may perhaps, and I hope always will, make such a Gentleman join with more Alacrity than he would otherwise do, in supporting the Government against factious Complaints, or seditious Insurrections; yet no Commission will ever make such a Man give his Consent to any thing in Parliament, which he may think oppressive upon the People, or which may, in his Opinion, tend towards overturning our Constitution.

‘As every such Officer must have a great many Friends and Relations among the People, his Regard for his Friends and Relations will prevent his joining in oppressive Measures for the Support of any Administration; and as the Happiness and Security of his Friends and Relations, nay of his own Property, depends upon the Preservation of our Constitution, it cannot be supposed he will, for the Sake of any Commission he can enjoy or expect, give his Vote in Parliament for any Measure that may evidently tend towards the Overthrow of our Constitution. Therefore, while our Army is commanded by such Gentlemen as it is at present, ’tis not to be supposed it can contribute towards breaking the Balance of the Constitution; no Sort of Garbling, Sir, can be sufficient for this Purpose, because if the Commissions in our Army should be given to Men of no Families or Fortunes, it would be impossible to get any great Number of them brought into Parliament.

‘The only remaining Danger therefore is, that our Army may enable some future King to govern without any Parliament at all; and as this would be a total Overthrow of our Constitution at once, it cannot be supposed that Gentlemen of Families or Fortunes would unanimously join in supporting such a Government: On the contrary, we must both from Reason and Experience suppose, that the greatest Number of them would declare for their Country, and would join in proper Measures for restoring the Constitution, and bringing to Justice those Ministers who had attempted its Overthrow. This, I say, Sir, we must suppose would be the Behaviour of most of those Gentlemen of Families or Fortunes, who might at such an unlucky Juncture be Officers in our Army; and as they will always have a great Sway among the other Officers and Soldiers, we have no Reason to doubt that they would be followed, as they were
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in the Case of King James's Attempt to subvert our Liberties, by the greatest Part of our Army. From whence, I have, I think, good Reason to conclude, that whilst our Army is commanded, as it is at present, by Gentlemen of the best Families and Fortunes in the Kingdom, it will always be so far from being dangerous to our Constitution, that it must be look'd on as one of its greatest Securities.

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' An Army, Sir, of foreign mercenary Troops, or an Army composed of the Scum of the People, and commanded by Men of no Families or Fortunes in the Country, may contribute towards enabling a Government to oppress the People, or to divest them of their Liberties and Privileges ; and by such Armies only an arbitrary and oppressive Government can be supported. It was not, Sir, by an Army entirely composed of Roman Citizens that Julius Cæsar overturned the Liberties of Rome : It was by an Army which consisted, in a great Measure, of the Inhabitants of those Countries which had been conquered by the Romans ; and that Army was commanded chiefly by Romans of mean Families, or such as depended entirely upon the Fortune and Favour of their General. By such an Army it was that Rome was brought into Slavery, and by such Armies the Romans were afterwards held in Slavery ; for the Roman Emperors had always great Bodies of People, who were neither Natives of Rome, nor of Italy, in their Pay, and by their Means they kept in Awe such of the Roman Armies, as afterwards appeared in the least inclined towards restoring the Liberties of the Country.

' At this Day, Sir, the arbitrary and tyrannical Government of Turkey is chiefly supported by an Army of Janizaries ; an Army of Men who are so far from having any Relations among the People, that few or none of them know who were their Parents, or what Country they were born in : And in our neighbouring Country of France, we know that they have always great Bodies of foreign Troops in their Pay, who have no Relations among the People of France, nor any Knowledge of, or Concern for, the antient Form of Government in that Kingdom. But as they have likewise a great Army of Natives, and that Army generally commanded by Men of the best Families in the Kingdom, therefore, tho' their present Form of Government be absolute, yet it is not so arbitrary and tyrannical as that in Turkey ; for if their Government should begin to oppress their People in a tyrannical Manner, I believe every Gentleman who knows the Dispositions of the French Officers, will allow that the greatest Part of the native French Officers and Soldiers would certainly join with the People, and would probably get the better of such a Government, tho' supported by all the foreign Troops they have

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have in their Pay; so that the present Government of France may be properly said to be supported by the Justice and Wisdom of its Measures, rather than by its Standing Army, or the Absoluteness of its Form; and while the Government in this Kingdom follows the same Sort of Measures, it certainly ought to be supported not only by our Army, but also by our Parliament.

The only Danger, therefore, Sir, we are exposed to by Means of our Army, is, lest some future ambitious King, or wicked Minister, should garble our Army, so as to make it fit for destroying the Liberties of the People, and supporting an arbitrary and tyrannical Rule. This is a Danger we must always remain exposed to, as long as we keep up any Thing like a Standing Army; but this is a Danger which, I think, we are sufficiently guarded against, and, I hope, ever shall be, both by the Method in which our present Army is kept up, and by the Smallness of its Number. As our present Army is kept up only from Year to Year, by Authority of Parliament; if this Method of Garbling should be begun before the End of a Session of Parliament, that very Session could, and certainly would, not only take notice of it, but contrive some Method for preventing it; and in this the Parliament would certainly have the Concurrence and Assistance of every Gentleman of the Army, who happened then to have the Honour of being a Member of either House; for as they would probably be the first Sufferers by such a Garbling, they would be the most forward in taking Measures to prevent it. Again, if this Garbling should not be begun till after the Session of Parliament was broke up, it must be completed before the Lady-Day following; because all the Gentlemen of Family or Estate who might then be in the Army, would, after the Lady-Day following, certainly refuse to act as Officers, without a new Authority from Parliament; and if all the Officers of Distinction in the Army should be turned out at once, or in eight or nine Months Time, they would certainly join with the People in vindicating the Rights of their Country; and their Sway in the Army would for some Time after their Dismission remain so considerable, that in Case of a Civil War's breaking out, which would certainly be the Case that very Moment the Government pretended to continue the Army without the Consent of the Parliament, most of the Soldiers would in all Probability desert their new Officers, in order to follow their old; by which Means the regular Troops would come to be at least equally divided; and the People, with the Assistance of one Half of the Army, would in all human Appearance get the better of the other Half, which remained attached to the Government.

But

‘ But granting Sir, that some future ambitious King, or wicked Minister should resolve to govern without a Parliament, and to continue the Army without any new Authority from Parliament; and likewise suppose that that Army should, every Man of them, Officer as well as Soldier, remain firmly attached to the Government, and unanimously join in supporting such an usurp’d and tyrannical Power, against those Efforts which would certainly be made by the People, for recovering the Liberties and Constitution of their Country; yet a Body of 18000 of the best regular Troops that ever were in the World, would never be sufficient for supporting a Government against the united Force of the whole People of Great Britain: For tho’ a small Number of regular well-disciplined Troops may, and do often, get the better of a much superior Number of Militia, or new-raised and undisciplined Troops, yet 18000 Men could not stand against so many Thousands of good Men, tho’ not experienced Soldiers, as could be brought against them from the several Counties of Great Britain: Even suppose they should get the better at the two or three first Battles or Rencounters, yet their Enemies would improve by every Defeat; so that, as the Swedes did in the last War with the Muscovites, they might beat their Enemy into good Discipline, and by often defeating them, might teach them how to defeat in their Turn.

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From what I have said, Sir, it must appear, that our Constitution can never be in Danger of being overturned by Means of an Army, constituted as our present Army is, and not more numerous than that we have now on Foot. Such an Army only preserves the Constitution against Faction and Disaffection, and protects the People against domestick Rapines and foreign Invasions. And such an Army, Sir, I am afraid will always be necessary to be kept up here. This naturally leads me to consider the several Reasons we may now have, for keeping up the same Number of regular Forces we have at present; and as I have mentioned Disaffection, I shall begin with that Reason, which proceeds from the great Number of disaffected Persons we have still the Misfortune to have amongst us. Suppose, Sir, we have at present nothing to fear from any foreign Enemy, yet it cannot be said we are in absolute Security, or that we have nothing to fear. There is one Thing I am still afraid of, and it is, indeed, the only Thing, I think, we have at present to fear. Whether it be proper to mention it upon this Occasion, I do not know: I do not know, if I ought to mention it in such an Assembly as this: I am sure there is no Necessity for mentioning it, because I am convinced every Gentleman that hears me is as much afraid of it as I am. The Fear I mean, is that of the Pretender:

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der : Every one knows there is still a Pretender to his Majesty's Crown and Dignity ; there is still a Person who pretends to be lawful and rightful Sovereign of these Kingdoms ; and, what makes the Misfortune much the more considerable, there are still a great Number of Persons in these Kingdoms so much deluded by his Abettors, as to think in the same Way. These are the only Persons who can properly be called disaffected, and they are still so numerous, that though this Government had not a foreign Enemy under the Sun, the Danger we are in from the Pretender, and the disaffected Part of our own Subjects, is a Danger which every true Briton ought to fear, a Danger which every Man who has a due Regard for our present happy Establishment, will certainly endeavour to provide against as much as he can.

‘ I am sorry to see, Sir, that this is a Sort of Fear, which a great many amongst us endeavour to turn into Ridicule, and for that Purpose they tell us, that though there are many of our Subjects discontented and uneasy, there are but very few disaffected ; but I must beg leave to be of a different Opinion ; for, I believe, most of the Discontents and Uneasinesses that appear among the People, proceed originally from Disaffection. No Man of common Prudence will profess himself openly a Jacobite ; by so doing he not only may injure his private Fortune, but he must render himself less able to do any effectual Service to the Cause he has embraced ; therefore there are but very few such Men in the Kingdom. Your right Jacobite, Sir, disguises his true Sentiments ; he roars out for Revolution Principles ; he pretends to be a great Friend to Liberty, and a great Admirer of our antient Constitution ; and under this Pretence there are Numbers who every Day endeavour to sow Discontents among the People, by persuading them that the Constitution is in Danger, and that they are unnecessarily loaded with many and heavy Taxes. These Men know that Discontent and Disaffection are like Wit and Madness : They are separated by thin Partitions ; and therefore they hope, that if they can once render the People thoroughly discontented, it will be easy for them to render them disaffected. These are the Men we have most Reason to be afraid of : They are, I'm afraid, more numerous than most Gentlemen imagine, and I wish I could not say they have been lately joined, and very much assisted by some Gentlemen, who, I am convinced, have always been, and still are, very sincere and true Friends to our present happy Establishment.

‘ By the Accession of these new Allies, as I may justly call them, the real but concealed Jacobites have succeeded even beyond their own Expectation ; and therefore I am not at all ashamed to say I am in Fear of the Pretender : It is a
Danger

Danger I shall never be ashamed to say I am afraid of; because it is a Danger we shall always be more or less exposed to; and, I believe, the less Number of regular Forces we keep up, the more we shall always be exposed to this Danger. Yet I would not have Gentlemen to conclude from hence, that I shall always be for keeping up the same Number of regular Forces we have at present: The Number of Jacobites will, I hope, be daily decreasing: Those who have been bred up in such Principles, and are therefore governed by the Prejudice of Education, will die away by Degrees, and some of them may perhaps, by the Force of their own Understanding, discover their Error, and change their Principles. This, Sir, we have the strongest Reason for hoping, and the more, because I have the Satisfaction to find, that few of the rising Generation are in the least tainted with such erroneous and dangerous Principles. In a short Time therefore, I believe, we may with Safety give the People a little Ease, with respect to the annual publick Expence, by reducing a Part of our Army; but to make any Reduction at present, would, in my Opinion, be the Height of Madness. That which is now called Discontent, would then appear to be Disaffection; for I should expect to hear of the Pretender's Standard's being soon after set up in several Parts of the Island, perhaps in every one of the three Kingdoms.

' This, I say, Sir, would be the Consequence I should expect from our making any Reduction, while there is such a numerous Party of Disaffected amongst us; and though our Neighbours seem all to be our good Friends at present, tho' no one of them seems to have any immediate Design of disturbing the Tranquility we now enjoy; yet it is well known, that there is no Method by which Friendship betwixt two Nations is kept up so surely, as by each being in a Condition to do herself Justice, if the other shall insult her. Besides, Sir, were our Forces reduced, who can say that we may not have some Disturbances at home; and then it is natural for rival Nations to foment the Divisions, and assist the Malecontents of one another. If there were no disaffected Party amongst us, or if that Party were inconsiderable, no foreign Power would dare to invade us; because such a Number of Transport Ships as is necessary for invading us with a great Army, could not be provided without our being advised of the Design; in which Case we could render their Design abortive by the Superiority of our Fleet; and to invade us suddenly with a small Number of Forces, could do us little or no Mischief, nor could it do our Enemies any Service. It would be like rousing a Lion to Revenge by the Prick of a Needle. But whilst there is such a considerable disaffected Party amongst us, no-

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thing can secure us effectually against small and sudden Invasions, but a sufficient Number of regular Forces ready to march at an Hour's Warning. Five or six thousand Men may be embarked in such a small Number of Ships, and so speedily, that it is impossible to guard against it by Means of our Fleet. Such a Number may be landed in some Part of the Island, before we can hear of their Embarkation: And if such a Number were landed, with the Pretender at their Head, there is no Question but that they would meet with many, especially the meaner Sort, to join them. In such a Case, we could not march our whole Army against those Invaders and their Assistants; because, if we should draw all our regular Forces away from the other Parts of the Kingdom, the Disaffected would rise in every County so left destitute of regular Troops; and the Rebels being thus in Possession of many Parts of our Sea Coasts, would be continually receiving Supplies, by single Ships, from those who had at first invaded us.

Thus, Sir, a Civil War, at least, would be entailed upon us, and might continue for several Years. The Government might probably, by good Luck and good Management, get the better at last; but it is much better not to put it upon that Issue; for it would not be without Danger, and putting the Nation to a much greater Expence, than it could be put to by keeping up a small Number of additional Troops for many Years, I may say for many Ages. Against this Danger there is no possible Way of guarding absolutely, but by keeping up such a Number of regular Troops, as that we may spare to send six or seven thousand of them against any small and sudden Invasion that can be made upon us, and yet leave in every other Part of the Kingdom, especially the most disaffected, a Number sufficient for preventing the Designs of those who want only an Opportunity for rising in Arms against the Government: And for this Purpose, considering the Number of the Disaffected we have still the Misfortune to have amongst us, I must think 18,000 is the smallest Number we can in common Prudence keep up; for we must always keep 5 or 6,000 about our Capital, otherwise our Government may be in Danger of losing even that, and with that all its Treasure, and thereby our Fleet itself may be turned against us; I am sure 5 or 6,000 more is the smallest Number that can be thought necessary for being dispersed in the several Parts of the Kingdom, in order to keep the Disaffection in Obedience.

This I say, Sir, is the smallest Number, we can in common Prudence propose to keep up, as long as there is such a considerable disaffected Party amongst us; but when that Party is intirely evanished, as I hope it will be in a few Years, we shall then have no Occasion for any more than are necessary.

necessary in any Part of the Kingdom, for keeping the Dissatisfied in Awe ; we shall have no Occasion for any more than are necessary for guarding our Capital, and for assisting the Civil Magistrate in putting the Laws in Execution against Smugglers and other Criminals ; for both which Purposes 12,000 may, I believe, be found fully sufficient.

‘ I know, Sir, it may be said, that as long as his Majesty possesses the Affections of the Generality of the People, which I hope he always will, we may trust to our Militia, for defending us against any small and sudden Invasion, and likewise for defending us against any Insurrection, as well as for enabling the Civil Magistrate to put the Laws in Execution against all Sorts of Criminals. For my Part, I can freely declare, that I wish, as much as any Man can do, that we could put so much Trust in our Militia, as to have no Occasion for regular Troops ; and with regard to defending us against foreign Invasions, I believe we might put our Trust in our Militia, if our foreign Neighbours had nothing but Militia to bring against us ; for our Men are naturally brave as any of their Neighbours ; they always shewed themselves so, when neither of us had any thing else but Militia to trust to. But now, that our Neighbours have large Bodies of regular well-disciplined Troops, it would be Madness in us to put our whole Trust in our Militia ; for by Experience, in all Countries, we find it is impossible to make Militia any thing near equal to regular Troops. We have an Instance, Sir, of this in the late War betwixt Poland and Muscovy. In Poland the Militia were formerly, and I believe are still, as good a Militia as any in the World. Whilst the Muscovites brought nothing but Militia against them, we find the Polish Troops were always much superier to the Muscovites, so much, that in former Times, we find a small Body of the former have put to Rout great Armies of the latter ; but the Muscovites have now fallen into the Way of keeping up a great Army of regular well-disciplined Troops, and late Experience has shewn us how much inferior the Polish Militia is, to the Muscovite regular Troops ; for in the late War which happened upon the Election of this present King of Poland, the Polish Militia could never once make any tolerable Stand against those regular Troops, that were sent from Muscovy to support the present King of Poland’s Election. In all the other Countries of Europe we find it is the same ; and in this Country, I am convinced, we should find it to our Cost, if we had nothing but Militia to send against any Body of regular Troops, that might chance, by escaping our Fleet at Sea, to land in this Island ; for which Reason, as long as our Neighbours keep up such large Bodies of regular Troops,

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I shall always be against trusting intirely to our Militia, for our Defence against foreign Invasions.

‘ Even as to defending us against Insurrections, and enabling the Civil Magistrate to execute the Laws against Criminals, I do not know, Sir, if it would be proper to trust to our Militia. During the late Rebellion we saw how unserviceable, how backward they were. I hope it will not be pretended that that Insurrection was general, or that it was favoured by any great Part of the People ; and yet that small Number of Men, which were gathered together from one Corner of the Island only, would, I am afraid, have made themselves Masters of the Whole, if we had then had nothing but Militia to send against them. Then as to enabling the Civil Magistrate to execute the Laws against Criminals, I am sure there never was a Time when there was less Reason than there is at present, to say our Militia is sufficient for this Purpose. In most of our maritime Counties, I do not know but that the Militia would protect instead of suppressing the Smugglers ; in some Counties the Militia would, I fear, destroy the Turnpikes, instead of assisting to apprehend those, who do in a riotous Manner destroy them ; and in every County, I am convinced, the Militia would protect the illegal Retailers of spirituous Liquors, instead of protecting those who serve the Publick by informing against them.

‘ From these Considerations, Sir, I am convinced, a Standing Army is absolutely necessary, at least at present, for protecting us against foreign Invasions, and domestick Insurrections, and for enabling the civil Magistrate to execute those Laws, which have been thought highly necessary by all the Branches of our Legislature ; and for these Ends I cannot think, that a less numerous Standing Army than we now have, could be sufficient ; at least I cannot think so, as long as we have so formidable a disaffected Party amongst us. A Standing Army, or such an one as we have at present, may perhaps be an Evil ; I shall even grant it is an Evil, because it must always be expensive to the People ; but it is an Evil which we ought to submit to, for the Sake of avoiding a greater : And as I am of Opinion, and have, I think, clearly shewn, that a Standing Army, constituted as our present is, and not more numerous, cannot be in the least dangerous to our Constitution or Liberties ; therefore I must think, we ought the more willingly to submit to it.’

An Army in Time of Peace thought by some Members consistent with Whig Principles.

Some Members, who were for the Motion, then endeavoured to shew, that an Army in Time of Peace was not at all inconsistent with the Whig Principles ; and that the present Disposition of the Nation absolutely required that such an Army should be kept up. That it could be looked upon

as

as no Violation of the Constitution, since it was for the Good of the Whole. This was endeavoured to be proved by some Instances from the Roman History. Then Sir John Hynd Cotton spoke to the following Purpose.


Anno 11 Geo. II.
1737-8.
The Roman History

Sir,

I do own it gives me a good deal of Surprise, to hear Gentlemen who act upon Revolution Principles talk so utterly inconsistent with what was the Language of the Whigs in former Times. Sir, I know not what Whigs the honourable Gentleman has been acquainted with, but I have had the Honour and Happiness to be intimate with many Gentlemen of that Denomination: I likewise, Sir, have read the Writings of many Authors who have espoused these Principles: I have sat in this House during some of the most material Debates that have happened betwixt them and the Tories; and, Sir, I can declare from my own Experience, that I never knew one who acted on true Whig Principles, vote for a Standing Army in Time of Peace. What the Principles of the Whigs in former Days were, Sir, I can only learn from Reading or Information; but, Sir, I have heard of Whigs who were against all unlimited Votes of Credit: I have heard of Whigs who looked upon open Corruption as the greatest Curse that could befall any Nation: I have heard of Whigs who esteemed the Liberty of the Press to be the most valuable Privilege of a free People, and triennial Parliaments the greatest Bulwark of their Liberties; and, Sir, I have heard of a Whig Administration who have repented Injuries done to the Trade of the Nation, and who have revenged Insults offered to the British Flag. These, Sir, are the Principles, if I am rightly informed, that once characterised the true Whigs. Let Gentlemen apply these Characters to their present Conduct, and then, laying their Hands on their Hearts, let them ask of themselves, If they are Whigs? The honourable Gentleman who spoke last, asked, with an Air of Triumph, by what Means a parliamentary Standing Army was established under King William: He is positive that it could only be by Means of the Whig Interest. No, Sir, it was not; it was by Means of the Court Interest, which was supported by Men, who were no longer Whigs than during the Time they were out of Power, and who, after they got into Power, knew no other Principles but those which advanced the Interest of the Crown, and secured their own Employments. To these Gentlemen it was owing, Sir, that the ridiculous Distinction, without any Difference, betwixt two Kinds of Standing Armies, was broached: They told us, that an Army kept up from Year to Year by Consent of the Parliament was a quite different Kind of an Army from one kept up without Consent of the Parliament. Really, Sir, for my own Part, I think that one Army may be as dangerous

Sir John Hynd Cotton.

Anno 11. Geo. II.
1737-38.



gerous as the other, because the one has as much Power as the other; and though Power does not give Right, yet it may command it; for whoever has a Power to seize on my Right, he is, in some Measure, my Master. So that though there may be a Difference, Sir, as to the Manner of their being paid, raised, or disbanded, yet there is no Difference as to their Power, if ever they should take it into their Heads to prescribe, instead of receiving Laws.

‘ The same hon. Gentleman was pleased to mention the Behaviour of the Army under the late K. James, as an Instance how safe our Liberties are when they can only be destroyed by an Army. But give me leave to say, Sir, that it was not the arbitrary Measures of that Prince which so disgusted his Army, but the foolish and barefaced Means which he used to introduce a Religion they detested. The just Balance, Sir, betwixt the Prerogative of the Crown and the Privileges of the Subject, is what Soldiers never inquire into. The former may make a thousand Encroachments upon the latter, before any Soldier shall take notice of it: For, Sir, I believe no Soldier ever yet told a Prince who maintained and paid him, “ Indeed, Sir, you are too powerful, and too great, and “ therefore I will serve you no longer.” But Religion, Sir, is a Point every Man makes himself a Judge of; and it is safer for a Prince to make the highest Encroachment upon Liberty, than to make the least upon Religion. This, I am afraid, Sir, was the true Reason why the greatest Part of King James’s Army joined King William at the Revolution. Yet, Sir, as an excellent Author of those Days observes, “ Though the late King James had the Nobility, Gentry, “ Bishops, People, and his own Army, against him, and “ we had a very wise and courageous Prince, nearly related “ to our Crown, for our Protector, yet we account this Revolution next to a Miracle.” And I hope, Sir, Things will never come to that Pass with us, when nothing but a Miracle can deliver us.

‘ The honourable Gentleman laid down a Maxim, the Truth of which I am persuaded no Gentleman in this House will dispute, That the Safety of the People was the first Law. He thence seemed to conclude, that all the subordinate Laws of the Constitution must give way wherever the Safety of the People is concerned. But in my Opinion, Sir, the Safety of a People is best consulted by a steady Adherence to that Constitution, under which they become great and powerful. No Error in Government, Sir, is so dangerous, or can in the Event prove so fatal, as a Deviation from the Constitution: Nor can the Safety of the People be consulted when that is infringed. When the Romans had recourse to a Dictator, or the Dutch to a Stadtholder, they did nothing that

that was inconsistent with their Constitution; for both these People formerly lived under monarchical Government, and when that Government was abolished, they never precluded themselves from submitting to a temporary Exercise of a Species of that Government, whenever their common Safety, or the Exigencies of their State, rendered it indispensably necessary. But, Sir, the Roman History affords us many Instances of their Senate's unanimously rejecting the most advantageous Offers, even when their State was at the Brink of Ruin, because they could not be accepted without violating their Constitution. That wise People was fully sensible, that under whatever Disadvantages they might lie in the mean Time, they would be fully repaired by a rigid Adherence to those Principles that form'd the Basis of their Government, and which, by making them virtuous, had made them powerful. I agree with the honourable Gentleman, that the Subversion of their Liberties was owing to the Degeneracy of their Morals: But, Sir, the first Effects of that Degeneracy broke out in the open Attempts which their Governors made to alter their Constitution; and one Alteration brought on another, till the Whole was dissolved. So that, tho' the *Safety of the People is the first Law*, yet, that Safety never can be promoted, if the Measures pursued for promoting it are in the least inconsistent with the Constitution of the Country.

I have heard it said, Sir, that the Liberties of this Nation can never be destroy'd by so inconsiderable a Number of Forces as 18,000. But, Sir, I must beg Leave to be of a different Opinion. We have a late Instance, when in this Metropolis the Populace was over-aw'd by less than the sixth Part of that Number, so as quietly to submit to a Law of as unpopular a Nature as ever pass'd in this House; I mean the Law relating to spirituous Liquors. Now, Sir, tho' I allow that this was a good Law, and that the Government was in the Right to enforce the Execution of it; yet an arbitrary Law might have been forced upon the People with as much Ease, if back'd with the same Number of Forces. And, Sir, if so small a Number were sufficient to over-awe the People at so disagreeable a Juncture as that was, what may not the whole Body of our Army be able to effect, when united under the Direction of a General, either devoted to the Will of a Court, or following the Dictates of his own Ambition? Besides, Sir, tho' we should suppose, what is very improbable, that 18,000 Men are not sufficient to give Laws to the Rest of the Nation, yet the Court can command a considerable Reinforcement out of Ireland. That Kingdom, Sir, always maintains 12,000 Men, tho' 4000 are sufficient for all the Purposes they are kept up for there.

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Now

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Now, Sir, the supernumerary Body of 8000 can, upon any Pinch, be brought over hither, and added to the 18,000 now on Foot. Thus, Sir, the Court can at any Time form a Body of 26,000 Men, while a total Difuse of military Exercife has rendered our People utterly incapable to make the leaft Oppofition in Cafe thefe 26,000 Men were employed by the Court to wicked Purpofes. This, Sir, muft prefent but a very melancholy Profpert to every Lover of his Country, were he not perfuaded of his Majesty's Regard for the Laws, and his Tendernefs for the Rights of his Subjects. I wifh, Sir, his Minifters were as tender how they load the Nation with any unneceffary Expence. I fay this, Sir, becaufe I hear there is a Defign of adding a Regiment, raifed fince our laft Seflions, to the Forces in our American Settlements, which Regiment will coft the Nation at leaft fifteen thoufand Pounds, including the Expence of their Artillery, and other incidental Charges. Sir, I am not at all againft our fending fome additional Troops to that Country, and efpecially to Georgia; nay, confidering how far the Honour, if not the Intereft of our Nation, is concerned in fupporting that Settlement, I think we have been too dilatory in fending fome Reinforcement thither. But, Sir, I am of Opinion, there was no Occafion to have raifed a Regiment for that Purpofe, when we have fo many old ones that would have ferved the Purpofe as well. Had one of the Regiments on the Britifh Eftablifhment been fent thither; nay, had half a Dozen of them, for I am fure we can fpare them, been fent thither, we muft have reaped two Advantages; firft, we fhould have been eafed of fo much Expence, becaufe we can maintain them cheaper there than we can here: In the fecond Place, there they can answer the Ends of the Nation, here they can answer only thofe of the Miniftry. But, Sir, in what I have faid on this Head, I am far from reflecting on any Meafure that might have been taken by the Advice of the honourable Gentleman whom we may juftly call the Father of that Colony. I am fo much perfuaded of his Integrity and Ability, that I think we ought to be as willing to fupport him, as he has been generous in ferving us. But I dare fay the honourable Gentleman himfelf is fenfible, that the lefs the Expence is which his Endeavours for the publick Good fhall coft his Country, the greater will be his own Honour.

‘ Having thus given my Reafons, Sir, why I think the propofed Reduction extremely proper at this Time, and why I think it extremely improper for us to load the Nation with any additional Expence, I fhall conclude with giving my Vote for the Motion.’

To

To the latter Part of this Speech it was answered by John Selwyn, Esq; and others; That the Money laid out upon Georgia was the best employed of any Money that ever the Government laid out; because, in a short Time, that Colony would be able to produce as much raw Silk as will save the Nation upwards of three hundred thousand Pounds, which is now yearly sent out of Britain to Italy and other Countries, for that Commodity: That all the Saving wou'd be but two hundred sixteen thousand Pounds, which was but inconsiderable when compar'd to the Benefit of keeping the Forces up.

Anno 11. Geo. II.
1737-38.
John Selwyn, Esq;

This was answered by George Heathcote, Esq; to the following Purpose:

Sir,

' I own that till now I have not approved our laying out so much Money as we have done on the Settlement of Georgia, because I was of Opinion, that if the Hands we have sent thither had been duly employed in Agriculture and Manufactures here, they might have been more useful to their Native Country. But the honourable Gentleman who spoke last has entirely removed my Scruples; for if what he says be Truth, which I am far from disputing, it is like to prove the most beneficial Colony that ever was sent from Britain, both because it will save a great deal of Money to the Nation, and as it will produce a large Revenue to the Crown. For this Reason, Sir, I think that the Money required for maintaining that Settlement, and paying the Forces sent thither, may be raised without our laying any additional Burthen on the People of Britain. The Method I propose, Sir, for this End, is, that as the Fund is so very good, and the Security upon it so unquestionable, the Government should borrow as much Money upon it as may defray all the necessary Expences attending the Settlement, that now fall upon the Subjects of Britain. This, Sir, I take to be a very fair and equitable Proposal, and I am persuaded that the Wisdom and Frugality of the Gentlemen who have the Honour to be in the Administration will induce them to consider of it.

Alderman Heathcote;

' As to the other Part of my worthy Friend's Speech, I own I cannot so easily digest it. The Reduction that is proposed, said he, will save only two hundred sixteen thousand Pounds the to Nation. Sir, two hundred sixteen thousand Pounds is Money; and had we, for twenty Years past, saved that same Sum by the like Reduction, upwards of six Millions of the National Debt had been paid off, and a great many Inconveniencies kept from the Subjects. Besides, had this Reduction taken Place twenty Years ago, and continued ever since, I am convinced, Sir, that the only Pre-

Anno 11. Geo. 11.
1737-38.

tence for a Standing Army in this Nation, I mean what is advanced from the Discontent of the People, had been entirely taken away, in that two of the principal Causes of the Discontent had been removed, the Grievance from the Severity of our Taxes, and the Aversion of the Nation to so numerous a Standing Army in Time of Peace : So that it is more than probable, that by this Time we should have had no Occasion at all for any Standing Forces. However, Sir, better late than never. If we begin now to reduce them, the Nation may twenty Years hence feel the Benefit of a total Reduction. Whereas, if we keep them on Foot from Year to Year, or instead of reducing, increase them, the Nation twenty Years hence may be saddled with 18,000 more, and publick Discontent increasing with the publick Debt, may run so high, as to render it imprudent for the Government, tho' it were willing, ever to make any Reduction. Wherefore, Sir, I am for beginning in Time, and then for making amends, as far as we can, for any past Oversights, by agreeing to the proposed Reduction.'

Sir William Younge * spoke next in Substance as follows :
Sir,

Sir William Younge.

' Ever since I had the Honour to sit in this House, we have had every Session a regular Return of a Debate on this Subject. Sometimes I have heard very specious Arguments for a Reduction urged by the Gentlemen in the Opposition ; but I always saw before next Sessions too good Proofs that we acted most wisely when we agreed to the keeping up the greatest Number of Troops ; nor do I know any Part of his late Majesty's Conduct so justly liable to Censure, as the Reduction of his Forces, to which he was induced by a sincere, but mistaken Tendernefs for his People ; nor did I ever know a Reduction which the Nation in a little Time had not Reason to repent of. I own, Sir, that in some Years the Reasons for keeping them up were stronger than in others, but I cannot remember a Year when the Reasons for keeping them up were so strong as they are at present. The Insolence of the People in all Parts of the Kingdom is risen to a Height that makes it unsafe for the Civil Magistrate to do his Duty without the Assistance of the military Power. In the Country where I was during some Part of our late Recess, the Miners, the Labourers, and other Manufacturers, assembled in a riotous and tumultuous Manner, to the Number of near five thousand, upon no other Pretence but the Exportation of some Grain ; which Exportation really did a Service to the Country, and never could hurt them. They proceeded to the most violent Outrages, which rendered it impossible for the civil Magistrate

* Secretary at War.

to

to quell them ; for they were so favoured by the Country in general, that it was out of his Power to raise a Posse strong enough for that Purpose. Now, Sir, I would gladly know of any Gentleman what the Consequence of this Tumult must have been, had the Government not been able to have commanded a Body of regular Force strong enough to have suppress'd them. The gentle Arts of Persuasion would never have succeeded, for they were too mad to listen to any : The Sense of their Duty could never have reclaimed them, for they seemed to make a Merit of being quite void of that. A regular Body of Forces, therefore, acting by the Direction of the Civil Magistrate, was the only proper Means of reducing them. In this Metropolis, Sir, not a Month ago, a vigilant and an active Magistrate was insulted in his own House for doing his Duty, by a tumultuous Mob of the same Kind, who threatened to pull his House in Pieces about his Ears, and, as I am informed, actually attempted, and probably would have effected it, had it not been for a Detachment of the regular Troops who were sent to protect him. These Tumults, Sir, could be owing to no Oppression, nor to any just Ground of Offence that had been given them by that Magistrate. But the Truth is, that the more active, the more honest, and the more vigilant a Magistrate is, the more he is insulted, hated, and abused by the common People. These Mobs, Sir, it is true, seldom have any other View than to gratify their immediate Resentment. But who knows, Sir, but that if they come to any Height, those who have more distant and more dangerous Views, may herd with them, and make them the Tools of their Ambition or Revenge ? This, Sir, would very probably be the Case, were it not for our regular Forces ; and if this were the Case, we must soon see a Rebellion formed, and the Nation become a Scene of Blood and Confusion. Let any Gentleman who loves his Country reflect upon the Horrors which such an Idea presents, and let him, if he can, vote for a Reduction, which by weakening the Hands of the Government may leave a Possibility of any such Event. An Exemption from the Miseries of a Civil War is cheaply purchased by the heaviest Taxes. The People of Britain at present pay no heavier Taxes, than the Extension of their Commerce, and the Benefits they enjoy from the Government, (which leaves them more Liberty than any People under the Sun enjoy) enable them to support without Difficulty ; and, though their Taxes were still heavier, a little more Industry and Frugality in the meaner Sort of our People would easily supply them : But, Sir, the Wounds of a civil War may bleed for many Ages ; by ruining our Trade it must render us despicable to our Neighbours, and probably we must be-

Anno 11 Geo II.
1737-8.

come subject either to a foreign or a domestick Tyranny. I believe no Gentleman, whether he is a Placeman or not, would forgive himself, if he did not concur in every Measure that could avert such an Event. Sir, if such Measures are pursued, they are right Measures, whether they are pursued by Place-Men or others: And I hope all Place-Men will be so true to one another, as to unite in giving their Negative to the Reduction on this Occasion."

When he sat down, Sir John Barnard spoke in Substance as follows :

Sir,

Sir John Barnard.

' It has always been my Opinion, that the readiest Way to bring on the Miseries which the honourable Gentleman, who spoke last, has so pathetically described, is to maintain a numerous Standing Army in Time of Peace; and that the best, if not the only Method of preventing them, is, either considerably to reduce, or intirely to disband it. So that, Sir, the Gentleman has very artfully forestalled the Debate, by employing in favour of a Standing Army, one of the strongest Arguments against it. I am perfectly at a Loss to know why the Gentlemen who are against the Reduction, have let so much of our Time be spent, before they began the Debate on their Side; for I am sure they have not yet advanced a Shadow of an Argument in favour of the Resolution. Therefore, Sir, I either expect to hear some Reasons why we should agree to this Resolution, from the Gentlemen who shall speak in the succeeding Part of the Debate, or I must be obliged to think that a Standing Army is intended to be made a Part of our Constitution, and that our resolving ourselves into a Committee, to consider of the proper Number to be kept up, is mere Form. Nay, Sir, it is not impossible, but that, some Years hence, we may see a Bill brought into this House for that End. This, Sir, will save Gentlemen a great deal of Trouble, in eluding once a Year a Set of ill-natured perplexing Objections, raised by Gentlemen stubbornly and perversely attached to the Good of their Country, and the Preservation of the Constitution. But, Sir, if such a Step should be taken, Gentlemen both of Reputation and Estate will not be wanting to oppose such a Subversion of our Liberties, with their Interest, with their Fortunes, and, if their Country requires it, with their Swords. Since the Beginning of this Debate, we have had a very broad Intimation of a Design that leans very much that Way. An honourable Gentleman under the Gallery told us, If you continue the Liberty of the Press, you ought to continue your Army. Sir, I look upon the Liberty of the Press to be the most valuable Part of the Liberty of the Subject; I look upon the Army, as what may one Day be the Destruction of both;

beth ; and to give no better Reason for supporting a Standing Army, but that it may destroy the Liberty of the Press, is to say, in other Words, That a Resolution is now forming to put an End to the Liberties of Great Britain.

Anno 11 Geo. 3.
1737-38.

' The honourable Gentleman who spoke last, told us, that we were under a Necessity of keeping up our Army, that it may enforce the Laws, which the Weakness of our Civil Magistrates cannot do. Sir, I know not what Authority the honourable Gentleman has, for throwing out such a Reflection upon the Civil Magistrates in general. I have the Honour to be a Civil Magistrate, Sir, in the greatest City in Britain, perhaps in Europe ; and I dare answer for myself, and for those Gentlemen whom I have had the Happiness to be associated with in the Civil Magistracy, that we have no Occasion for any Assistance of the military Force for putting the Laws in Execution. And as I have Opportunities of knowing somewhat of the Country of England in general, I can venture to say, that a Constable at the Head of his Posse, by a Warrant from a Justice of the Peace who is beloved, can do more than a Colonel at the Head of his Regiment. I say, Sir, a Justice of the Peace who is beloved ; for I am far from thinking that all of them are beloved ; though I believe they generally are so, when it is known they are not influenced by any Guidance from within these Walls. Sir, it is the Duty, as well as the Interest of every Civil Magistrate, to endeavour to render himself beloved and popular in those Places where he acts ; and if there are any who are more hated, and consequently less obeyed by the People, it must be owing to their own ill Conduct. Nay, Sir, I believe I could instance many Justices of the Peace, who act as such, without having a Qualification. In what I have said, Sir, I am far from intending that it should be understood, as if I reflected on any particular Gentleman, who has the Honour to serve his Majesty in the Commission of Peace in Westminster. I am willing to believe the best of these Gentlemen, and that they are far from making a Traffick of their Duty, or taking their Directions from any Man in Power. But, Sir, if there are any such, though they may indeed want the Assistance of the military Power, I think it is very unsafe for us to keep up Forces that may be employed to very bad Purposes by such Magistrates.'

Mr. Pulteney spoke to the following Purpose :

Sir,

' The Arguments that have been advanced against the present Motion are of so extraordinary a Nature, and those that have been offered in favour of the Resolution are so weak, that I have a better Opinion of the Judgments of the honourable Gentlemen who have advanced them, than to believe

Wm. Pulteney, Esq;

Anno 11 Geo. II.
1737-38.

believe they themselves think they could be of any Weight, but in an Assembly where their own Party is sure of a Majority. Some Gentlemen seem to be under terrible Apprehensions from the Prefs, some from the People, and some seem to fear nothing but for themselves. One honourable Gentleman, in particular, calls out to his Brethren in Place, and solemnly conjures them to be true to one another. *O all ye Placemen be true to one another!* Indeed, Sir, the honourable Gentleman may rest very well satisfied that they will; for I cannot say that I ever knew them fail, especially when they were to gain any thing by it. I wish, Sir, that other Gentlemen were as well united, that Country Gentlemen would be true to one another; for if they were, though perhaps we could not carry this Question, yet we might hope at least not to lose it by, I had almost said, so scandalous a Majority, as it is but too probable that we shall.

‘ It is the Misfortune, Sir, of this Nation, under our present Situation, that it is generally thought to be in the Power of one Man to determine the Fate of every Question of Importance brought before this Assembly. This makes many Gentlemen, who wish well to their Country, take every Opportunity of staying at home, when they ought to give their Attendance in this House. Each reasons in this Manner: “ My single Voice is of little or no Consequence, why “ then should I be at the Pains and Expence to attend the “ Parliament, since it can be of no Use to my Country?” But this is a false and a pernicious Inference. This, Sir, gives a tacit Countenance to oppressive Measures, and deprives a Man of the Satisfaction of having done at least his Duty for the Service of his Country. Besides, Sir, Gentlemen ought to reflect, that if those who act for the Interest of their Country were united, and gave their Attendance in this House, they might still indeed continue the Minority; but, Sir, such a Minority as they would then form, never yet failed of soon becoming the Majority. I have thought myself obliged to say thus much, because I see many Gentlemen absent on this Occasion, who, I know, wish well to their Country, and who I know would be absent on no other Account, but for the Reason I have now suggested.

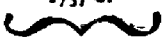
‘ I have heard, Sir, during the Course of this Debate, great Complaints of the Depravity of the common People; and I am sensible the Complaints are not ill-founded. But, Sir, I think the Method that is proposed to reform them, instead of suppressing, will but propagate the Evil. It is as impracticable, Sir, to dragoon People into Morality, as into Religion; nor can a Standing Army make a free People quiet Subjects, any other Way than by making them humble Slaves. It has always, Sir, been the distinguishing Glory
of

of this Constitution, that our Kings reigned over Men, and not over Slaves: And that gave them the Power of doing as much Good as they pleased; though it tied up their Hands from doing any Hurt. But, Sir, our new System of Politics has a quite different Tendency; it tends to make Slaves of Subjects, to give the King an Opportunity of doing Harm, but deprives him of the Power of doing Good. For, Sir, a Man who lies at the Mercy of another, as to his Liberty and Property, is, in effect, a Slave, though he who is his Superior should not exercise his Power tyrannically. And a Prince, Sir, who, in order to maintain his Authority, is obliged to burden his Subjects with oppressive Taxes, while they already groan under a Load of Debts, has it in his Power to oppress his Subjects, but has it not in his Power to relieve them; because no Act of Grace, which he can exert, can be a Balance for the Unpopularity that must attend him. So that, Sir, it is surprizing that Ministers themselves are not more cautious how they give Occasion for any unnecessary Taxes upon the People, or how they consent to the keeping up a Body of Forces, which so evidently tends to weaken both their Master's and their own real Interests. But, say Gentlemen, the Depravity is so great and so general, that no Remedy besides that of a superior Force can be applied. Sir, a Physician, who would cure a Disease, applies himself first to find out its Causes; and if the Causes can be found out and taken away, the Effect ceases of course.

‘ As to what the Gentlemen who are for continuing the present Number of our Forces have so much insisted on, I mean the Spirit of Opposition to the Civil Magistracy on some Occasions, it has, I am afraid, been too much owing to the Conduct of the Magistrates; and their Opposition to some late Laws is to be imputed, I believe, to the Nature of the Laws themselves. It is impossible, Sir, for a Legislature to enforce immediate Obedience to an unusual Law, without very great Reluctance from the People, before they are convinced that this Law is really for their Good. And, Sir, give me leave to say, that it will take a good deal of Art to persuade the People of the Expediency of some Laws lately passed. Nay, Sir, I should not myself be easily convinced, that some late Laws might not have produced all the Good for which they were intended, and yet have appeared in a Shape more agreeable to the Body of our People. Are Gentlemen to suppose that a People will submit to Laws which they look upon oppressive and inconsistent? In this Part of the Country, Sir, they are obliged to submit to Laws; for Instance, the late Act against Spirituous Liquors, which pretends to pluck up an old but beloved Disease by the Roots, while the Manner of detecting Delinquents against this

Law

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1737-8.



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Law gives Rise to numberless Villanies amongst the meaner Sort: For it is, Sir, in the Power of any Rogue, as the Law now stands, if he can digest Perjury, to ruin an honest Man and his whole Family. Can therefore Gentlemen be surpris'd that a Law, so disagreeable in its own Nature, to the People, the meaner Sort, at least, for I have never heard any body else charged with opposing it, should meet with Opposition from them? Yet, Sir, this is a Law of which we were so fond, that we actually bought it. Yes, Sir! we bought it of the Government at the Rate of 70,000 Pounds and upwards.

' In another Part of the Country, Sir, in Scotland, the Clergy is obliged, by a late * Act for that Purpose, to read more than once from their Pulpits a Proclamation, or a Declaration, I do not know how you call it. Why, Sir, I am told the People in that Country laugh at this Act; and if the Government were strictly to enforce it, they would hazard another Rebellion. So that, Sir, it is our Duty, before we pass any Act that affects the Body of a People, always to consider whether the Advantages accruing from such an Act are sufficient to counterbalance the Unpopularity of our passing that Act, and the Odium and Expences which the Government must incur by putting it in Execution. When I say this, Sir, I hope no Gentleman will infer that I would court Popularity at the Expence of any Measure that is for the Good of the People. But I know, that some Governments have found the Secret of reconciling the People's real Interests to their Inclinations, and believe that in all good Governments the most beneficial Laws are generally the most popular.

' But, besides Blunders which we may have committed in a more publick Capacity, I am afraid, Sir, that in other Respects we do not a little contribute to spread this Spirit of Discontent. When a People, Sir, sees their Superiors abandon the Principles that make them honest Men, they presume, not unreasonably, that they have lost every Quality that forms an honest Representative. When they see Luxury and Extravagance supported upon the Emoluments of publick Posts, the meanest Subject in the Nation, if he knows any Thing, knows that he helps to pay for these Luxuries, and that they are maintained on the Spoils of his Country. When Sir, the People see Gentlemen wasting their private Estates in idle Pursuits, and unprofitable Vices; they know that these Gentlemen have no other Way to repair the shattered Remains of their Fortunes, but by preying upon the Publick.

* This alludes to the Act against those who were concerned in hanging Portcups: See Vol. IV. the Debates on that Affair.


When they see Corruption and Venality openly avowed, even tho' some of them taste it, they know, or at least they suspect, that an Administration must be weak when it requires such Supports.

' Give me Leave to borrow an Expression, and to say, *that it is ours to mend the Hearts of the People.* It is our Duty, Sir, by each of us living within the Bounds of our own private Fortunes, to preserve our Independency upon any Man or any Minister whatever; and thus shall we be enabled to preserve the Independency of the Legislature. Then shall we see the publick Debts decrease, the Dissatisfaction of the People subside, and the Distinctions of Parties abolished. We shall then have no Need of a Standing Army; because then, Sir, there will be no Occasion to rule by a Party; for that Party amongst us, which either by its Principles or Practices opposes these good Ends, becomes a Faction, let its Majority be ever so great. I have heard, Sir, many invidious Insinuations and Reflections thrown out against a certain Opposition that I could name, and I hear a great Talk without Doors about * a Reconciliation. Sir, I know not any Reconciliations that I could wish except one: Others I never desire to see, unless they are founded on the Liberties of the People; and, Sir, I think an Opposition upon virtuous Principles the only Security that our Country can hope for, and I here openly profess my Determination always to join in such an Opposition.

' Those Gentlemen who are for our agreeing to this Resolution, in my Opinion, make but a very indifferent Compliment to his Majesty, who has recommended Unanimity and Dispatch to us so strongly from the Throne; yet Sir, in the very Beginning of our Session, we have here a Bone of Contention thrown amongst us. We are, it seems not only to agree to the keeping up the same Number of Forces which we had last Year, but we are to add to the Charges that attend them, the Expence of raising a new Regiment to be sent to our Plantations. Sir, I cannot conceive how Gentlemen should suppose that if such an unreasonable Resolution is brought in, we can act in the Manner his Majesty has so wisely recommended. I say, Sir, so wisely recommended; because, on the Unanimity of this Parliament depends the Judgment which Foreigners will form of our Strength and Resolution in this important Crisis of our Trade. If they shall find Unanimity in our Resentment at home, they will expect the same Unanimity in our Resentment abroad, if it shall be found that any of our Neighbours have insulted our Flag, or plundered our Merchants; it will let them see that

* See Vol. 4. of the Debates, about the Prince of Wales's Settlement.

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both the Nation and the Parliament are resolv'd to behave with such Duty and Zeal for their Country, as to stand in no Need of being over-awed by a Standing Army. And Foreigners will then despair of finding a Party who shall abet them here.

Sir Robert Walpole then rose again, and spoke as follows.
Sir,

Sir Robert Walpole.

‘ Whatever groundless Insinuations some Gentlemen may throw out about any Attempts that have been or are to be made upon the Liberty of Speech; one Gentleman, since the Opening of this Debate, has told us, *That he could wish that Things were to run into Confusion; because out of Confusion may arise Order.* A Wish so shocking to the Ears of a dutiful Subject, and so contrary to the Dignity of this Assembly, that I hope never to hear the like repeated within these Walls. It was saying, in other Terms, that he wished to see the Succession of the present Royal Family set aside, and the Nation involved in the dismal Consequences of civil War, rather than that we should agree to a Measure which the Wisdom of all Parliaments, since the late Revolution, has thought necessary for the Preservation of our Liberty. I cannot, indeed, understand how Gentlemen, during the Course of this Debate, can reason as if this Resolution was such as had never been agreed to by any Parliament, and that it was a direct Infringement of our Constitution. This is calling in Question the Honour and the Integrity not only of all the Parliaments, but of every Gentleman who has voted for this Measure in these Parliaments, for 40 Years past. And I am sure my good Friend who spoke last, has very good Reasons, known to himself and me, for supporting their Authority.

‘ My honourable Friend was pleased to inveigh very severely against the Luxury and Vice that reigns but too generally amongst us. I know not from what this Luxury and Vice proceed; but proceed from what it will, I am sure it does proceed from any Example set by the Royal Family; for I am persuaded that every Gentleman who hears me, is sensible that no Nation was ever blest with a Royal Family, that has given such eminent Instances of Frugality and Temperance, as the Family that is now upon our Throne. If a People, Sir, grown wanton with Liberty and Riches shall degenerate into Luxury, is a Prince or his Ministers to be blamed for that? Or if the People is tainted with Discontent and Dissatisfaction, are we to endeavour to cure it by giving up the only Means of restraining them? Yet this, Sir, is the very Thing for which some Gentlemen have argued so strenuously since the Opening of this Debate. It has been allowed on all Hands; that had it not been for our Standing Forces,
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the Nation must have e'er this Time run into Confusion from that Spirit of Dissatisfaction, that has broke loose among the People. But, say some Gentlemen, that Spirit is occasioned from the Oppression of the Government. But they have not been pleased to give us any Instance of such Oppression; they have given us no Instance of an Invasion upon the Liberty and Property of any Subject: They have not given us one Instance of any Incroachment of the Military upon the Civil Power, or of one Attack that has been made by the Administration to subvert the Freedom of Parliament. There is nothing more common, Sir, than to raise a Clamour upon the Topicks of Bribery, Corruption, and Venality, and nothing more easy than to make the People believe that when an Administration continues long in the same Hands, it can only be by these Means. But this is a Misfortune that has attended the best Administrations in all Ages and in all Countries. The very Success that a Minister meets with, is improved by his Enemies to his Prejudice. If a Majority in this House concur with his Measures, it must be the Effect of Corruption. If he has the Favour of the Prince, he owes it to Flattery and misrepresenting the State of the Nation. Does the Kingdom under his Administration enjoy a profound Peace, an extended Commerce? This is attributed to the Minister's Sacrificing something still more valuable than these Advantages, in order to procure them. So that, Sir, the very Well-being of a State gives a Handle to Clamour against the Minister; whereas, in reality, his Success in the Parliament may be owing to the Justice of his Measures; the Favour he is in with his Prince, to his Integrity; and the Increase of the National Wealth and Power, to his Vigilance and the Firmness of his Resolutions. Sir, I shall make no particular Application of what I have said here; only one Thing I will be bold to affirm, that had the Clamours that have been raised in Great Britain these 18 Years past against the Administration been well founded, we must before this Time have been the most miserable, the most beggarly, and the most abject People under the Sun. But, Sir, is there no other Vehicle by which Luxury may be introduced, besides that of Ministerial Corruption? Give me leave to say, Sir, there is; and that the Riches which a Nation may acquire by Trade, under a good Administration, is the principal and indeed the natural Source from whence the Luxury which the honourable Gentleman inveighs against, proceeds. These Riches, Sir, induce the Trading Part of the Nation, to abandon the frugal Maxims of their Ancestors: The Landed Interest, Sir, emulates the Trading, and their Wealth encreasing in Proportion as Trade flourishes, they improve likewise in all the Luxuries of Life. These

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Luxuries, Sir, after some Time, create Wants ; Wants produce Necessities ; Necessities, Dissatisfaction ; and when they are reduc'd in their Circumstances by their own Extravagancies, they exclaim against the Heaviness of Taxes, the Decay of Trade, and the Corruption of Ministers. A Minister is answerable, Sir, in some measure, for the Wealth of a Nation ; but he is not answerable for the Abuse of that Wealth. And when Gentlemen exclaim against the luxurious Living of a Nation, they are mistaken if they think that thereby they hurt the Reputation of a Minister in the Eyes of considerate Men. No, Sir, they bestow a tacit Encomium upon the Minister ; for under a bad Administration, especially if it is a long one, it is impossible for the Nation to supply these Luxuries, without the Nation's feeling in a very few Years the whole Ballance of Trade with their Neighbours turning against it : And I dare say, that no Gentleman in this House can affirm that this is our Case at present. Thus much, Sir, I have thought fit to say, not in Answer, but by way of Supplement to what the hon. Gentleman observed with Regard to the general Depravity of Morals so visible throughout the Kingdom.

‘ But were I to be asked, Sir, what Remedy is then to be applied to this general Depravity, my Answer would be, the Answer of every Gentleman who judges coolly and impartially ; that nothing is more likely to gain this End, than a due Submission to that Government, which enacts no Laws but by your own Consent, and raises no Taxes but what your own Safety requires. This, could we effect it, Sir, (to use the same Expression with the hon. Gentleman) *would be mending the Hearts of the People*, and without this, all the Methods that either the King or the Parliament can fall upon for that Purpose must be unsuccessful. I wish, Sir, that all the Gentlemen in this House could say, with a clear Conscience, that they had no other View than this, in all their Pursuits of Popularity and Pretensions to Patriotism : And I wish, Sir, that the Actions of Gentlemen would prove to the World, that their sole Aim is not the Destruction of the Minister, but the Good of their Country.

‘ As to what the honourable Gentleman talk'd about the just Grounds of Discontent among the People ; I am sorry to hear any Gentleman in this House insinuate, that the Acts and Laws pass'd by this House, can give the People any just Ground of Discontent. It proceeds from another Quarter, Sir ; for there is nothing more certain than that, if our People are once rendered discontented with the Government, they soon become disaffected with the Establishment : And, Sir, tho' I admit that a Man of Sense may be attached to our present Establishment, and yet dissatisfied with some Steps of the Administration, yet it is otherwise with the Common People ;

ple: With them Discontent, Disloyalty, and Rebellion follow so close on one another, that they are one and the same Thing. Had certain Gentlemen, Sir, who have lately joined in some Measures against the Government, sufficiently reflected on this Truth, I am persuaded such is their Attachment to his Majesty's Person and Family, that they would not have assisted so much as they have done in promoting the Dissatisfaction that prevails among the Common People. For, Sir, the Faction which is in the Interest of the Person who disputes his Majesty's Title to the Crown, always presumes, that whoever is against the Administration, is against the Establishment likewise; and nothing has more contributed to keep up the Spirit of that Party, than their industriously propagating that Doctrine. This, Sir, is the true Reason that they look upon the Lenity of that Government as the Effect of its Weakness, and that they attribute the Indulgence they meet with to our Fears. This, Sir, is the true Reason why they endeavour to improve to their Advantage every Accident that happens in the Nation, tho' perhaps it is very distant from their Purpose, and fell out contrary to their Hopes. This, Sir, was the Reason why, on the late melancholy Event that * afflicted the Nation, their Hopes revived, their Cabals were set on Foot, and every Tool of their Party was employed in their Consultations how to bring about their favourite Point. There are many in our Galleries now, Sir, who know what I have said to be true, and if they had the Privilege of speaking here, could, if they pleased, convince us how improper the proposed Reduction is, while such a Spirit subsists in the Kingdom.

' Sir, I have known a Time when Gentlemen acted on true Whig Principles; and at that Time, Sir, they seemed to be of Opinion, that the best, if not the only Way to secure us from Popery, and arbitrary Power, was by securing the present Establishment of the Crown in his Majesty's Person and Family. They were then of Opinion, Sir, this was best done by our keeping up a regular Body of Forces, and I should be glad to know if the same Reasons do not subsist now as did then, or if they who are the Enemies of our present Establishment have been weakened by the Opposition of these Gentlemen to the Administration.'

William Pulteney, Esq; replied to this Effect:

Sir,

' I think a Man is an honest Man, who votes according to what his Conscience tells him the present Situation of Things requires; and an honest Man, Sir, if he sees the Circumstances which induced him to vote in Favour of a Resolution last Year altered, or if he finds that he himself has been mistaken in the Apprehension of these Circum-

Wm. Pulteney, Esq;

* Alluding to the Queen's Death

stances:

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stances: I say, Sir, an honest Man will, in either of these Cases, vote this Session directly contrary to what he voted before. If ever I voted for a Standing Army, Sir, in Time of Peace, it was when my Conscience told me that the Preservation of our Liberties required it. But, Sir, though at that Time, perhaps, I was convinced that our keeping up a Standing Army for one Year was necessary; it does not follow that I act inconsistently, if I don't vote for a Perpetuity of that Army. Therefore, though a Gentleman has voted for every Question, for every Job of the Ministry; though his whole Life has been but one continued Vote on their Side; yet he ought neither to be ashamed nor afraid to oppose them, as soon as his own Judgment or the Situation of Things is altered. This is acting upon no other Principles, Sir, but those of an honest Man, and a Lover of his Country; and, as the Distinction between Whigs and Tories is now in effect abolished, I hope soon to see our People know no other Denominations of Party amongst us besides those of Court and Country. The honourable Gentleman talks of the Establishment of the Government, and of the Administration; but, Sir, I know of no Establishment, I know of no Government, I know of no Administration that ought to be kept up, but for the Preservation of the Liberties of the People: For it is not Twopence Matter to me, whether the Prince's Name under whom I am to be enslaved, is Thomas, James, or Richard; I am sure I shall never be enslaved under a George.

‘ And here give me leave to say, Sir, that the Establishment of the Crown in his Majesty's Person and Family can only be secured by our securing the Rights of the People. This, Sir, is the Charter by which his Majesty holds his Crown; and whoever separates the Interests of the People from those of the Establishment, must be either ignorant of our Constitution, or a Traitor equally to his Prince and his Country. For this Reason, Sir, to me it is evident, that if the Pretender had an Agent in his Majesty's Councils, or in this House, that Agent would employ all the Force of Tongue and Lungs, he would even out-vote a Minister, and out-speech a Place-Man in his Zeal for this Resolution; nor could a more effectual Way, Sir, to promote that Person's Interest be thought of, than our agreeing to bridle the Kingdom with 18,000 Men: Because it is, in effect, telling all the Powers in Europe, that so weak is the Administration of Britain, and so much are they hated by the People, that they dare not venture to make one Step in the Government without their Bully-back an Army. While your Army continues, Sir, Discontent must increase, and the more Discontent increases, the fairer is the Pretender's Chance for succeeding;

ceeding ; whereas, if the People were reconciled to the Government, he could not have the most distant Prospect of Success : For I dare say, very few in Britain at present wish him well on his own Account ; and the few deluded Persons who do incline to his Party, do it only because they are so weak as to imagine, that the one Evil would be less than the other. Wherefore, Sir, as I wish the Crown of Britain may continue for-ever in his Majesty's Person and Family, as I hope never to see the Pretensions of any other Person succeed, and as I think the Reputation of the Kingdom is interested in the Fate of this Question, I must agree to the proposed Reduction.'

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The next who spoke, was Sir William Windham.

Sir,

' I think it strange, that this mighty Secret of our Fears about the Pretender, has never been discovered during the whole Course of this Debate, till the honourable Gentleman who spoke last but one disclosed it. I am glad, however, that it is at length discovered ; for now Gentlemen may have a very clear State of the Case ; which is, Whether we ought to put the Nation to the Expence of maintaining 18,000 Men, for no other Reason but because a certain Gentleman is afraid of the Pretender ? This is, I think, a clear and a true State of the Case. As for the honourable Gentleman's Fears, they put me in Mind of a mad Fellow, called Butler, who used to go about, and at Times would appear very much frightened at a certain Phantom of his own Brain, whom he called Prince Kantemir. This Phantom haunted him about from Place to Place, and nothing could drive it out of his Head. Really, Sir, I don't know what Friends the Pretender may make in the Kingdom, if we shall continue our Army ; but if we reduce that, I dare say his Interest would exist no where but among a few Madmen.'

Sir Wm. Windham.

Mr. Pelham.

Sir,

' The Gentlemen who have spoke for the proposed Reduction, have all along taken it for granted, that if our Standing Army were removed, the Causes of Discontent, which is allowed on all Hands to be very great amongst our common People, would be removed likewise. But, Sir, their Opinion cannot be supported either by Reason or Experience. Reason tells us that a People who are discontented, will prove rebellious as soon as the Government becomes too weak to restrain their Outrages : And we find, Sir, by Experience, that no Reduction ever was attended by any Return of Gratitude on the Part of the common People. So that, as Gentlemen have been stating this Question in their Manner, I shall beg leave to state it in mine. And it is, Sir,

Mr. Pelham.

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Whether it be most probable that his Majesty will abuse his Power, if we shall keep up the Army ; or that his Enemies will lay aside their Designs, and the People return to a due Submission to the Civil Magistrâte, in case we reduce it ? Indeed I do not know what are the Sentiments of other Gentlemen ; but I own, Sir, it is no hard Matter with me to determine myself in this Case ; and, for this Reason, to give my Vote in favour of this Resolution.’

Walter Plumer, Esq;

Sir,

Walter Plumer, Esq;

The Reasoning of the Honourable Gentleman who spoke last, is not unlike that of a Physician who was called to visit an Acquaintance of mine. Two or three other Members of the Faculty were called at the same Time, and all of them, except this Physician, agreed in their Consultations, that the Nature of the Patient’s Disease required Lenitives: The Reason which this singular Doctor gave, for differing from his Brethren, was, “ That Corrosives were only to be “ cured by Corrosives.” Sir, we have long had Corrosives applied, to correct the sharp Humours of a People whose Constitution has been vitiated by a Course of severe Exactions and Taxes, without any apparent Advantage to the Kingdom. And it was reasonable to expect, Sir, that by this Time some Lenitives should have been applied. But this, Sir, it seems, is not agreeable to the Maxims of the honourable Gentleman, who last Session entertained us with the ever-memorable Speech, which he concluded by telling us from a Roman Poet, *Immedicabile vulnus ense recidendum*. I am afraid, that this, Sir, may indeed be the only Remedy that can be applied, if we should proceed in exasperating the People, by not only continuing but increasing the principal Grievance they have.’

Sir Joseph Jekyl spoke next, to the following Purpose :

Sir,

Sir Joseph Jekyl.

‘ I acknowledge that formerly I used to give my Vote for keeping up a Standing Army in Time of Peace, because I thought we could never use too many Precautions against the growing Power and the aspiring Genius of France.

‘ But the Providence of Heaven has raised up another Power in Europe, which seems by the Check she has already given to the French Ambition, to be an Over-match for her in the Field : Gentlemen will easily perceive that I mean the Empress of Muscovy, whose Empire till within these few Years had but a very small Share in the Ballance of Europe. For this Reason I think there is not the least Pretence, Sir, for keeping up a Standing Army on Account of the Situation of Affairs Abroad ; that Pretence being effectually removed by the sudden Growth of the Muscovite Power, from whom

we

we have nothing to fear, either on account of their Situation or Interest. So that, Sir, the Reasons why we are to keep the proposed Number up, must be of a domestick Nature. And indeed, if I were convinced that they were of the least Use in enabling the Civil Magistrate to put the Laws in Execution, I should give my Vote without Hesitation for the present Motion. But, Sir, when I see the People of all Ranks so averse to a Law which was the only Means left by which the Legislature could prevent a total Degeneracy of their Morals, and the absolute Ruin of their Health ; when I see they value themselves upon murdering the Persons by whose Information alone the Offenders against that Law can be convicted ; and when I see that our regular Forces have been of no Use in suppressing those Disorders ; I am inclined to suspect, Sir, that the Infection has spread into the Army itself. I am the more apt to believe this, Sir, because I had it lately from good Hands ; that many of the Soldiers actually were disguised among the Mob who murdered these poor Men, and were very instrumental in the Riots. If this Infection should proceed farther, Sir, we have Reason to fear that our Army will soon be as obstinately disobedient to the Civil Magistrate as our People are, and this must produce worse Consequences than any Gentleman has yet mentioned. It may be urged, that Soldiers being subjected to the military Laws, dare not attempt to oppose the Will of their Superiors ; but why should we expect from them a greater Deference to their Officers than from the People to the Justices. And give me leave to say, Sir, that a Mutiny of the Army is more dangerous than a Mob of the People, for this plain Reason, that the Punishment which attends the one is but light, when compared with what is inflicted on the other. If one or two of the Ringleaders of a Mob are made Examples, Sir, the Justice of their Country is satisfied ; but the Martial Law inflicts the Pain of Death upon every Man who is concerned in a Mutiny. For this Reason, Soldiers once engaged in a Mutiny will be more obstinate and refractory than other People ; because, though they should lay down their Arms, their Lives are forfeited ; so that their real Safety lies in persevering in their Rebellion. Therefore, I think it is against the Rules of good Policy, Sir, for us to keep up a Body of Men, who very probably are tainted with that Spirit of Disobedience that has gone abroad amongst our People, and from whom there is nothing so bad but what we have to fear, should this Spirit induce them to throw off the Allegiance due to their Superiors.

‘ Thus far, Sir, I am of the same Side of the Question with my worthy Friend who sits over-against me. But, I wish the same honourable Gentleman had explained some

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Expressions which he dropt with regard to the Law I have just now taken the Liberty to mention. I am neither ashamed nor afraid to say, that I had a great Hand in getting that Law passed ; and I think, though we had even paid the Sum for it, which the honourable Gentleman has mentioned, we bought it cheap ; for it was paying 70,000 Pounds for insuring the Health and Strength of a whole People. As for the Inconveniences that may arise from the Execution of this Law, I am sensible there are several ; but, Sir, I believe as few as ever attended the Execution of a Law, so unpopular, and at the same Time so necessary. However, if the further Consideration of that Law should come before us, as I believe, Sir, it soon may, I shall very willingly concur with any Motion that can put us in a Way of making it less subject to Abuse. In the mean time I am of Opinion, Sir, that it will greatly contribute to the Safety of our Constitution, and the Reformation of Manners amongst the common People, if we agree to the proposed Reduction.

Joseph Danvers Esq; spoke next, as follows :

Sir,

Joseph Danvers.

‘ We have had a great deal of Debate this Night about the Constitution and Government of this and other Nations ; and there is no Question, Sir, but there are many different ones in the World. But I believe the People of Great Britain are governed by a Power that never was heard of as a supreme Authority in any Age or Country before. This Power, Sir, does not consist in the absolute Will of the Prince, in the Direction of Parliament, in the Strength of an Army, in the Influence of the Clergy ; neither, Sir, is it a Petticoat Government ; but, Sir, it is the Government of the Press. The Stuff which our weekly News Papers are filled with, is received with greater Reverence than Acts of Parliament ; and the Sentiments of one of these Scribblers have more Weight with the Multitude than the Opinion of the best Politician in the Kingdom. This is the true Reason, Sir, why Prudence obliges us to agree to the keeping up the Number of Forces that was first proposed. For my own Part, it is very well known that I hate a Standing Army as I hate the Devil : But, hateful as it is, I do not know how we could live without it. And if the proposed Reduction were to take Place, the first Thing I should do, would be to shut up House in the Country, and come and live near Justice Deveil ; for I do not see that any Man is safe, unless he lives either near him, or in a Barrack.

‘ Some Gentlemen have been at great Pains to ridicule the Fears of the Pretender as being chimerical ; but, Sir, I have Letters in my Pocket, which must convince every impartial Person, that we have more to fear from the Jacobite Faction, than

than some Gentlemen seem to believe we have. Therefore, Sir, I shall beg leave to enter into the Particulars of an impudent treasonable Proceeding, that happened within these few Days within the Town of Leicester. On the first Day, Sir, of this very Month, several Papers were found posted up within that Town, containing the most impudent and treasonable Insults upon his Majesty and the Government, that, I believe, were ever yet committed at a Time when there was no open Rebellion in the Nation. They contained no less, Sir, than an Alarm to the People, in favour of the Pretender, and imported a Resolution of proclaiming him the tenth of June; which, Sir, by the way, is his Birth-Day. After an Insult of this Nature, Sir, committed in Defiance of the Government, in a Country Town, will any Man say that we have nothing to fear from the Jacobite Faction? Or can we imagine that the Authors of these treasonable Libels have no Abettors in the Country? They have, Sir, I am afraid, but too many, and were our regular Forces to be reduced, I believe they would have more still; and they would soon come from threatening to acting. The Question, then, Sir, among the Populace, would not be, Who is for the King, or who is for the Pretender? They would only ask, Who is for, or who is against the Government? And every Man, Sir, who should act against the Government, be his Motive, Ambition, Disgust, Disappointment, Principle, Revenge, or any other Cause whatever, such a Man, Sir, would be sure to have them for his Friends; for it is Recommendation enough to them, if he is an Enemy to the Government, no Matter to whom he is a Friend. Therefore, Sir, I think the Safety of the Nation, at present, requires that we should make no Reduction of our Forces.

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Upon the Report which was made by the Chairman of the Committee next Day to the House, the Estimate for the Regiment to be sent to Georgia was objected to, by some Gentlemen who spoke in the foregoing Debate against the Resolution: Accordingly a Debate ensued.

Colonel Mordaunt.

Sir,

I am surprised to find that some Gentlemen do not distinguish between the Army now proposed to be kept up, and that Sort of Standing Armies which the Whigs in former Reigns spoke and wrote so much against. The Whigs, 'tis true, have always been against keeping up Standing Armies in Time of Peace by the sole Authority of the King, and without Consent of Parliament; but no Whig ever said that it was inconsistent with, or that it would be dangerous to our Constitution, to keep a few regular Troops in Pay for one Year, in case the Parliament should upon mature Deliberation

Col. Mordaunt.

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tion conclude, that such a Thing was necessary, either for the securing the Peace and Quiet of the Nation against the secret Designs of foreign or domestick Enemies, or for giving Weight to any foreign Negotiation our Government might then have upon the Carpet. This, I say, Sir, no Whig ever opposed; and for this Reason, the Words, ‘ unless it be with Consent of Parliament,’ were inserted in the Declaration of our Rights and Liberties, which was presented to the then Prince and Princess of Orange at the Revolution, and which may properly be called the second Magna Charta of this Nation.

‘ If the Whigs of those Days had been of the same Opinion which some Gentlemen seem now to be of; if they had thought that the keeping up an Army of any Kind, or for any Time, was inconsistent with our Constitution, that Article in the Declaration would certainly have stood thus: “ That the raising or keeping a Standing Army within the Kingdom, in Time of Peace, is against Law :” And I must leave to Gentlemen to consider, whether such a Declaration would not have been in itself ridiculous? For my own Part, I must be of Opinion, that it would have been a little inconsistent with common Sense to have declared, that an Army kept up by the Authority, and with the Consent of King, Lords, and Commons, was an Army kept up against Law; for it would, in my Opinion, be the same with declaring, that a Law agreed to by all the Branches of our Legislature was against Law. This, Sir, the Whigs of those Days were sensible of; and if they were now alive, they would be far from pretending to say, that it was inconsistent with the Principles of a true Whig, to give his Vote for keeping up, for one Year, by Authority of Parliament, such a Number of regular Troops, as he thought absolutely necessary for the publick Good of the Kingdom.

‘ I have always gloried, Sir, in being thought a Whig; I hope I shall never, by my Behaviour, either in this House, or without Doors, give the least Occasion to the World to think otherwise of me; and for this very Reason I am for keeping up an Army, because I think the keeping up of an Army absolutely necessary for supporting the Whig Interest, and preserving the Peace and Quiet of the People. In every Dispute that has happened of late Years about our Army, I have looked upon the Question to be chiefly, whether Whig or Tory should prevail? And as I have always thought, as, I believe, every unprejudiced Whig in the Kingdom thinks, that if the Army should be disbanded, or very much reduced, the Tory Interest would prevail; therefore I have generally been against such Reductions, and always shall be extremely cautious of agreeing to any such Proposition, Nay, I am so

so firmly attached to the Whig Interest, that if I should think four Times the Number of Troops absolutely necessary for supporting that Interest, I would be for keeping up a Standing Army four Times as numerous as that we have now on Foot.

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1737-38.

That there are Discontents among the People, Sir, and that those Discontents are too general, I shall readily agree; but whether they are owing to Disaffection, I shall not pretend to determine: I am sure they are not owing to Reason; for there is no Country in the World where the Liberties and Properties of the Subject are more sacredly preserved, nor are there any Subjects who pay less for the Ease and Security they enjoy, than the Subjects of this Kingdom; but there are some Men who seem to think they ought to pay nothing, nor be at any Trouble, for preserving to themselves the Blessings of Peace and Security. To please such Men, or to prevent their being dissatisfied, is impossible; for Government must always be expensive: Some Men must be employed for managing and transacting the Affairs of the Society, and some must now and then expose themselves to Danger for the Defence of the Society; and it is both reasonable and necessary, that those who spend their whole Time, or a great Part of their Time, in Government Affairs, as well as those who venture their Lives for the Preservation of others, should be rewarded by those, who by their Means are enabled to prosecute their own private Affairs with Safety, and without Interruption. There are other Men, and those not a few, who are so fond of Novelty and Change, that they are continually wishing for publick Convulsions and Revolutions: Such Men are of so odd a Temper, that they become dissatisfied with the Security they enjoy, and a long uninterrupted Course of publick Happiness renders them compleatly miserable; and there are others, who never can be pleased, unless they have the intire Direction of all publick Affairs; therefore when they are not employed, and chiefly employed, they are continually spreading virulent Libels, and seditious Pamphlets against those that are, by which Means many unwary Persons are caught, and are made to believe, that the Nation is ruined and undone, though every Man in the Nation, who is tolerably frugal and industrious, finds himself in an easy and thriving Condition. These are three of the Causes of those Discontents that prevail at present among the People; and if to these we add downright Disaffection, which I am afraid is much more general than some Gentlemen imagine, I believe we may account for all our Discontents, without loading our Government with being the Cause of any of them, except those of the second Sort I have mentioned; for to the wise and steady Conduct of our
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Government, we must attribute the long and uninterrupted publick Happiness we have enjoyed, and consequently the Dissatisfaction of all those, who are fond of Novelties and Changes.

But, Sir, let the Cause of our Discontents be what it will, they are so general, that if it were not for our Army, I am convinced our present Establishment would be in great Danger of being overturned; I am convinced his Majesty could not live in Safety in St. James's Palace; nay, I doubt if our present Royal Family could remain three Days in the Kingdom: Therefore, as a Standing Army is at present absolutely necessary for preserving our happy Establishment, for the Security of our Royal Family, and for defending his Majesty's Person, no Gentleman, who has a true Regard for any of the three, can be against keeping up a Standing Army by Authority of Parliament, at least for this ensuing Year; and as I am convinced, that a less Number of regular Troops than we have at present, will not be sufficient for these great Ends, I must be against the Reduction proposed, or any Reduction that can be proposed at present.

I say, Sir, I am now against any Reduction that can be proposed; for tho' I do not think we can now with Safety make the least Reduction of our Army, yet in a few Years, perhaps next Session, I may be of a different Opinion. I shall always think that we ought never to keep a greater Number of Troops in Pay, than is absolutely necessary for preserving the Peace and Tranquillity of the People; but my Way of thinking in this Respect does not proceed from any Apprehensions I am under, that an Army kept up in the same Method of our present Army is, can ever be of any dangerous Consequence to our Constitution. No, Sir, it proceeds entirely from the Expence, which necessarily attends the keeping up of a Standing Army; which Expence the People must be loaded with; and I shall never be for loading the People with any greater Expence, than I think absolutely necessary for their Preservation. For this Reason, I hope we may soon have an Opportunity of giving the People a little Ease, by making a Reduction in our Army; because I am of the same Opinion with my honourable Friend near me: I believe the Disaffection, which I take to be the chief Cause of our present Discontents, will diminish by Degrees, nay, I hope it will in a few Years totally vanish; and if there were no considerable Disaffection, nor any great Number of Jacobites in the Kingdom, I am convinced a much smaller Number of Troops than what we have now on Foot, would be sufficient for keeping in Awe those Men, who are discontented only because

because they are not employed, and also those who are fond of Changes and Revolutions, as well as those who are so unreasonable as to expect that their Lives, Liberties, and Fortunes, should be preserved, without their being ever obliged to expose themselves to any Danger, or to put themselves to any Trouble or Expence, on that Account.

Anna II Geo. II.
1717, 18.

‘ When the disaffected Party becomes inconsiderable, I shall with Pleasure, Sir, give my Consent for making a Reduction in our Army ; but ’till then I cannot agree to it ; and I must say, I can never suppose the disaffected Party inconsiderable, as long as I see the Discontented numerous, without an apparent Cause for such a general Discontent, from some notorious Oppressions or Malversations in our Administration ; for unless some Cause be evident, I shall always believe that most of those who appear discontented, are really disaffected. As I must look upon such a Discontent as incurable, I shall always be for treating those that are under it in the same Way with Incurables of another Sort, that is, by putting it out of their Power to do Mischief ; which can be done only by keeping up a sufficient Number of regular Troops.

‘ But even suppose, Sir, that the Discontents of the People proceeded from notorious Oppressions or Malversations in our Government : Surely, no Gentleman will say our Army ought to be reduced before those Discontents are removed in a proper and legal Way ; because, by so doing, you would encourage your People to take Vengeance of those that had injured them in a riotous and tumultuous Manner, which is a Method of doing Justice, that I am sure ought not to be encouraged in any well regulated Society. In such a Case, the only prudent Method we could take, is that which is prescribed to us by our happy Constitution, I mean that of a Parliamentary Enquiry ; and after you have satisfied your People by bringing the Guilty to condign Punishment, in a legal and Parliamentary Method, you might then with Safety venture to make a Reduction of your Army.

‘ Thus, Sir, if there are such Discontents in the Nation, as the Gentlemen of the other Side of the Question seem to think there are, let those Discontents proceed from what Cause you will, the present must appear to be a very improper Season for making any Reduction of your Army ; and as to the Charge of keeping up about 6000 Men for one Year only, which is all the Difference between us, tho’ I shall grant it is a Charge the Nation ought not to be unnecessarily loaded with, yet it is not so great, as to make any considerable Addition to the publick Debts newly contracted, nor can it greatly prevent our being able to pay off the old ; for the Difference as to Expence, between maintaining

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18,000 Men, and maintaining 12,000 for one Year only, does not exceed 216,000 *l.* which can make no very extraordinary Figure in the publick Accounts of this Nation, and must be looked on as a Sum most wisely and frugally expended, because the Nation is thereby insured against the vast Expence, as well as Danger, the Nation would be put to, by an Insurrection or Invasion, which might probably be the Consequence of any present Reduction of our Army

But suppose, Sir, there were no Discontents or Disaffection among our People, suppose we were in no possible Danger of any Insurrection or Invasion; yet considering the present State of our foreign Affairs, considering the precarious State of the Peace now subsisting between Spain and us, and the many Grounds of Quarrel we have with that Nation, I must think it would be very imprudent in us, at present, to make any Reduction of our regular Troops; for the Regard a Nation meets with in all foreign Negotiations, very much depends upon the Opinion Foreigners have of her Power; and that Opinion now depends chiefly upon the Number of regular Troops she has in her Pay. None of our Neighbours put any Trust in their own Militia, and therefore it cannot be supposed they have any Regard for ours, or that they would shew us any Respect on Account of our Militia were it in a much better Condition than it is in at present, or were it in as good a Condition as any Militia can be put in. For this Reason, to the End that this Nation may have its due Weight in all foreign Negotiations, we ought always to keep up a good Body of regular Troops; and particularly at present, if we have a Mind to obtain any Redress from Spain, we ought not to reduce any Part of our Army; for that Redress must be obtained either by Negotiation or by Force of Arms: If we propose to obtain it by Negotiation, a Reduction of our Army would diminish the Weight of any Negotiation we can carry on for that Purpose; and if we propose, or should be obliged, to make Use of Force for obtaining it, we must rather add to than diminish our Army. From all which I must conclude, that at present it would be highly imprudent in us to make any Reduction, especially such a considerable Reduction as is now proposed.

The Right Hon. Lord *Polwarth spoke to this Effect, *viz.*
Sir,

Lord Polwarth.

‘ I am sorry to find the Opinions of our Whig Ancestors, about Standing Armies, so much mistaken as they seem to be by some Gentlemen who have spoke in this Debate; for with Respect to the Effects or Consequences of a Standing Army, it will appear that our Ancestors thought there was

*Since Earl of Marchmont, a Scottish Peer.

no Difference, between a Standing Army kept up without the Authority of a Parliament, and a Standing Army, or a Land Force, as the Courtiers affected to call it, kept up from Year to Year by the Authority of Parliament. I shall grant, that before the Revolution all our Disputes about Standing Armies; related to such as were kept up by the sole Authority of the King, and without Consent of Parliament: For before that Time no Whig supposed that a free Parliament would ever give their Consent to the keeping up of a Standing Army within the Kingdom in Time of Peace. This was the true Reason for their agreeing to the inserting those Words, "unless it be with Consent of Parliament," in the Declaration of our Rights and Liberties. By these Words they thought they could not in the least derogate from our Security, against the keeping up a standing Army in Time of Peace; because they could not suppose that a free Parliament would ever consent to any such Thing: But if they had foreseen or imagined, that some future Parliament might be prevailed on to give their Consent to the keeping up of a standing Army in Time of Peace, that Article in the Declaration of our Rights and Liberties, would certainly have been drawn up in such Terms as not to admit of any such Exception. They would not have said, that the raising or keeping up a Standing Army within the Kingdom, in Time of Peace, is against Law; because the Expression would have been improper, and such as could not have been made Use of by any Man who understood our Language; but they might, and would have said, that the raising or keeping up a Standing Army within the Kingdom, in Time of Peace, is inconsistent with our Constitution; for tho' a Law agreed to by King, Lords, and Commons, cannot be said to be against Law, yet it may be, and may properly be said to be, inconsistent with our Constitution. If in some future ambitious Reign, and during the Course of a corrupt and dependent Parliament, our King, Lords, and Commons, should agree to a Law for vesting an absolute Power in the King, such a Law could not be said to be against a Law; but surely such a Law might properly be said to be inconsistent with our Constitution.

' I shall not say, Sir, that the passing of a Law for providing our King with such a Standing Army, as may be sufficient for enabling him to assume an arbitrary Power whenever he pleases, is a Law of this Nature; because I am not of Opinion with Mr. Hobbes, that Power gives Right; but I must be of Opinion, that he who gives another Man Power to take his Right from him, may in some measure be said to give up his Right; for Right is seldom of any Signification against a Power that cannot be resisted;

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and a standing Army kept up from Year to Year, by Authority of Parliament, is certainly as irresistible, and consequently as inconsistent with the Preservation of our Rights and Liberties, as a standing Army kept up from Year to Year without any such Authority. The Distinction between these two Sorts of standing Armies, is a Distinction which could not be made, nor ever was made, in this Kingdom, till the Year 1697: Then, indeed, the Courtiers, who were for obtaining the Consent of Parliament to the keeping up of a standing Army in Time of Peace, found out this Distinction; for I must observe, that in all Reigns, Courtiers seem to have been pretty quick at finding a Distinction without a Difference; but when I reflect upon the Transactions of that Year, I am extremely surprized to hear any Gentleman affirm, that no Whig ever said, that it was inconsistent with, or that it would be dangerous to, our Constitution, to keep a few regular Troops in Pay for one Year, in Case the Parliament should give their Consent. Was not this the very Question then in Dispute? And did not all the true Whigs range themselves upon the affirmative Side of the Question? Did not they all, both in their Speeches and Writings, affirm, that the keeping up of a standing Army from Year to Year, whether with or without the Consent of Parliament, would be of the most dangerous Consequence to our Constitution? They did not then say that the Parliament ought not to consent to the keeping up a standing Army in Time of Peace, because we were then under no Necessity for so doing; but they said we never could be under any such Necessity; because the Danger we subjected ourselves to, by keeping up a standing Army in Time of Peace, was greater, and more to be dreaded, than any other Danger we could ever be exposed to.

‘ This, Sir, will appear from the whole Tenor and Spirit of the Pamphlets that were wrote by the staunch Whigs upon that Occasion; particularly from the two Arguments against a standing Army, published in the Year 1697, and said to have been wrote by a Gentleman, whom all the World must allow to have been a true Whig, and an honest Man; I mean the late Mr. Trenchard, who in one of these Pamphlets expressly says, that an authorized standing Army (meaning an Army kept up by Authority of Parliament) is worse than a foreign Invasion, and Conquest from abroad. This, Sir, he not only gives as his own Opinion, but he gives very substantial Reasons for supporting his Opinion. That honest Gentleman was in the same Case with many Gentlemen now in this House: He could not distinguish, at least he could find but very little Difference, between a standing Army kept up by Authority of Parliament, and a
standing

standing Army kept up without any such Authority ; for he says, the Army kept up by the late K. James were Aids and Instruments of arbitrary Government, without any legal Authority, and therefore might have been resisted and removed as a Nuisance, as soon as the Nation found itself able ; and an Army kept up by Authority of Parliament, he likewise calls Aids and Instruments of arbitrary Government ; but, says he, they are legal Instruments, and therefore may enslave us by Authority ; nor can they be resisted, because they can plead our own Act and Deed against us. So that in this Gentleman's Opinion, a standing Army kept up by Authority of Parliament, is worse than a standing Army kept up without any such Authority ; and therefore, if he were still alive, we may suppose he would insist upon its being inconsistent with the Principles of a true Whig, to give his Vote in Parliament for keeping up a standing Army, but for one Year ; for he then foretold what we have since in Part found by Experience to be true, that by the Parliament's giving its Consent for keeping up a standing Army in Time of Peace, but for one Year, the Courtiers always mean a Consent for keeping it up in *Secula Seculorum*.

‘ Having thus, Sir, shewn the true Sentiments of the old Whigs, and by that Means justified their Memory against what I take to be an Aspersion thrown upon their Understanding, I must now endeavour to vindicate the present Whig Interest, by shewing the Impropriety of that Compliment, which the honourable Gentleman has been pleased to pass upon the Tories. He has told us, that a standing Army is necessary for preserving the Whig Interest, and that if our Army should be disbanded, or very much reduced, the Tory Interest would certainly prevail. God forbid, Sir, it should be so ! for if it were, I am sure I should very soon become a Tory ; but I differ so much from the honourable Gentleman, that I am convinced the Whig Interest never will be supported by an Army, nor can the Tory Interest be supported by any other Means. This is my Opinion ; but as he and I probably differ extremely in what we call the Whig and the Tory Interest, I must explain what I mean by them, and what Sort of Gentlemen ought, in my Opinion, to be called Whigs or Tories. The Whig Interest I take to be that Party of Men in the Kingdom, who have a due Respect to the antient Powers and Perogatives of the Crown, but think that they ought always to be made subservient to the publick Good, and that they are bounded by the Rights and Liberties of the People : The Tory Interest, again, I take to be that Party of Men in the Kingdom, who have such a Veneration for the Powers and Perogatives of the Crown, as to think, that the publick Good may sometimes be made subservient to them, and that they can be bounded by nothing but the Pleasure of the

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King and his Ministers. In short, the former is the Party that sets up for the Liberty of the Subject, without in-croaching upon any Power or Perogative the Crown can justly claim; the latter is that which sets up for giving such a Loose to the Powers and Perogatives of the Crown, as to leave no Liberty to the Subject.

‘ Now, Sir, I do not call a Man a Whig or Tory from his Behaviour twenty, a dozen, or half a dozen Years ago: I give every Man the Denomination of Whig or Tory according to his present Behaviour. If a Man set out in the first Part of his Life with the Character of a Tory, and acted as such for several Years, yet if he now appears in the Cause of Liberty, and opposes every Scheme that he thinks may tend towards the Establishment of arbitrary Power, I must call such a Man a Whig, and while he behaves in the same Manner, I shall always suppose him to be in the Whig Interest. On the other hand, suppose a Man to have been twenty Years since, or but one Year since, one of the most zealous Assertors of Liberty in the Kingdom, yet if I find that he is now a sanguine Supporter of Prerogative, and ready to contrive or agree to any Scheme that may tend to increase the Power of the Crown, I must call such a Man a Tory, and I must call that Interest which he is engaged in, the Tory Interest. But I am apt to suspect that my honourable Friend calls this the Whig Interest, and if so, I shall readily agree with him, that what he calls the Whig Interest, being that which I call the Tory Interest, cannot be supported without a Standing Army. This may be a prevailing Argument with him for being against any Reduction, but it is an Argument that has a quite different Influence with me; for I think no Interest, nor any Party of Men, ought to be supported, if a Standing Army becomes necessary for their Support.

‘ I come now, Sir, to an Argument which I mention with Regret. I am sorry to hear it said by any Gentleman in this House, that because the People of this Nation are discontented, therefore they must be oppressed; for whatever other Gentlemen may think, I take this to be the true Meaning of the Argument, when they say, That because the People are discontented, therefore a numerous Standing Army must be kept up for keeping them in Obedience. To justify their making use of this Argument, we are told that the present Discontents among the People are chiefly owing to Disaffection. If this were the Case, I must confess I should be under a very perplexing Dilemma between the Regard I have for the illustrious Family now upon the Throne, and the Regard I have for the Liberties of my Country; but, thank God! this is far from being the Case; there is not the least Pretence for saying that any of our present

sent Discontents are owing to Disaffection, because in all the Riots and Tumults we have lately had, there has not been the least Muttering heard against the King, nor the least Indignity offered, no not so much as to any Servant belonging to the Royal Family ; and if any of these Mobs or Riots had proceeded from Disaffection, if the People had been spirited up by Jacobites, if they had been governed by any Sort of Jacobite Principles, or if they had entertained in their Hearts any Sort of Rancour, Malice, or Disaffection against the Royal Family, we cannot suppose them such Politicians, or that they would have put such a Restraint upon their private Sentiments, as not to shew the least Sign of them upon such Occasions.

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‘ This shews, Sir, how groundless it is to pretend that our present Royal Family could not remain three Days in England, if it were not for our regular Troops, especially that such a numerous Standing Army as we have at present, is necessary for defending his Majesty’s Person from Insults or Dangers. No, Sir, whatever may be the Case of some of those who are near St. James’s Palace, I am sure his Majesty and all the rest of the Royal Family might remain at St. James’s Palace, or any other Part of the Kingdom, in the utmost Safety, tho’ neither of them had any such Thing as that now called a Soldier to attend them. Of this now we have a glaring Proof every Day before our Eyes. His Royal Highness the Prince of Wales has at present no Guards to attend him : He passes every Day to and fro in the Streets of London, and travels every where about London, without so much as one Soldier to guard him : Nay he has not so much as one Centry upon his House in St. James’s Square ; and yet his Royal Highness lives, I believe, in as great Security at his House in St. James’s Square, without one Centry to guard him, as his Majesty can be supposed to do in St. James’s Palace with all the Guards about him.’

Mr. Lytelton spoke next in Substance thus :

Sir,

‘ By what I can collect from the long Debate we have had upon this Question, I find the three chief Arguments made use of against the Reduction proposed are, the Fears we are under from the Pretender, the Discontents that are among our People, and the Care we ought to take of preserving that Weight and Influence, which this Nation ought to have in all foreign Negotiations. These, Sir, are the Reasons, and these only are given as the Reasons, for keeping up the same Number of mercenary Troops but for this ensuing Year, which I must think is a little surprising ; for if there be any Weight in any of these Reasons, I think it may be easily shewn, that they will always be as good as they are at present ; and therefore, if any one of them be an Argument for keeping

Mr. Lytelton.

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keeping up the same Number of mercenary Troops but for one Year longer, it must be an Argument for keeping up the same Number for ever. Nay, I believe every one of them will gather new Weight every succeeding Year, and however imaginary they may be at present, I am afraid they will at last become real, and may become good Reasons, not only for keeping up the same Number we have at present, but for keeping up a much greater Number: I am even convinced they will at last become good Reasons for introducing and keeping up a large Body of foreign mercenary Troops; for if our People should become generally disaffected, as well as discontented, our Government could not rely upon an Army raised and recruited from a People generally disaffected: The Soldiers, at least, of such an Army, would be apt to embrace the first Opportunity for following their natural Inclinations.

As to the Discontents that are said to be at present so general among our People, I must with Sorrow confess that I think they are but too general; but I think their Causes are far from being such as have been assigned. An hon. Gentleman has indeed given us a very ingenious Description of what he takes to be the Causes of our present Discontents; but these Causes, Sir, are such as must for ever subsist, and must for ever produce the same Effects; so that if there are no Discontents in the Nation, but what proceed from one or other of these Causes, we can never expect to see an End or a Diminution of our Discontents, and consequently we can never expect to see an End or a Diminution of our standing Army. The first two, I mean the Discontents of those, who are so unreasonable as to expect Safety and Security, without their being at any Trouble or Expence for that Purpose, and the Discontents of those who are so fond of Changes, as to risk their own Destruction rather than not to have one, must both be perpetual; for if there are any such Men in the Kingdom as either of these, there is no Reason to expect they will ever be fewer: Nay, as these Causes are such as proceed from the Nature of Mankind, they are such as must not only for ever subsist, but must in every Nation subsist; and consequently, the Discontents proceeding from these, must be a Reason for keeping a numerous standing Army on Foot, not only at all Times, but in all Nations. From hence I may say, that some of our Neighbours, as well as we, are much obliged to the honourable Gentleman, for furnishing them with a Pretence for keeping up great Armies, which I am persuaded none of them ever thought of before. But every Man who knows any Thing of the Nature of Mankind, must be convinced that there cannot be in this Nation, nor in any other, a great Number of such Men; and therefore no Government
can

can stand in need of a numerous mercenary Army, for keeping such Men in Obedience.

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‘ Another Cause, Sir, which the honourable Gentleman has been pleased to assign for our Discontents, is likewise a Cause which must for ever, and every where, subsist, because it depends upon the Nature of Mankind; and it must in every free Country produce the same Effects it does in this. In every free Country the People have a Right to make their own Laws, and to enquire into the Administration of their publick Affairs; therefore they have a Right to know what may be said for or against either. In such Countries, the most wise and just Administration, the most prudent and necessary Laws or publick Measures, may be traduced and misrepresented by some Men, for selfish Ends; but in every such Dispute, the Government has, from the very Nature of all Governments, a great Advantage: Those who speak or write against the Measures of the Government, even supposing those Measures to be oppressive and unjust, or absurd and ridiculous, are always under a great Restraint; they are always in Danger of exceeding those Bounds that are prescribed by the Laws of their Country, and have often suffered severely on that Account: On the other Hand, those who speak or write in support of such Measures, are never under any such Restraint, and are always richly rewarded; which is an Encouragement their Antagonists can seldom expect, and much seldomer meet with. For this Reason it is impossible to suppose, that by any Sort of Enquiry, by any Sort of Writing or Speaking, any general Discontent can be raised against a just and wise Administration: On the contrary, the more their Measures are canvassed, the more general Satisfaction they must give; for Truth always appears brighter, the more it is exposed to the Light.

The next Cause of Discontent, which the honourable Gentleman has been pleased to call downright Disaffection, is, 'tis true, something peculiar to this Nation; but this Cause must likewise for ever subsist, because, I believe, we shall always have a Popish Pretender without, and some few Papists within the Kingdom: Nay, I know not but that we may always have some Protestants possessed with the Notions of passive Obedience and Non-resistance, however ridiculous they may appear to those who can reason coolly upon the Subject; but I am sure the Number of this Sort of Protestants, is not considerable at present, nor is the Number of Papists so considerable as to afford any Colour for saying, that downright Disaffection is one of the principal Causes of those Discontents, which are at present so general among our People.

‘ Thus, Sir, I have shewn, I think, that all the Causes of Discontent, that have been assigned by those who argue in favour of a standing Army, are such as must for ever subsist, and such

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such as must always have the same Effect they have at present; so that if there are now no Discontents among us, but such as proceed from one or other of these Causes, our Discontents, as I have said, must always be as general as they are at present, and consequently we must always have the same Reason for keeping up the same Number of mercenary Troops: But I am of Opinion, that most of our present Discontents proceed from very different Causes, and that the keeping up of such a numerous standing Army within the Kingdom, in Time of Peace, is one of the chief, tho' not the only Cause, of most of our present Discontents. The honourable Gentleman has told us, that none of our Discontents can be owing to Reason, because there is no Country in the World where the Liberties and Properties of the Subject are more sacredly preserved, nor are there any Subjects who pay less for the Ease and Security they enjoy, than the Subjects of this Kingdom. This may, perhaps, be his Opinion; but even he himself must acknowledge there are Multitudes of Men in the Kingdom, who think otherwise; Men who are neither Jacobites, nor fond of Changes, nor such as would grudge to pay their proportionable Share towards every necessary publick Expence. Can any Man think his Property sacredly preserved, when he is obliged to pay heavy Taxes for supporting a publick Expence, for which he thinks there is not the least Occasion? This is the Case of most Men in the Nation: I believe nine Parts in ten of our People think a standing Army of 12,000 Men, more than we have Occasion for in Time of Peace; therefore nine Parts in ten of our People must think the keeping up of the supernumerary 6,000 a publick Expence for which there is not the least Occasion, and consequently, nine Parts in ten of our People must think their Property is not so sacredly preserved as it ought to be. Can any Man think either his Liberty or Property secure, who thinks that both depend upon the Moderation of a Court, and the Honour of a mercenary Army? This I think has been clearly shewn, in the Course of this Debate, to be our Case at present, and that it must always be our Case as long as we keep such a numerous mercenary Army within the Kingdom; and no Man who thinks so, which is, I believe, the Case of most thinking Men in the Kingdom, can think either his Liberty or Property so secure as it ought to be.

The Liberties and Properties of the Subject may be as secure and as sacredly preserved in this, as in any neighbouring Country; but this, Sir, is not sufficient. If our Neighbours are all Slaves, are we to be pleased with being less Slaves, or happier Slaves, than they? No, Sir: Nothing can please our People, nor ought they to be pleased with any Thing less than

than having their Liberties and Properties as secure and as sacredly preserved, as they ought to be by the Nature of our Constitution; and this they never can, as long as we unnecessarily keep up a numerous Standing Army in Time of Peace. It is not therefore a comparative, it is a real Security our People expect; and every one must be discontented, who thinks he does not enjoy that Security. This, I say, Sir, is one of the chief Causes of our present Discontents; and as it has been admitted on all Sides, that Discontent may at last deviate into Disaffection, those who are really afraid of the Pretender, and have nothing else to fear, ought, and certainly will, be for removing this Cause of Discontent as soon as possible.


‘ It may, as I have said, Sir, be true, that in this Country the Liberties and Properties of the Subject are as sacredly preserved as in any other; but I am surpris’d to hear it said, that there are no Subjects who pay less for the Ease and Security they enjoy, than the Subjects of this Kingdom; for I will venture to affirm, and, if it were necessary, I could from Calculation and Comparison make it appear, that the Taxes paid by the People of this Kingdom yearly, amount to a greater Sum, in Proportion to their Numbers, than is paid yearly by any People, I believe, under the Sun; therefore, if there be any publick Expence incurred, that is not absolutely necessary, or if any Man has of late Years with Impunity involved the Nation in Expences, which were not necessary, whoever thinks so, must have Reason to be discontented, without imputing his Discontent to any of the Causes the hon. Gentleman has been^dpleas’d to assign; and I am afraid there are but too many who think so; but whether they have just Ground to think so, I shall not take upon me to determine. If they have not, surely some proper Methods may be found, to perswade them they are in the wrong; for to pretend to convince them by a Standing Army, I must look on to be the same with that Method of Arguing, which Popish Inquisitions make use of for the Conversion of Hereticks and Infidels; or, as a facetious Author of our own has express’d it,

Such as do build their Faith upon
The holy Text of Pike and Gun.*

‘ I come now, Sir, to the third Reason that has been insisted on for our keeping up the same Number of regular Troops, which is, That it is necessary for preserving the Weight and Influence this Nation ought to have in all foreign Negotiations. This likewise is brought as a Reason for keeping up the same Number of Forces, only for this ensuing Year; but does not every one see, that this must be

* *Hudibras*.

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as strong a Reason with next Session, and with every succeeding Session of Parliament, as it can be with the present? If the Weight and Influence we now have in foreign Negotiations depend upon the Number of mercenary Troops we keep in our Pay, what Reason can be assigned for its not depending a Year hence, or two Years hence, upon the same Cause, as much as it can be supposed to do at present? This Reason, therefore, like the two former, must be a perpetual Reason for keeping up the same Number of mercenary Troops; for I fancy it will not be supposed there can ever happen a Time, when we shall have no Occasion for having any Influence in foreign Negotiations; but this, Sir, can be no Reason for keeping up a numerous Standing Army in Time of Peace, either in the present or any future Time; for I am certain, the Weight and Influence of this Nation in foreign Negotiations of all Kinds, and in all Countries, must depend upon the Wisdom of our Councils, and the Unity and Confidence that subsists between our King and People. Our Neighbours are fully sensible of the Power of this Nation, and will always have a due Regard for that Power, when they think it is united, and prudently directed. This we may be convinced of from every Part of our History, and this is one of the strongest Arguments with me for reducing our Army; for by keeping up a numerous Standing Army in Time of Peace, we shall always convince Foreigners, that there are Discords and Animosities between our King and People, or that there is great Folly in our Councils; because, if there are no Discords or Animosities between our King and People, considering the Situation of our Country, and the Superiority of our Fleet, we can have no Occasion for keeping up a numerous Land Army in Time of Peace; therefore no wise Administration will put their People to such an unnecessary Expence; and no Foreigner will have any great Regard for our Power, if it were much greater than it is, as long as they are convinced, that our Power is divided, or that it is under the Direction of weak and ridiculous Councils.

This, Sir, I am afraid is an Effect which we feel at present. We have for so many Years kept up a numerous Standing Army in Time of Peace, that Foreigners, I am afraid, begin to think the Power of this Nation is divided, or not prudently directed; and therefore have not shewed us so much Regard, in some late Negotiations, as they ought to have done. I am convinced they will find themselves mistaken, if they should at last by their Conduct oblige us to make use of our Power, in order to convince them of their Error; for this is one of those few Errors which can be removed only by Force of Arms; but a numerous Land Army
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can never be the most proper Sort of Force for this Nation to make use of, even for such a Purpose; and much less can it be proper or necessary for us to provide any such Army, till we have Occasion for them. Our Neighbours all know we can have such Armies whenever we have a Mind, because we have Money to pay for them; and if we cannot march them by Land, they know we have an irresistible Fleet, which can convey them where-ever we please to direct our Vengeance.

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‘ With respect to Spain, Sir, I am sorry to say it must be confessed, that we have negotiated in vain, and they have plundered with Success for too many Years; but what can this be owing to? Can it be thought they are ignorant of the Power of Great Britain, or that they would dare to stir it up to Vengeance, if they thought it were united, and wisely conducted: No, Sir, this is not to be presumed: They are certainly of Opinion, that there are Discords and Animosities subsisting between his Majesty and his People; and this Mistake of theirs can be owing to nothing but to our having kept up in this Island, for so many Years, such a numerous Standing Army; therefore, if we expect to obtain Redress from them by Negotiation, the most probable Way of succeeding would be, to make an immediate Reduction of our Army. But suppose we can expect no such Thing; suppose we are now fully convinced, that the only Way of obtaining Reparation must be by Force of Arms, what Reason can we have for keeping up a numerous Land Army for that Purpose? No Man will pretend, that in Case of a War with Spain, we can or ought to invade that Kingdom with such a Land Force, as may be superior to any Army they can send against it: All we have Occasion for, is to send a superior Fleet, with some Land Forces on board, to infest their Coasts, till we have brought them to reasonable Terms; and for this Purpose we could spare Troops enough from Britain and Ireland, even though the present Reduction should be agreed to; or if we could not spare enough of our own, what should hinder us from hiring as many from some of our Neighbours, as we can have Occasion for upon any such Occasion?

For this Reason, Sir, I little expected that the present Situation we are in with respect to Spain, should have been mentioned as a Reason for Land Forces; but I am surprised they should mention it for this Purpose, after they had forgot to make the least mention of it, when they were racking their Invention to find Reasons for the general Discontent that reigns at present among our People; for can it be questioned but that the Depredations and Barbarities committed by the Spaniards with Impunity, for so many Years, against our Merchants and Seamen, occasion great Discon-

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tents and great Heart-burnings among our People? Every Man who has been plundered, insulted, or cruelly used by the Spaniards, and who has complained in vain to those who are in Duty bound to give Ear to his Complaints, must be dissatisfied; and all those who have heard their melancholy Tale, must be dissatisfied, if they have any Regard for the Honour, the Trade, or the Happiness of their native Country, which must all be greatly affected by suffering such Indignities to pass unpunished. I hope we have always been, I hope we still are, in a Condition to take proper Vengeance, whenever we find that no Sort of peaceable Measures can procure us Reparation or Security; but if we are not, I suspect there must be some Fault in our late Conduct; and if there is, it ought to be inquired into in a proper Way, and punished in a severe Manner: It would give some Satisfaction to the Sufferers and to the People, to see Justice done upon those (if there be any such) who, by their ill Conduct, have brought the Nation into such a forlorn and helpless Condition.

This, Sir, leads me naturally to consider a Supposition that has been made, and an Argument for a numerous Standing Army that has been drawn from it, by an honourable Gentleman in this Debate, with both of which I am not a little surprized. It has been supposed, that the Discontents of our People proceed from notorious Oppressions or Malversations in our Administration, and from thence it has been argued, that our Army ought not to be reduced till the Authors of such Oppressions and Malversations have been tried and punished in a proper and legal Method. With respect to any of our present Discontents, or our present Administration, I am sure no such Supposition can be made; but allow me, Sir, to make such a Supposition with respect to some future Administration. Suppose then, that in some future Age, an Administration, or a Set of Ministers, or, if you please, one prime and sole Minister, should for several Years, under the Shadow and Protection of a Standing Army, carry on oppressive and ridiculous Measures; would not these Ministers, or that Minister, during that whole Time, endeavour to put the Army entirely under the Command of his Creatures and Dependants? And would not he, at the same Time, endeavour to bring as many of those Creatures and Dependants into Parliament as possible? By this latter Method he might, perhaps, be able to prevent any Enquiry or Prosecution's being brought into Parliament against him; and in case, by the Virtue, or the Resentment of the People, he should fail in this Method of protecting himself, he might then probably, by Means of the former Method, be able to treat the Parliament as Oliver Cromwell treated the Parliament in his Time.

Time. Now, I would be glad to know, what Gentleman would be such a Fool as to move for any Sort of Prosecution in Parliament against a Minister, who, he knew, had a Majority in that very Parliament, that would justify him at any Rate: Or what Parliament would be such Fools as to begin a Prosecution against a Minister, that had an Army at his Beck sufficient for turning them out of Doors.

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‘ In every such Case, Sir, a Reduction of the Army must be the first Step, that could possibly with any Prudence be taken; for if the Friends of the People should find themselves disappointed in that Step, it would be ridiculous, it would be Madness in them, to expect Success in any legal Method they could take, for bringing the Authors of such Oppressions or Malversations to Justice.

‘ But if they should succeed in this, they might from thence conceive some Hopes; and the People would look upon it as a preparatory Step for relieving them from all their Grievances: They would then begin to put a Trust and Confidence in their Parliament, and would wait with Patience for that Relief, which they saw their Parliament was about to give them; for there is no Example in our Histories, of our People’s ever endeavouring to take Vengeance, or to do themselves Justice, in a riotous and tumultuous Manner, as long as they have any Hopes of obtaining it in a legal or Parliamentary Method. Therefore, if ever this Nation should happen to fall into such unfortunate Circumstances, as have been supposed, a Reduction of the Army would be the most proper Method the Parliament could take, for preventing Mobs, Tumults, or Insurrections among the People; and it would be the only Method, by which the Parliament, or at least the People’s Friends in Parliament, could hope for Success in their generous Design of relieving their Country.

‘ Thus, Sir, I think I have shewn, that none of the Arguments made use of for our keeping up the same Number of Forces for this ensuing Year, are such as can be of any Weight, and that if they were now of any Weight, they are such as not only must have always the same Weight, but must every Year acquire an additional Weight: Therefore, with Mr. Trenchard, who has been already mentioned in this Debate, I must conclude, that those who make use of such Arguments, for keeping up such an Army for one Year only, are really in their Hearts for keeping up such an Army in *Secula Seculorum*; and to make us swallow this bitter Pill the more glibly, we are told, why would you make a Reduction in your Army? The few additional Troops you propose to reduce, cost the Nation but a mere Trifle yearly: You will save but 216,000 l. a Year by the Reduction proposed; which can make no extraordinary Figure in
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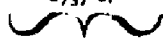
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the publick Accounts of this Nation. What Figure such a Saving may make in that Gentleman's Eyes, I do not know, Sir; but a Saving of 216,000 l. will, I am sure, make a very considerable Figure in the Eyes of every Gentleman, who is not accustomed to deal in Millions. Even this Saving alone for twenty Years past, would have paid off above six Millions of publick Debt; for an Annuity of 216,000 l. at Four *per Cent.* compound Interest, amounts in twenty Years to near 6,500,000 l. and notwithstanding the great Debt we owe, I must think that a Payment of 6,500,000 l. would make no inconsiderable Figure, when compared with the Sum Total of our publick Debts. But this is not all; for if we had reduced our Army twenty Years since to twelve thousand Mén, we might long before now have reduced them to a much less Number; for the Nature of a Standing Army is such, that the more you reduce it, the more you may, and the more you increase it, the greater Reason will you always have to increase it.

Every one knows, Sir, how our Parliamentary Armies have increased, since the Year 1697, which was the first Time such a Thing was introduced by Consent of Parliament. It was then asked but for one Year, but the Nation has never since been able to get rid of it, and it has vastly increased since that Time. I doubt much if it is yet come to its full Growth; for I do not know but that twenty Years hence, or under some future Administration, I may see a Standing Army of thirty thousand thought as necessary, and agreed to by Parliament as unanimously, as an Army of eighteen thousand is now. Even this very Year, though no Addition has been made to our Troops here in Britain, yet an Addition of one Regiment is, I hear, to be made, or has already been made, to our Troops in the Plantations. I do not say, Sir, but that it was necessary to send some additional Troops to that Country. I wish most of the Troops we now have in Great Britain were always kept there. In that Country they might sometimes be useful, and could never be dangerous to their native Country; and the honourable Gentleman, who is to have the Command of the Troops to be sent thither, will, I am sure, make the best Use of them upon any Occasion that shall offer; but I think there was no Necessity for raising a new Regiment for that Purpose; I think one of the Regiments we have at home might have been sent thither; I am sure we could have spared half a Dozen. This new Regiment is a new Addition to the annual Charge of the Nation, I reckon, of near 10,000 l. if not more, as will appear by comparing the Estimate of the Charge of his Majesty's Forces in the Plantations, Minorca, and Gibraltar, for this next ensuing Year, with

with the Sum granted by Parliament for the same Purpose last Year: I say, upon comparing these two Sums together, it will be found that the former exceeds the latter by at least 10,000 l. And considering the great Debt we owe, and the many heavy Taxes our People are obliged to pay, I think nothing but the most absolute Necessity should induce us to load the Nation with the most trifling Addition to its present annual Charge.

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1737-8.



‘ I shall conclude, Sir, with observing, that even the honourable Gentlemen who have spoken against the Question now under our Consideration, have furnished us with a most powerful Argument in its Favour. They have told us, that a Standing Army can never contribute towards the Overthrow of our Constitution, without its being properly garbled for that Purpose. I do not know what these Gentlemen call garbling, but when I see Gentlemen of the Army turned out of their Commissions, or threatened to be turned out, without a Pretence of their having been guilty of any military Crime; when I see others advanced and preferred out of their Turn, to the Prejudice of those whose Turn it was to have that Preferment, without so much as a Pretence of any superior military Virtue in the former; I say, Sir, when I see such Things done, and frequently done, I must call it garbling the Army; for when a Man is punished for a Vice, or rewarded for a Virtue, which he that is the Cause of inflicting the Punishment, or bestowing the Reward, dares not, or is ashamed to own, I shall always suspect that the natural Course of Things is inverted, that the Vicious only can expect to be rewarded, and that the Virtuous are sure of being discouraged, if not punished, as soon as their virtuous Disposition begins to appear. Julius Cæsar had as great Reason as any Man can ever have, to discourage Virtue and reward the Vicious: Julius Cæsar did sometimes threaten Men for doing their Duty; but Julius Cæsar was always extremely shy of putting such Threats in Execution. We are told, that when he went to seize upon the sacred Treasure of Rome, and was opposed by Metellus, the Tribune, he threatened to kill Metellus, and at the same Time told him, *Istud nonne scis adolescentule, longe mihi difficilius dicere, quam facere.* This was threatening a Man for doing his Duty, but Julius Cæsar took care not to put that Threat in Execution. In this Age, and in this Country, we have heard of Men's having been threatened for doing their Duty: We have not only heard of such Threats being made, but we have some Reason to suspect they have sometimes been put in Execution; for when an Officer of the Army is turned out of his Commission without any publick Accusation; whatever Accusation may have been privately brought against him, we have Reason

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- Reason to suppose the Accusation false, and that the true Cause of such an Accusation's being brought against him was, his having done his Duty, or his having refused to do what he thought was inconsistent with his Honour. If such Practices have been lately introduced, I must think that those who have introduced them, have begun to garble the
- Army; and therefore, even according to the Opinion of those Gentlemen who have argued against this Question, it is now high Time for the Parliament to think of reducing the Army; for if the first Session of Parliament after such Practices have been introduced, should pass them over without Notice, it may probably be put out of the next, or any future Session, to take the least Notice of them, or to prevent the fatal Effects of them by a Reduction.'

The next that spoke was Sir Thomas Sanderfon, whose Speech was to this Effect, viz.

Sir,

Sir T. Sanderfon.

' I seldom give this House the Trouble of hearing what I can say upon any Question that happens to be before them; but sometimes the Spirit moves, and then I must out with it. However, tho' I am at present moved by a Sort of Spirit, yet I cannot pretend it is a Spirit of Prophecy: I cannot pretend to tell what will happen twenty Years hence, or under any future Administration: I have not so much Foresight; nor have I so sharp an Eye towards any future Administration, as some Gentlemen seem to have who have spoke before me in this Debate. Whether any future Administration will think a greater Number of regular Troops necessary than we have at present, is what I shall not pretend to determine; but this I may venture to foretel, that no future Administration will think a less Number necessary; and if I live to see a new Administration, I may happen to see some of those Gentlemen, who have this Day argued so strenuously against the present Number, then arguing as strenuously for keeping up a greater Number.

' Those who call themselves Whigs, are, indeed, the only Persons who can, with any Confidence, argue against a Standing Army; for if any noted Tory, or suspected Jacobite, should argue against our keeping up a few regular Troops by Authority of Parliament, it would be easy to answer him. Every Man would compare him to the fat Man, who muttered and complained against the Crowd, which he himself was the principal Cause of; but I wish those Whigs who now argue against a Standing Army, would consider what they have been, or what they may be. If the Journals of this House had been exactly taken, and religiously preserved, I do not know but it might have been found, that some of them are now making use of the Arguments, which they

they themselves have formerly with great Strength of Reason refuted; and others may, for what they know, be laying themselves under very great Difficulties; for they may perhaps be now laying a Foundation for bringing their own Authority against their future Opinion. 'Tis true, a Man may change his Opinion; but whatever Cause he may find from a Change in his own Circumstances, he may perhaps find it hard to give a Reason for changing his Opinion from any Change in the Nature of Things, or in the Circumstances of the Nation; and no Man will then chuse, I believe, to say, that he is now for a standing Army, because he is a Minister, and was formerly against it because he was not.

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1727-8.

‘ But, Sir, of all those who have this Day declared themselves against a Standing Army, I am surprized at those who are called by the Patriots, Placemen. I know they call us so by Way of Contempt; but whatever they think, I shall never be ashamed of serving my Country, in any Post the Crown pleases to put me in, nor can I look upon it as a Discredit to have an Honour conferred upon me, by what even the Patriots themselves must allow to be the only Fountain of Honour in this Nation. I am convinced all Placemen are of my Opinion, and I am surprized to hear any Placemen arguing in favour of a Reduction of the Army; for we, who have Commissions in the Army, must be allowed to be Placemen as well as others; and if the Spirit of reducing should prevail, with Respect to military Placemen, our civil Placemen would do well to look to themselves, for many of our civil Posts may be thought as dangerous and as useless as most of our military: Nay, I do not know but this Spirit may at last attack our established Church, by reducing all the useless ecclesiastical Posts in the Kingdom; in which Case I do not know but it might with some Reason be said, the Church is in Danger. It is commonly said, that two of a Trade can never agree; and yet we find it is natural for all those of a Trade to unite together, and to form a Sort of Society for their mutual Support; I think we Placemen ought to do the same: Tho’ we sometimes fall out about which of us shall have the better Place; yet when the Places themselves are attack’d, we ought to unite together for supporting the Craft.

‘ I have been long conversant among Soldiers, Sir, and I must say, I could never find they were less reasonable Creatures, or more fond of arbitrary Power, than other Men; therefore, I must presume, that they will always be as zealous for supporting our Constitution as any other Set of Men in the Kingdom; and, I cannot think a Man’s receiving Pay as a Soldier, will make him less zealous than he would be if he were to receive none. Therefore, I can never think

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our Constitution will be in any Danger from a regular Army of our own Subjects; and those who stand the Brunt while their Country is in Danger, certainly deserve some Reward after the Danger has been repelled, and Peace restored to their Country, by their Means; for I hope it will not be said, that the Pay a Soldier receives while the War continues, is to be looked on as a Reward for his Services; it is given only as a Subsistence; his Reward he must expect from the Gratitude of his Country, if he lives to see an End of the War. In Kingdoms or States that have but small Territories, their Wars seldom last long, nor have their Armies far to march, so that they can easily send out one Army, or one Body of Men, to relieve another; therefore, their whole People march out by Turns, and every Man of the Society has his proportionable Share of the Fatigue and Danger of the War; for this Reason, no Man can expect any extraordinary Reward, because no Man performs any extraordinary Service; but when the Dominions of a Kingdom or State become extensive, their Wars last long, and are at such a Distance, that one Army cannot be sent out to relieve another; one Part of the Society, or one certain Body of Men, are therefore employed to carry on the War, while most of the rest, even during the War, enjoy all the Blessings of Peace; for this Reason it is but just, that those who are employed as Soldiers, should be subsisted during the War, and that, after Peace is restored, they should receive some Reward, for the extraordinary Services they have performed. This has always made, and always will make, Standing Armies necessary, in all States or Kingdoms, whose Dominions are extensive. Therefore, to turn all Soldiers adrift, as soon as by their Valour they have restored Peace to their Country, would, in my Opinion, be unjust, and, I think, I may say, the Height of Ingratitude. It would verify a little Epigram I have heard, which I shall not repeat, because some Gentlemen might think it irreligious; but the Purport of it is, That our Behaviour towards a Soldier, is the same with that which is too often our Behaviour towards God: They are both forgotten, as soon as the Danger is over.'

After him, William Pitt Esq; spoke in Substance as follows, viz.

Sir,

William Pitt Esq;

' If the Question now before us were not an Affair of too serious a Nature, it would be extremely easy to be witty upon it, especially, as the honourable Gentleman who spoke last has given us so good a Handle; but, I must confess, it seems to me of so much Importance with Respect to our Constitution, and the Happiness of our Country, that I cannot, and I think no Gentleman ought to make himself merry upon

upon such an Occasion; for tho' the Preservation of our Constitution were no Way concerned, yet the Loading of our People with an additional Expence of 2 or 300,000 £. is, in my Opinion, an Affair of too affecting a Nature to be treated in a ludicrous Manner.


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1737-8.

' As to what the Honourable Gentleman has been pleased to say about those he calls Placemen, I shall agree that, if they were to be directed in their Opinions by the Places they possess, they might perhaps unite for the Support of one another, against the common Good of the Society; but I hope none of them are under any such Direction; I am sure the Honourable Gentleman himself is not, and therefore I am convinced he is not serious, when he talks of being surprized at any Placeman's declaring for a Reduction of our Army; for, of all Men, those who enjoy any Places of Profit under our Government, ought to be the most cautious of loading the People with any unnecessary Tax or Expence; because, as the Place they possess generally brings them in more than their Share of all our Taxes can amount to, it may be properly said, that by consenting to any Article of publick Expence, they lay a Load upon others which they themselves bear no Share of.

' I must look upon myself, Sir, as a Placeman, as well as the honourable Gentleman who spoke last: I am in the Service of one of the Branches of the Royal Family, and think it my Honour to be so; but I should not think it, if I were not as free to give my Opinion upon any Question that happens in this House, as I was before I had any such Place; and, I believe, from the Behaviour of Gentlemen, upon this very Occasion, it will appear, that all those who are in the same Service with me, are in the same State of Freedom; because I believe, they will, upon the Question now before us, appear to be of different Opinions. But, there is another Set of Placemen, whose Behaviour surprizes me not a little; because, upon every Question that occurs relating to publick Affairs, they are always unanimous; and I confess, it is to me a little astonishing, that 2 or 300 Gentlemen should, by an unaccountable Sort of Unanimity, always agree in Opinion upon the many different Sorts of Questions that occur yearly, and that not for one, but for several Years together. I am convinced this surprizing Unanimity does not proceed from any Effect of the Places they have under the Crown; for if it did, a Man's being possessed of any Place under the Crown, would, in such a Case, I am sure, be an infallible Reason for the People not to trust him with the Preservation of their Liberties, or the Dispensation of their Properties in Parliament.

' Then, Sir, as to the Tories and suspected Jacobites, I am surprized to hear any Comparifon made between them

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and the fat Man in the Crowd: There are so few of either in the Kingdom, that I am sure they can give no Man an Occasion for being afraid of them, and therefore there is not the least Shadow of Reason for saying, they are the Occasion of our being obliged to keep up such a numerous Standing Army. The Army, indeed, or rather those who have been the chief Advocates for our keeping up such a numerous Standing Army, may properly be compared to the fat Man in the Crowd; for the keeping up of such an Army is the chief Cause of our Discontents, and those Discontents are now, we find, made the chief Pretence for keeping up such a numerous Army. Remove therefore but the Army, or a considerable Part of it, and the Crowd, or the Discontents you complain of, will cease. The Consequences, 'tis true, may be fatal to some of those, who have been the Causes of loading the Nation so long with such an unnecessary Expence; but no honest Man, I am sure, will think that their Safety is to be put in the Balance, with the Satisfaction of the People, and the Safety of the Nation.

' I come now, Sir, to the only Argument the honourable Gentleman made Use of, which can admit of a serious Consideration; and if our Army were entirely, or but generally, composed of old Veterans, inured to the Fatigues and the Dangers of War, and such as had often ventured their Lives against the Enemies of their Country, I confess the Argument would have a great deal of Weight; but considering the Circumstances of our present Army, I can hardly think my Honourable Friend was serious, when he made Use of such an Argument. As for the Officers of the Army, they are quite out of the Question; for in Case of a Reduction, there is a handsome Provision for every one of them: No Man can doubt, nor would any Man oppose, their being all put upon half Pay; and I must observe that our half Pay is better, or as good as full Pay, I believe, in any other Country of Europe; for in the Method our Army is now kept up, I could shew by Calculation, that it costs the Nation more than would maintain three Times the Number of Men, either in France or Germany. And as for the Soldiers, I believe it may be said of at least three fourths of them, that they never underwent any Fatigue except that of a Review, nor were ever exposed to any Danger except in apprehending Smugglers or dispersing Mobs; therefore I must think they have no Claim for any greater Reward than the Pay they have already received, nor should I think we were guilty of the least Ingratitude, if they were all turned adrift to-morrow Morning.

' But suppose, Sir, the Soldiers of our Army were all such as had served a Campaign or two against a publick Enemy

my ; is it from hence to be inferred, that they must for ever after live idly, and be maintained at the Expence of their Country, and that, in such a Manner, as to be dangerous to the Liberties of their Country ? At this Rate, if a Man has but once ventured his Life in the Service of his Country, he must for ever after be not only a Burden, but a Terror to his Country. This, Sir, would be a Sort of Reward, which I am sure no brave Soldier would accept of, nor any honest one desire. That we should shew a proper Gratitude to those who have ventured their Lives in the Service of their Country, is what I shall readily acknowledge ; but this Gratitude ought to be shewn in such a Way, as not to be dangerous to the Liberties, nor too burdensome to the People of our Country ; and therefore, after a War is at an End, if a Soldier can provide for himself, either by his Labour, or by means of his own private Fortune, he ought not to expect, and, if he is not of a mercenary Disposition, he will scorn to receive, any other Reward, than that which consists in the peculiar Honours and Privileges that may and ought to be conferred upon him, by the established Laws of his Country.

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1737-8.



That we ought to shew a proper Gratitude, that we ought to give a proper Regard to every Man, who has ventured his Life in the Cause of his Country, is what I am sure no Gentleman will deny : But when I have said this, Sir, I cannot help observing how defective our Laws and Customs are in this Respect. Is not this an unanswerable Argument for establishing this Gratitude, and ascertaining this Reward, by a publick Law ? Yet as the Laws now stand, an old Officer, a Man who has often ventured his Life, and often spilt his Blood, in the Service of his Country, may be dismissed, and reduced, perhaps, to a starving Condition, at the arbitrary Will and Pleasure, perhaps at the Whim of a favourite Minister ; so that by the present Establishment of our Army, the Reward of a Soldier seems not to depend upon the Services done to his Country, but upon the Services he does to those who happen to be the favourite Ministers at the Time. Must not this, Sir, be allowed to be a Defect in the present Establishment of our Army ? And yet when a Law was proposed for removing this Defect, we may remember what Reception it met with, even from those who now insist so highly upon the Gratitude we ought to shew to the Gentlemen of our Army.

The Question being put the Motion was rejected : Noes 249, Yeas 164. So the Resolution was agreed to.

February, 16. My Lord Sundon acquainted the House, that he had a Petition in his Hand from the Dean and Chapter of Westminster. Upon which he opened the Nature of the Petition,

Lord Sundon,

Anno 11 Geo. II.
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Sir Robert Walpole.

tion, and Sir Robert Walpole, by his Majesty's Command, acquainted the House, that his Majesty being inform'd of the Contents of the said Petition, recommended it to their Consideration.

Then the said Petition was brought up and read, setting forth that said Collegiate Church came into the Hands of the first Dean and Chapter unfinished, and by Length of Time and Badness of the Materials, became so ruinous, that in the eighth and ninth of William III. in Regard to its being of antient and Royal Foundation, an annual Sum for a certain Term of Years, was granted by Parliament for repairing the same, under the Direction of the Chancellor of the Exchequer, the Lord Chief Justice of the King's Bench, and the Dean of Westminster, who were appointed Commissioners for that Purpose: And that by an Act passed in the ninth of Queen Anne, a Sum of four thousand Pounds per Annum for a certain Term of Years was granted to the said Commissioners, towards repairing and finishing the said Collegiate Church and the Chapels of the same; and that in Order to the finishing it, as directed by Parliament, Sir Christopher Wren, then the Surveyor, form'd the Design of erecting a Spire in the middle Tower, a Model of which he then prepared, and a Draught of which with the rest of the intended Building, was laid before this House, the last Session of Parliament; and that by Acts passed in the 6th, 7th, 8th, and 10th, of his present Majesty, the several Sums of four thousand Pounds each Year, have been issued and applied towards carrying on the said Works: And an Account how the same has been expended, has been annually laid before this House, and that all the Monies granted as aforesaid being expended, the said Works are now at a Stand, which the Petitioners submit to the Consideration of this House, acknowledging the Favours already conferred on the said Collegiate Church, as well by the present as by former Parliaments, and praying for the Continuance thereof.

Sir Wm. Yonge.

After which Lord Sundon mov'd, that the said Petition be referred to the Consideration of the Committee of the whole House, to whom it was referred to consider further of the Supply granted to his Majesty. He was seconded by Sir William Yonge, and then Sir Thomas Aston spoke to the following Effect:


Sir,

Sir Thomas Aston.

'I remember a Story that was told of a great Favourite of King Charles the Second. This Gentleman, who was a true Cavalier, fought for the Father, and was banished with the Son, whom he attended all the Time of his Exile. Upon the Restoration of the Royal Family he still continued to follow his Master's Fortune, but never minded his own; 'till his continual Attendance at Court, his giving into

into all the fashionable Expences of the Times, and the Figure which his Intimacy with his Majesty obliged him to support, at last exhausted every Shilling of his Estate. But such was the Gentleman's Modesty, (a Virtue, you'll say, very rarely to be met with in the Favourite of a Monarch) that he never made one Solicitation in his own Behalf, tho' he had many Opportunities of doing it. At last the King, being informed of his Circumstances, took Occasion one Day, as the Gentleman was soliciting a Post for one of his Friends, to tell him, " Sir, says he, you have been a very faithful
 " and a very constant Servant to me ; I have had great Satisfac-
 " tion in your Company without your being a Shilling the
 " better for me, though I am persuaded your Estate has suf-
 " fered considerably in my Service. As you are a Man of
 " Sense, and fit for Business, why do not you ask something
 " for yourself?" The Gentleman made no other Return to his Majesty at that Time but a profound Acknowledgment of the Honour he had received, by his Majesty's being so mindful of him ; but some Time after, being all alone with the King ; Pray, Sir, says he to his Majesty, be so good as to lend me half a Crown. Half a Crown ! answers the King, what do you mean ? if you have Occasion for a larger Sum, you may have it.—No, no, replies the Gentleman, this small Piece does very well to begin with ; for I have often observed, that once put you in the Way of giving, it is easy to keep you in it, and then you do not care how much you give.

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1737-8.



‘ Though this Story, Sir, especially as to the Modesty of the Petitioner, may not in every Respect be parallel to the Case now before us ; yet I think there is something in the giving Humour of the Monarch pretty applicable to our Conduct on former Occasions of this Nature. The Sum, Sir, that was originally asked for, and granted, for Purposes mentioned in this Petition, could have made no great Figure in the publick Accounts, had we stopt there ; but an Accumulation of that Sum, Sir, from time to time, obtained when we were in the giving Humour, would make, I think, no despicable Article, if applied towards the Discharge of some Part of the national Debt. Therefore, Sir, I think we should rather stop now than later ; and I hope this Petition will lie upon the Table.

Mr. Worsley spoke next to the following Effect :

Sir,

‘ Though I have a most profound Respect for the Dean and Chapter, and should be glad to see our Churches make a Figure becoming the Grandeur of his Majesty and this Nation ; yet, I own, I cannot approve that the Disposal of the Parliaments Bounty for that Purpose should be intirely in the Hands of
 the

Mr. Worsley.

Anno 11 Geo. II.
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the Clergy. I do not speak this as if they were capable of misapplying any Part of it; but merely from my having so great a Respect for that venerable Body, that I am unwilling they should be burdened with any other Cares besides those of their Function, which are many and weighty. I am therefore, Sir, surpris'd that the honourable Person who brought up the Petition, should appear so pressing for us to grant it; since it is certain we cannot do it without putting these good Men to very great Trouble. The Overseeing of a Work, Sir, that costs four thousand Pounds every Year, takes up no small Part of a Man's Time; and though some Laymen are joined in the Commission for managing this Bounty, yet we know the Fatigue of it is intirely left to the Reverend Clergy. Now, Sir, this is an Injustice done not only to them but to the Laity also, who must suffer greatly by their spiritual Guides having so many Avocations from the Duties of their Functions; besides, Sir, we are to consider, that the Way of Life in which these Reverend Persons have been educated, gives them no Opportunity of knowing the Prices and Materials of Working Men, or of forming a right Judgment upon the Sufficiency of their Work; both which are very necessary Qualifications in the Overseers of a Business of this Nature: So that I dare say, Sir, the Reverend Gentlemen will think themselves highly obliged to this House if we should ease them of that Trouble; and this upon a double Account. First, as they will have more Leisure for looking after their spiritual Concerns, which, to such disinterested good Men as they are, is a most invaluable Blessing; and secondly, as we can put the Inspection of the Work into Hands who will take care to have it done to the best Advantage, and at the least Expence. Therefore, Sir, I am for letting this Petition lie upon the Table till a Lay Commission for overseeing the Execution of the Work is made out.

Sir Robert Walpole said next:

Sir,

Sir R. Walpole

I am intirely of the honourable Gentleman's Mind who spoke first, in thinking that more Money has been expended upon the Desire of this Petition than perhaps the Parliament expected when they made the first Grant for this Purpose. But that, Sir, is the very Reason, why, in my Opinion, we ought to agree to the Petition; for it would be very absurd in us, after the great Expence the Nation has been at on this Account, if we should leave the Work unfinished to save a trifling Sum. The Reasons that induced the Parliament at first, Sir, to promote and encourage the Design of repairing and finishing this Church, were such as were worthy so august a Body. Should we let the Church where the Bodies of our greatest Princes are deposited, and which lately received the Remains
of

of a Princess whose Memory must be ever dear to Britain, be the only Church in the whole Kingdom not properly provided for, we should justly expose ourselves to the Censure of the rest of Europe, and of every Stranger who visits us. The Expence therefore which the Desire of this Petition requires, is an Expence we ought to be at for own Honour, for the Honour of the Nation, and let me add, for the Honour of the Royal Family. These, and no other, are the Motives, Sir, that incline me to give my Vote for our granting the Petition, and I am persuaded Gentlemen will easily concur, when they compare the Reasonableness of the Thing to the Smallness of the Expence.

‘ As to what was urged by the honourable Gentlemen who spoke last, in that the Inspection of the Work ought to be committed to Laymen, I *seriously* own that I was once of his Opinion, and I remember one Year that the Experiment was actually made. But at the same Time I remember, that when the Accounts were examined, and the Work surveyed, it was found that we neither had managed so frugally, nor was the Work so well executed, as when it was under the Inspection of the Clergy. Besides that, Sir, the Commissioners being Men who had a great deal of other Business to mind, seldom thought it worth their while to meet, and to concert Measures for the more effectual carrying on this Work, which by these Means was neglected, and it must still suffer if we shall put it under the Inspection of Laymen intirely. For, Sir, though we should suppose that they had it at Heart to carry the Work on in the most frugal Manner; yet every one will trust to another, till the whole is neglected. But, Sir, when we leave the Commission in the Hands of the Clergy, they think it their Duty, they make it their Business, they take a Pleasure, I may say, a Pride, in seeing it carried on to the best Advantage. As to the honourable Gentleman’s Fears of its being too great a Burden, to those Reverend Gentlemen, if they do not esteem it such, I see no Reason that we should. The Clergy is very seldom oppressed without complaining; and I dare say we never should have been troubled with the Petition, if our granting it must be attended with any Inconvenience to the Petitioners. We are to consider, Sir, that the Situation of the Clergy who attend this Church, is different from that of those who have the Charge of whole Parishes on their Hands; the Petitioners have Time and Leisure enough to spare; and give me Leave to say, Sir, it is a Part of their Office to take all the care they can both of the Reparations and the Additions which are made to that Church by which they live. Therefore, Sir, I am for referring the Petition to the Committee of Supply, and for making no Alteration in the Commission.’

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1737-8.

George Heathcote,
Esq;

George Heathcote, Esq; spoke next as follows :

Sir,

‘ I don’t think that in the present State of our publick Credit, and while the People are already overwhelmed with Taxes, that we ought to agree to the giving away one Shilling of their Money on any Occasion but where it is absolutely necessary. The Sum required of us by the Petition, is not indeed a very large one; but small as it is, we are to consider that it comes out of the People’s Pockets, and the Purposes for which it is granted can be of very little; if any Benefit to them. I cannot pretend to account for the Motives that induced the Parliament to lay out so much of the publick Money in adorning and repairing a Church; but whatever these Motives were, I think they ought to have no Influence with us, because in those Days, Sir, the People could bear to save a little Money on an Occasion of this Kind, their Taxes being neither so heavy, nor their Debts so large, as they are now. The right honourable Gentleman who spoke last, gave indeed one Reason, which he supposed influenced the Parliament on this Occasion; and that was, because many of our Kings lie buried in that Church. This Reason, Sir, would have come with a better Grace from that right honourable Gentleman, could he have added at the same Time, that all the Kings there interred were Friends to the Liberties of the People.

‘ Besides, Sir, I don’t like these annual Petitions; they look somewhat like annual Bills. By indulging the Petitioners from Year to Year, they may at last come to claim it as a Kind of Right, and never give it over. Let Gentlemen consider, Sir, how easy it is for them to prepare a Model of new Additions to this Church, under Pretence that they are necessary, and that we cannot do too much for adorning and repairing such an august royal Fabrick. The Reasons, Sir, for our granting the Desire of this Petition would then be just as good thirty Years hence as they are now; and according to the right honourable Gentleman’s Way of Reasoning who spoke last, much better; for it seems the more we grant, the less we ought to refuse. Therefore, Sir, I should have been much better pleased, and should have thought it a much fairer Way of Proceeding, had the Petitioners, instead of asking the annual Bounty of four thousand Pounds, petitioned at once for as much as, in the Opinion of competent Judges, will be sufficient to compleat the Work according to the present Model. This, Sir, would have been a fair Way of acting; we should have then known what we were about, and we could have granted it in what Proportions and at what Times we found most convenient: Whereas, what we do now is in the dark;

dark ; we know not when the Work will be finished ; and unless it is finished, all that we shall grant now is to no Purpose. For this Reason, Sir, I think it would be extremely proper, before we proceed any farther in this Affair, that the Petitioners should lay before the House an Estimate of the Expences that the Reparations and Additions to the Church will cost in the whole.'

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1737-38.

To this Lord Sundon answered to the following Purpose :

Sir,

' What the honourable Gentleman who spoke last proposed, indeed appears very reasonable ; but I do not think it very practicable. Every Gentleman who has Experience in Building, knows very well how hard a Matter it is to calculate the Expences he must be at, though perhaps he has a great Part of the Materials upon his own Land ; but it is much harder to do it in a Work of this Kind, that is subject to many Accidents, that requires such a Variety of Workmen of all Kinds, and where all the Materials must be purchased from different Hands and at different Prices. However, Sir, I have heard that Subject talked of, and have made it my Business to enquire how much the Whole may cost. And Sir, though I never could certainly be informed, nor have any Authority from the Petitioners to say any thing on this Head ; yet, by the nearest Computation I can make, it may cost about thirteen thousand Pounds more, which, I hope, Sir, is a Sum we may spare, without laying any great Burden on the People.'

Lord Sundon.

Joseph Danvers, Esq; spoke next as follows :

Sir,

' The Business of half my Life has been to pull down and build up an old House, and had I known how much it would have cost me when I first began to build and repair it, it should have gone to Ruin before I had spent a Shilling on it. So that, Sir, I intirely agree with the noble Lord who spoke last, in thinking it impracticable to determine the exact Sum that this Work may require. Had I, Sir, foreseen that the Repairs of this old House of mine would have cost me more Money than the building a new one, does any Gentleman imagine that I would not rather have set about the one than the other ? Therefore, Sir, I think it is of no Consequence to us to have any Estimate laid before us, because it is impossible we can have a just one ; and while we grant the Petition from Year to Year, the Managers will be the better Husbands of what Money comes to their Hands, and the Work will be carried on to more Advantage, in order to encourage us to grant more.'

Joseph Danvers

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Mr. Wynn:

Mr. Wynn spoke next to the following Effect:

Sir,

' I am for letting the Petition lie upon the Table, and for doing nothing in the Affair this Year, were it for no other Reason but to put the Petitioners in Mind, that we may grant or refuse this Money just as we please. For, Sir, if this Bill should pass in course every Session, the Reverend Petitioners may claim that as a Right which is now only an Indulgence.'

Sir William Yonge replied to this as follows:

Sir,

Sir William Yonge:

' I believe, Sir, that there is no civilized Nation in the World, that does not look upon the repairing and improving those Works which their Ancestors or their Princes left as Monuments, either of their Piety or their Grandeur, to be a publick Concern. Former Parliaments, Sir, in this Nation, seem to have been of Opinion that no Work more deserved the Regard of the Publick than Westminster-Abbey, which I look upon to be the finest Thing in this Nation; and it would give Foreigners a very odd Notion of our Politeness, and of our Gratitude to the Memory of our Princes, if we should let it stand in its present Condition, especially as so small a Sum is required to finish it. For, Sir, I dare say the noble Lord was right in his Conjecture, that it will not require above thirteen or fourteen thousand Pounds more; and when it is compleated, I will be bold to affirm, that it will excel any thing of its Kind in Europe. Gentlemen may remember what an Expence the Nation was put to by our voting fifty new Churches to be built. But, Sir, in my Opinion, it is as worthy the Dignity of this House to preserve and adorn this old Church, as it was to build fifty new ones. Give me leave likewise to say, Sir, that this Petition would not have met with half the Opposition it has, had it been offered for the Reparation of any Building but a Church.

' As to the Fears the honourable Gentleman who spoke last is under, lest the Petitioners should claim that in Time as a Right which is now only an Indulgence, I think the Parliament fully answered that Objection two or three Years ago; for I remember, Sir, that when this Petition was presented, the Parliament thought fit to reject it. Another honourable Gentleman seemed to apprehend that further Additions would be made to the Fabrick, and such as might involve us in unforeseen Expences. We have all, Sir, seen the Model of the Building that is design'd, and we can never imagine that the Reverend Overseers of the Work will make any Additions to that Model, without the Approbation of

of this House. And if no Additions are made to the Model, I see no Reason for our apprehending that we shall be put to any extraordinary Expence. The Money that has already been granted for this Effect, has been duly accounted for by the Petitioners, and I never have yet heard that any Objections were made to their Accounts; on the contrary, I have heard it often affirmed, that the Money that has been granted was managed in the most frugal Manner, and to the best Advantage. When we find that it is not so, it will be time enough then to put the Management of the Work into other Hands, or to withdraw our Bounty entirely. These Considerations, Sir, are, I think, more than sufficient to determine us to come to a Resolution upon the Motion made by the noble Lord who brought up the Petition; but there is another Consideration that I hope will always have its Weight with this House, and that, Sir, is, his Majesty's Recommendation. I think, Sir, it will be treating his Majesty with Disrespect, if we should have no Regard to his Recommendation in an Affair that can cost us so very little, and which, tho' it did not come so strongly recommended, is in itself so highly reasonable.'

No Reply being made to this, the Question was put, If the Petition should be referred to the Consideration of the Committee of the whole House, to whom it is referred to consider further of the Supply granted to his Majesty? A Division followed, and the Question pass'd in the Affirmative.

On a Division, Yeas 174. Noes 61.

Immediately after this Question was over, before the House proceeded on any other Business, George Heathcote Esq; spoke as follows:

Sir,

' As I think that on all Hands it has been agreed that it is the Interest of the Reverend Petitioners that Westminster-Abbey should be finish'd and repaired according to the Draught of the Model laid before this House last Session, and as very great Encomiums have been made upon their Integrity as well as good Management, I think it would be very proper for us to enquire whether or not some Part of the Revenues annex'd by the Royal Founders to the Abbey, have not been allotted for the Expences of the Fabrick. This, in my Opinion, will have a very good Effect. First, it will give us an Opportunity of doing Justice to the Integrity of the Reverend Petitioners. Secondly, it will be of great Use to Gentlemen when this Affair comes to be settled in the Committee. Besides, Sir, tho' it should appear from the Enquiry that no such Allotment has been made, I think Gentlemen ought to make themselves Judges how far it is reasonable, that some Part of the large Revenues enjoyed

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1737-38.

The Petition referred
to a Committee.

Alderman Heathcote
moves for an
Estimate of the
Revenues of the
Dean and Chapter of
Westminster.

by

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by the Reverend Dean and Chapter, ought to be set apart for these Purposes. This, Sir, I think is extremely proper, especially as no body makes a Shilling by the Fabrick besides themselves. I likewise don't doubt, Sir, but that it will appear in the Course of this Enquiry, that many of the Clergy have expended large Sums out of their own Revenues upon the Reparations and the Additions of the Fabrick. Therefore, Sir, I humbly move, ' That the Dean and Chapter of Westminster prepare an Estimate of the Revenues belonging to the Dean of the Church, distinguishing the several Appropriations.'

Sir Robert Walpole's Answer to this, was as follows :

Sir,

Sir R. Walpole.

' I own this is the most extraordinary Motion I ever heard in this House. I should be glad to know how the hon. Gentleman would take it, if he should be required to lay before this House a particular Inventory of his own Estate, that he may receive Directions from the House in what Manner he is to apply it: I believe the hon. Gentleman would think it a very unjustifiable Way of Proceeding; and give me Leave to say, Sir, that if such a Proceeding is unjustifiable in Cases of private Property, it is much more so where a Body of Men upon a Foundation, and a Royal Foundation too, is concerned. Nor can I see, Sir, how we can agree to this Motion without violating all the Rules of common Justice, and shaking the Foundations of all Property. Besides, Sir, the honourable Gentleman does not reflect, that we are no Court of Record, and therefore cannot oblige the Petitioners to exhibit their Rights to these Possessions before us. So that it is not really in our Power to come to any Resolution upon this Motion. And Sir, should we make a Stretch in this Case, I should be very sorry to sit in this House while we came to a Resolution, that might give the World Reason to think, that we design'd to carry our Power farther than our Justice. There may, indeed, some particular Cases come before us, in which it is necessary, that one of the Parties explain or prove his Right of Possession; but this, tho' it seldom happens, is always done voluntarily by that Party, that the House may more clearly comprehend this Case. And, Sir, I believe the hon. Gentleman cannot find one Precedent where this House obliged a Party to submit to our Judgment, or the Papers and Securities by which he or they enjoy their Estates or Income. We have no Reason to doubt, Sir, that the Clergy have as good a Right by Law to what they enjoy as any of us have to our private Estates: Nor do I think that either Justice or Reason oblige them to lay out any Part of their Income upon repairing the Church, or upon these Alterations or Additions. As for their living by the Church,

all

all the Clergy throughout the Kingdom live by their Churches ; yet, Sir, that is no Reason that each of them should be at the Expence of repairing his respective Church. So that, I hope, Sir, when Gentlemen consider the Consequence of this Motion, they will let it drop. I dare say, no Gentlemen suspects that I oppose it from any other Motives than the Principles of common Equity, which are always agreeable to the Maxims of good Policy. There was, indeed, a Time, when this House, and the Legislature in general, had Reason to be jealous of every Concession in favour of the Clergy ; but, Sir, that Set of Clergy is almost extinct, and the Principles and Actions which once gave us very good Grounds for such a Jealousy, are now almost entirely worn out. And as their Successors behave with that Submission and Regard for the Government that becomes their Character, I think, Sir, they deserve the Protection and Indulgence of Parliament. I believe it cannot be pretended by Gentlemen, that since I had the Honour to be concerned in the Administration, the Clergy have met with any extraordinary Indulgence from the Government, or that any of the High-Flyers amongst them have been encouraged. But, Sir, I must own, that a Petition from the Clergy, if they act as Ministers of Peace, and if the Petition is reasonable in itself, will never be less agreeable to me because it is in favour of the Clergy. I should not have troubled the House about an Affair which I think has taken up but too much of our Time already, had I not perceived an unusual Spirit of Opposition to this Petition, from Gentlemen whom, by their former Conduct, I never suspected as Enemies to the Clergy, even in the most exorbitant Claims, and their most exalted Tory Principles.

William Pulteney, Esq; spoke next as follows.

Sir,

‘ I am sorry that I am obliged on this Occasion to differ from the honourable Gentleman who made the Motion ; but glad of having one Opportunity of speaking on the same Side of the Question with my right honourable Friend who sits by me. It is certain, Sir, that it would be a very unprecedented thing in us, so much as to pretend to make any Alteration in the Funds appointed for the Maintenance of the Dean and Chapter. It is likewise certain, Sir, that we cannot compel them to make any Contribution out of their private Emoluments, towards repairing or finishing the Church. A great many Reasons, Sir, induce me to be of Opinion that the Revenues of the Church cannot be better disposed of than they already are ; and one among the rest, Sir, is, that the right venerable Bishop is Ground-landlord to several very convenient Lodgings there, extremely proper,

Anno 11. Geo. II.
1737-38.

William Pulteney

Motion for an
Account of what
they receive from
Monuments and
breaking Ground in
the Abbey, &c.

as

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1737-38.

as they are so near the Parliament House, for his Brethren to live in. So that their Country, Sir, is sure, on every Pinch, and upon the shortest Warning, of their immediate Attendance in the Parliament. But, Sir, tho' I think we have no Right to oblige them to comply with the Terms of this Motion, yet there are certain Revenues which arise from the Pavement and the Walls of the Abbey. These Emoluments, Sir, I think we have a just Title to enquire after, as the Money we grant is for the Support of the Fabrick; and, Sir, I think they ought to be laid before us. I should have been very well pleased to have complied with the honourable Gentleman's Motion, if the Sum petitioned for were to be applied for the Support of the Clergy. But as that is not the Case, Sir, I beg Leave humbly to move, that the Dean and Chapter of the Collegiate Church of St. Peter Westminster do lay before this House an Account of what Money has been received by them for seven Years last past, for breaking up Ground in the said Church or Places adjacent, for Burials, and for erecting Monuments there, and how the said Money has been applied by them towards the Repairs and finishing of the said Church and Edifices thereunto belonging, for seven Years last past.'

No Opposition being made, the House came to a Resolution upon this Motion; and the said Account was accordingly agreed to.

Mr. Alderman Perry
presents the West
India Merchants
Petition upon the
Spanish Depre-
dations.

Wednes. March 3. Mr. Alderman Perry presented to the House, a Petition of divers Merchants, and Planters, and others, trading to, and interested in the British Plantations in America, on behalf of themselves and many others, setting forth that Application was made to this House, in the Year 1728, against the many unjust Seizures and Depredations, that had, for several Years preceding, been committed by the Spaniards in America upon his Majesty's Subjects, whilst they were carrying on their fair and lawful Trade in those Parts; upon which Application, this House came to a Resolution, 'That
' from the Peace, concluded at Utrecht, in the Year 1713,
' to this Time, The British Trade and Navigation to and
' from the several British Colonies in America, has been
' greatly interrupted by the continual Depredations of the
' Spaniards, who have seized very valuable Effects, and un-
' justly taken and made Prize of great Numbers of British
' Ships and Vessels in those Parts, to the great Loss and
' Damage of the Subjects of this Kingdom, and in manifest
' Violation of the Treaties subsisting between the two
' Crowns:' And that this House was pleased humbly to address his Majesty thereupon; and that the Spaniards continuing their Depredations on the British Subjects, and no Satisfaction having been obtained for those before committed,

a farther Application was made to this House, in the Year 1730, complaining of the great Interruptions given by the Spaniards to the Trade and Navigation of this Kingdom, and their cruel Treatment of the British Subjects; and that this House, having again taken this Matter into their Consideration, and examined into the same with the utmost Deliberation, came to a Resolution: " That an humble Address be presented to his Majesty, that he will be graciously pleased to continue his Endeavours to prevent the Depredations of the Spaniards, for the future; to procure full Satisfaction for the Damages already sustained; and to secure to the British Subjects, the full and uninterrupted Exercise of their Trade and Navigation to, and from the British Colonies in America." Which Address was presented to his Majesty accordingly; and representing to the House, that the Spaniards have paid so little Regard to his Majesty's most gracious Endeavours, that they have continued their Depredations, almost ever since the Treaty of Seville, and more particularly last Year have carried them to a greater Height than ever; they having arbitrarily seized several Ships, with their Effects, belonging to his Majesty's Subjects, on the high Seas, in the destined Course of their Voyages to and from the British Colonies, amounting to a very considerable Value; and that the Captains or Masters of some of the said Ships were, according to the last Advices of the Petitioners, and are (as the Petitioners believe) at this Time confined by the Spaniards in the West-Indies, and the Crews are now in Slavery in Old-Spain, where they are most inhumanly treated; and that that cruel Nation make it their Practice to attack and board all British Merchant Ships, they meet with in the American Seas, under Pretence of searching for Goods, which they deem contraband or not, according to their own arbitrary Will and Pleasure, contrary to the Law of Nations, and in manifest Violation of the Treaties subsisting between the two Crowns; and that by these unjust and violent Proceedings of the Spaniards, the Trade and Navigation to and from America is rendered very unsafe and precarious; insomuch, that the Insurance from Jamaica has greatly risen on these Accounts only; and that, without some speedy and effectual Remedy, the American Trade and Navigation will be (together with the Revenue of the Crown arising therefrom) very much diminished, if not entirely lost; and farther representing to the House, that, although his Catholick Majesty has stipulated by the Treaty of Seville, and by the Declaration of 1732 relative thereunto, to cause Reparation to be forthwith made to the unhappy Sufferers, yet there is no Instance of its having been done; so far from it, that, whilst the British

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Subjects have been amused with vain and fruitless Hopes of Satisfaction, the Spaniards have committed farther Insults and Depredations upon them, and still continue the same unjust Practices; and that the Cédulas or Orders given by the Court of Spain to their Governors in America, are only calculated (as the Petitioners by Experience have great Reason to apprehend) to evade giving Satisfaction to the British Subjects; for there has never been one of the Cédulas complied with, nor any Governor recalled, nor punished for his Disobedience, as the Petitioners ever heard; and that, for any Nation to assume the Power of detaining or rummaging the British Ships upon their lawful Voyages in the American Seas under Pretence of searching for contraband Goods, is in Effect (as the Petitioners conceive) claiming and exercising the sole Sovereignty of those Seas; and that if the Spaniards be suffered to act in this injurious Manner, to insult the Persons of his Majesty's Subjects, or to plunder them of their Property, the Petitioners apprehend, the same will be attended, not only with great Obstruction to this valuable Branch of our Commerce and Navigation, but also with Consequences very fatal to Great-Britain itself, and as the Measures hitherto pursued have proved ineffectual, praying the House to take the Premises into their mature Consideration, and provide such timely and adequate Remedy, for putting an End to all Insults and Depredations on the British Subjects, as to the House shall seem meet, as well as procure such Relief for the unhappy Sufferers, as the Nature of their Case, and the Justice of their Cause require; and that they may be heard by themselves and Counsel thereupon.

Upon this the Chair said;

Gentlemen,

Debate upon Form,

The Chair.

'Tho' my Office, while I am in the Chair, deprives me of having any Share in your Debates, yet it obliges me to declare what are the Forms of the House. As I conceive this to be a Point of Form, it is my Duty to acquaint you, that so far as I have yet observed, it never was the Method of this House to admit Parties to be heard by themselves and Counsel. The Motion that is always made in such Cases is, that the Petitioners be admitted to be heard by themselves or Counsel. If therefore the honourable Gentleman who made the Motion, is not satisfied that I put the Question, Whether it is your Pleasure that the Petitioners be heard touching the Matter of this Petition by themselves or Counsel, I must beg Leave to take the Sense of the House with regard to the Terms in which I am to put the Question upon the present Motion.'

Sir

Sir John Barnard standing up, spoke to the following Effect :

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Sir,

‘ I do not pretend to be so well acquainted with the Forms of the House, as to give my Opinion whether the Petitioners ought to be heard by themselves *and* Counsel, or by themselves *or* Counsel : But, Sir, I know that this Petition is founded upon Facts, and I should be sorry to see the Design of it defeated by a scrupulous Adherence to any Points of Form whatsoever. The Request of the Petitioners, Sir, however as to Form it may be extraordinary, yet in Point of Reason, in my Opinion, is justifiable. Most of the Petitions upon which Counsel is prayed to be heard at the Bar of this House, are against Bills depending before the House ; and Gentlemen, in the Course of such Bills passing the House, have Opportunities of making themselves Masters of the Case ; so that the Counsel have little else to do, but to prove from Facts that the Bill depending is either unjust in itself, by affecting the Property of the Persons that petition, or by clashing or being inconsistent with some former Law. But, Sir, the Case of the present Petitioners is widely different ; the repeated Losses they have met with, and the Injuries they have sustained in their Trade, can never so well be understood from the Mouth of a Lawyer, as from their own ; because, Sir, it is impossible for the ablest Lawyer either to be so well instructed in the Interests and Claims of the several Petitioners, or to explain the several Terms of Commerce and Navigation that must necessarily occur in this Affair, so as to be understood by Gentlemen unacquainted with these Matters. Therefore, Sir, I humbly think it will be a Hardship upon the Petitioners, to deny them a Request of so little Importance as the present, merely because it interferes with a Matter of Form. I beg Leave to say, Sir, that Forms cannot be better known than by Precedents, and I believe it will puzzle any Gentleman to find a Precedent of a Case parallel to the present, whether we consider the long Course of Injuries which some of the Petitioners have sustained, the melancholy Situation to which others of them are reduced, or its Importance to the Trade, the Honour, and Safety of Britain. Therefore, Sir, I am of Opinion we ought to make no Difficulty of agreeing to the Request of the Petition.

Sir John Barnard.

This occasioned some Hesitation, and then Sir William Windham said :

‘ I think, Sir, that Gentlemen are extremely obliged to your Care, in putting them in Mind of the usual Form of Proceeding, and am intirely of your Opinion with regard to the present Motion. I believe no Gentleman here can suspect that I have not as warm a Sense of the Injuries our Merchants

Sir Wm. Windham

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Merchants have sustained, as any Gentleman here ; but, Sir, I think we ought to proceed in a parliamentary Method, and not make any Innovations in our Forms, except where it is absolutely necessary. For my own Part, Sir, in the present Case, I judge it is so far from being absolutely necessary, that it would do the Petitioners a Prejudice. As to what my honourable Friend mentioned about a Counsel's not being able to put mercantile Affairs in such a Light as to be thoroughly understood by Gentlemen, I am intirely of his Opinion ; but then I think the Petitioners ought to appear at our Bar not as Counsel, but as Evidences for themselves. This, Sir, will effectually answer all the Ends that my honourable Friend proposes, and will preserve our Method of Proceeding in its ordinary Form. — If therefore, Sir, the Counsel shall advance a Fact that requires Proof, or touches upon a Point that wants Explanation, I think it is highly just that the Petitioners should be admitted as Evidences, and be allowed to answer such Questions as shall be proposed either by Gentlemen, or by their Counsel. This, I conceive, Sir, is but fair, and would inspire our Merchants with a Confidence in the Justice of this House, and let the World see that we are resolved to leave no Means untried which may contribute to give us right Information, in an Affair that so nearly concerns the Properties of our Fellow Subjects, and the Dignity of the Nation.'

Sir Robert Walpole spoke next, to the following Purpose.
Sir,

Sir Robert Walpole.

' I must humbly beg leave to differ in my Sentiments on this Affair, from both the honourable Gentlemen. The Judgment, Sir, which, in my Opinion, we should form in this Case, ought to be grounded on Facts as they are fairly represented, not as they are artfully aggravated. Every Gentleman, Sir, I believe, from his bare Reflection on the Injuries our Merchants have received from Spain, feels within his own Breast an Indignation arise, which there is no Occasion to increase by the Power of Eloquence, or the Arts of a Lawyer. When Gentlemen, Sir, see an Affair through the Mist that Passion throws before their Eyes, it is next to impossible they should form a just Judgment. I believe there is scarce any Gentleman here who is not acquainted with as much Geography, and as much of the History, both of Britain and Spain, as may enable him, from a plain Representation of Facts, to judge whether the Allegations in this Petition be true or false. Now, Sir, are not the Merchants themselves the most proper Hands for giving in such a Representation ? Are they not most immediately interested in the Facts ? Where then is the Necessity, Sir, of having Counsel to do this ? Or what Occasion, Sir, is there to work up
on

on the Passions where the Head is to be informed ? I believe, Sir, every Gentleman will find his Heart as much affected by the artless Accounts of the Sufferers themselves, as by the studied Rhetorick of the most eloquent Counsel. However, Sir, I shall not take the Liberty to make any Motion on this Head, but intirely submit it to Gentlemen's Consideration.'

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Alderman Willimot answered in Substance as follows:

Sir,

' I think the Petitioners ought to have Liberty to be heard, not only by themselves and Counsel ; but if it were possible that we could indulge them in other Advantages, we ought to do it. To talk of working upon Passions !——Can any Man's Passions be wound up to a greater Height, can any Man's Indignation be more raised than every free-born Englishman's must be, when he reads a Letter which I received this Morning, and which I have now in my Hand. This Letter, Sir, gives an Account that seventy of our brave Sailors are now in Chains in Spain. Our Countrymen in Chains ! and Slaves to Spaniards ! Is not this enough, Sir, to fire the Coldest ? Is not this enough, Sir, to rouse all the Vengeance of a national Resentment ? And shall we, Sir, sit here debating about Words and Forms, while the Sufferings of our Countrymen call out loudly for Redress ?'

Alderman Willimot.

Ordered that the said Petition be referred to the Consideration of a Committee of the whole House, and that it be an Instruction to the said Committee that they do admit the said Petitioners to be heard, if they think fit, by themselves or Counsel, before the said Committee.

The Petition referred
to a Committee of
the whole House

Mr. Coster, one of the Members for Bristol, then presented to the House a Petition of the Master, Wardens, Assistants, and Commonalty of the Society of Merchant-Adventurers, within the City of Bristol, under their common Seal, and the same was read ; setting forth, that for some Years past, the British Trade and Navigation, to and from the British Colonies and Plantations in America, hath been greatly interrupted and exposed to the continual Insults and Depredations of the Spaniards in those Seas, where they have taken and made Prizes of great Numbers of British Ships and Vessels, in their Passage to and from the said Colonies and Plantations (several of which did belong to this Port) to the great Damage of his Majesty's Subjects ; whereby the said valuable Trade is in Danger of being lost ; and that, notwithstanding the Resolutions of this House, and his Majesty's most gracious Endeavours to obtain for his Subjects just and reasonable Satisfaction, yet the Spaniards still continue their Depredations, and have lately taken and plundered several Ships and Vessels, belonging to this and other British Ports, and have treated such as have fallen into their Hands, in a very cruel and barbarous Manner ; and there-

Mr Coster,
Petition from Bristol.

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Order'd to be
referr'd to the
Committee.

Petition of the Own-
ers of the Ann
Galley.

therefore praying the Consideration of the House, and such timely and adequate Remedy in the Premises, as to this House shall seem fit.


Ordered, That the said Petition be referred to the Consideration of the Committee of the whole House, to whom the Petition of divers Merchants, Planters, and others, trading to, and interested in, the British Plantations in America, on Behalf of themselves and many others, is referred.

Ordered, That it be an Instruction to the said Committee, that they do admit the Petitioners to be heard, if they think fit, by themselves or Counsel, before the said Committee.

Next was presented a Petition of Samuel Bonham, Christopher Astley, Benjamin Weal, and Joseph Crowcher, Owners of the Ship Ann Galley, Joseph Spackman Master, Burthen one hundred and thirty Tons, or thereabouts, on Behalf of themselves, and the Mariners, and Seamen of the said Ship, and the same was read; setting forth, that the Petitioners on the 4th of December 1728, and since, have delivered to his Grace the Duke of Newcastle, one of his Majesty's principal Secretaries of State, seven Memorials and Petitions addressed to his Majesty, and four others delivered at the Council-Board, each Memorial and Petition setting forth the great Loss and Damage, the Petitioners have received by the unjust Capture and Seizure of their Ship Ann Galley and her Cargo by the Spaniards on the 13th of June 1728, in her Way from Guinea to Jamaica, after the Pacification between the Crowns of Great Britain and Spain was not only agreed on, but notified to the respective Governments in the West Indies, the same being notified at Jamaica the 3d of June, and at Carthagen, in New Spain, the 10th of the same Month; and the Value of the said Ship and Cargo, with the Freight, &c. hath been attested on the Oaths of the Master and several of the Officers and People belonging to the said Ship Ann Galley, when taken by the Spaniards, to be worth 10,500 l. Sterling, and upwards, besides the Loss of Interest for that Sum to this Time, being upwards of nine Years; in all which Memorials and Petitions, the Petitioners most humbly besought his Majesty's Favour, Interest, and Protection, in recovering their Loss and Damage from the Spaniards; yet that, notwithstanding his Majesty's Goodness in endeavouring, by all peaceable Ways and Methods, to obtain Satisfaction for such their Loss and Damage, it plainly appears to the Petitioners, that those Cédulas are no more than Delusions and Shews of Justice; for his Majesty hath been graciously pleased to send several Ships of War from Jamaica to demand Restitution at St. Jago de Cuba, and by his Minister Benjamin Keene, Esq; at the Court of Spain, hath made Demand of the said Ship and Cargo,

Cargo, or the Value thereof, and hath obtained several Orders from the King of Spain, and his Minister Don Joseph Pantinho, to his Governor and Royal Officers at St. Jago de Cuba, one dated at Seville the 28th of December 1730, one dated the 23d of February 1733, wherein his Catholick Majesty allows the Ship to be an unjust Capture, and orders his Governor, &c. to cause immediate Restitution to be made, without making any Reply to those Orders; and that, notwithstanding all this, and contrary, as the Petitioners apprehend, to the second separate Article of the Treaty of Seville, and those made by his Majesty's Royal Predecessors, and particularly the fourteenth Article of the Treaty of 1670, between England and Spain, and confirmed by the other Treaties, particularly that of Utrecht in the Year 1713, by which fourteenth Article it is stipulated, that, if Justice is denied, or unreasonably delayed, it shall be lawful for that King, whose Subjects have suffered, to take any Rules and Methods according to the Law of Nations, until Reparation be made to the Sufferers; notwithstanding his Majesty's Goodness, no Satisfaction could be obtained; and that therefore on the 17th of January 1733-4, the Petitioners again addressed his Majesty in Council, setting forth the Hardness of their Case; and that his Majesty, by the Advice of his Council, the 21st of February 1733-4, did signify his Royal Pleasure to his Minister at the Court of Spain, that he, in his Majesty's Name, represent to the Catholick King, that his Majesty looks upon himself as obliged, by his Failure of Justice in the West Indies to his Majesty's Subjects, to insist, that the Catholick King do forthwith cause Reparation to be made to the Petitioners for their Loss and Damage; on which another Order was forwarded to St. Jago de Cuba, to the Governor and Royal Officers, to make full Restitution for the said Loss and Damage; by which the Factors of the Petitioners, about June 1734, received out of the Royal Chest at St. Jago, two thousand three hundred and sixty Pieces of Eight, and two Negro Men, the Value of which doth not exceed 531 l. Sterling; and that the Petitioners finding that nothing more is ever to be expected out of the West-Indies (after nine Years Solicitation and Expence) as appears by their several Letters, the Copies of which have from Time to Time, as they came to Hand, been sent and delivered at the Council Office, and to the Office of his Grace the Duke of Newcastle; therefore, since his Majesty was graciously pleased to lay the several Memorials and Petitions relating to this unhappy Capture before the House, the Petitioners on the 24th of March 1736-7, brought their Petition into this House, which was read, and on a Motion made, was ordered to lie on the Table; but that they have neither received, nor have any probable

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able Expectations to receive, from Old or New Spain farther Satisfaction, than as before mentioned, for this their great Loss, which is too severe and heavy for them to bear, and which is attended with this aggravating Circumstance, that the King of Spain hath agreed, that the Capture was unjust, and hath ordered Satisfaction to be made, but at a Place, where Experience shews, by repeated Demands and Endeavours, it cannot be obtained; and therefore praying the House to take this their unhappy Case into Consideration, and grant them such Relief, as to the House shall seem meet.

Referr'd to the
Committee.

Ordered, That the said Petition be referred to the Consideration of the Committee of the whole House, to whom the Petition of divers Merchants, Planters, and others trading to and interested in the British Plantations in America, on Behalf of themselves and many others, is referred.

Ordered, That it be an Instruction to the said Committee, that they do admit the Petitioners to be heard, if they think fit, by themselves or Council, before the said Committee.

Petition of the Owners of the Robert Galley.

Then was presented a Petition of Edmund Saunders, Henry Tongue, and Richard Farr, of the City of Bristol, Merchants, in Behalf of themselves, Henry Lloyd deceased, the Insurers, Master, and Mariners of the Ship Robert Galley, of Bristol; Burthen one hundred and twenty Tons, whereof Story King was Master, and the same was read; setting forth, that on the 20th of May 1729, (which was almost a whole Year after the Pacification between the Crowns of Great Britain and Spain being not only agreed upon, but notified to the respective Governments in the West Indies) their said Ship, proceeding on her Voyage from Guinea, by the Way of Barbadoes, to Jamaica, was taken on the Coast of Hispaniola, six Leagues out at Sea, by a Spanish Guarda la Costa, and, as the Petitioners presume, contrary to the Law of Nations and Treaties then subsisting, and the Ship and Cargo carried into St. Domingo, and there condemned as Prize; the Value of which, with Freight, &c. when taken, as attested upon Oath by the Master, was 10,664 l. Sterling, and upwards, besides the Interest thereof for near nine Years; and that Admiral Stewart, when he was Commander in Chief of his Majesty's Ships of War stationed at Jamaica, on Notice of taking of the said Ship and Cargo, sent his Majesty's Ship the Trial to St. Domingo, to demand Restitution; but that the Commander of her received for Answer, that the Ship and Cargo had been condemned by the Audience, and there could be no Redress, unless obtained in old Spain; and that the Petitioners, having made Application to his Majesty by Petition in November 1729,

com.

complaining of the unjust Capture of the said Ship Robert, and begging his Majesty's most gracious Interposition, that Justice and Restitution might be done them; but receiving no Satisfaction, and the Spaniards continuing their Depredations, the Petitioners joined in a Petition with other Merchants of Bristol to this House in 1730, and then, as they conceived, proved the Allegations thereof, when this House thought fit to address his Majesty, that he would be graciously pleased to continue his Endeavours to prevent the Depredations of the Spaniards for the future, and to procure full Satisfaction for the Damages sustained; whereupon, Commissaries were appointed, by Virtue of the Treaty of Seville; and that the Petitioners having made Application to them, as well as to Mr. Keene his Majesty's Minister at the Court of Madrid, by a Memorial setting forth and authenticated Papers annexed thereto, proving the Unjustness of the Capture of the said Ship, and the Loss sustained; which was delivered to his Grace the Duke of Newcastle, about the Month of July 1731; but that, no Relief being had thereupon, the Petitioners again petitioned his Majesty in the Month of September last; which was also delivered to his said Grace, and has been since transmitted to Mr. Keene; but no Answer being returned thereto, there is no Probability or Expectation of receiving any Satisfaction; and therefore praying the House, as the Measures hitherto pursued have proved ineffectual, to take the Premises into farther Consideration, and grant such Relief, as to the House shall seem meet, and that the Petitioners may be heard by themselves and Counsel thereupon.

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Ordered, That the said Petition be referred to the Consideration of the Committee of the whole House, to whom the Petition of divers Merchants, Planters, and others, trading to, and interested in, the British Plantations in America, on Behalf of themselves, and many others, is referred.

Referr'd to the
Committee.

Ordered, That it be an Instruction to said Committee, that they do admit the Petitioners to be heard, if they think fit, by themselves or Counsel, before the said Committee.

Mr. Pulteney.

Sir,

' We have now before us an Affair, in which, tho' it is solicited by the Merchants only of one Denomination, yet there is not a Merchant in Great Britain who, in some Degree or other, may not be said to be concerned. It is not, Sir, as has been suggested, an impotent Clamour of a few Smugglers, whose Effects have been justly sequestered for carrying on an illicit Trade; but an humble and a just Re-

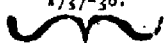
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monstrance of a very considerable Body of the best Friend both to the Interest and Constitution of their Country. It would wrong the Honour and Justice of this House, Sir, to suspect, that if the Petitioners prove the Allegations contained in their several Petitions, they shall not receive all the Relief that it is in our Power to give. But, Sir, there are other Places where an effectual Redress for their Injuries must be solicited. I shall not, Sir, go about to accuse any one before I am certain that the Allegations exhibited in the Petitions are true; but one Petition that has been now read, makes a very extraordinary Impression upon me. The Petitioners, Sir, pretend that the King of Spain's Officers in America have dared to disobey the most positive Orders obtained from their Master at his Majesty's Instances. Can any Gentleman, Sir, imagine, that the Spanish Officers durst have acted in this Manner without the Connivance of their Court? or that their Court would have presumed to trifle in such a Manner with any Ministry, but one which they thought wanted either Courage or Inclination to resent such Treatment? As I said before, Sir, I shall not take upon me to give my Judgment of the Affair till I have heard the Allegations in this Petition made out. If they cannot be made out, Sir, I think the Petitioners deserve the Censure of this House for so gross an Imposition. But if they are proved, Sir, which I think we have too good Reason to expect, I cannot help saying, that I think our Ministry have been guilty of a scandalous Breach of Duty, and the most infamous Pusillanimity. In the mean Time, Sir, as the Affair itself has on all Sides been confessed of the greatest Importance, and it is highly requisite that every Gentleman, who has the Honour to sit in this House, should be present while it is in Agitation, I think, Sir, we ought to subject every one, who is absent without indispensable Necessity, to the severest Censure we can inflict: Therefore I humbly move, that the House be called over on the 16th of this Month.

Moves for a Call of
the House on the
16th Instant.

The honourable Henry Pelham, Esq;

Sir,

Mr. Pelham.

I do not rise up to oppose, but to second the honourable Gentleman's Motion; and, Sir, as he has been pleased to give us his Thoughts upon this Affair as it now appears to him, I hope I may be indulged in the same Liberty. It is a Liberty, Sir, which I should not have asked, were I not apprehensive, that if something is not said with regard to what fell from the honourable Gentleman, it might too much anticipate the Judgment which Gentlemen may form upon the present Affair. I have, Sir, heard of the Case which the honourable Gentleman has hinted at, and I do
not

not doubt of the Truth of the Allegations contained in the Petition. But, Sir, supposing them true, how do they affect the Characters of those concerned in the Ministry? Must the King of Spain, or his British Majesty's Ministers be answerable for the Conduct of their Governors in America, and for every wrong Construction which these Governors may make of the Orders they receive from their Principals? It appears upon the Face of one of the Petitions, that our Ministry were as active as Men could be in demanding Satisfaction for the Petitioners. If their Instances had not the desired Effect, the Blame cannot be laid at their Door; for upon the delaying of Justice, one of these two Ways must have been taken: They must either have acted as they have done, or declared Hostilities must have commenced betwixt the two Crowns. Now, Sir, I believe, the Gentlemen who talk so much of entering on this Affair with Vigour, would have been cautious, had they been Ministers, of engaging in a War upon the Transaction of a single Governor or Officer, contrary to the Will and Intention of his Sovereign. If upon the Representations that were made by his Majesty's Ministers at the Court of Spain, the Spanish Ministers had answered that the Capture was just, and they were resolved to seize all other British Ships trading in the same Manner: This, Sir, being looked upon as the Sense of their Court, might have afforded very good Grounds for a Rupture. But it appears, Sir, from the Petition, that the Thing was quite otherwise, and that the Ministry were only blameable for not attacking the Court of Spain, because his Officers either did not understand, or would not obey his Orders. I agree with the honourable Gentleman, as to the Necessity of our making a strict Enquiry into this Affair; and I think the Motion he has made is highly reasonable. But, Sir, I believe that Enquiry will produce a different Effect from what is expected by the honourable Gentleman. I have Reason, Sir, to be confident, that it is the Interest of the Ministry we should examine the Allegations contained in these Petitions; for I am persuaded, that thereby they must be cleared from every Imputation of acting either a cowardly or a negligent Part; and let the Blame fall where it will, I dare say it cannot justly fall upon them.

Upon this the Motion was agreed to; but the Call of the House was put off when the Day appointed came, because it was rightly judged, that when the Call was over, many Members would drop off; whereas, if it was delayed from Day to Day, it would be a Method to detain them in Town.

After dispatching some private Bills, Sir John Barnard spoke to the following Purpose :

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Sir John Barnard
moves for the
Instructions relating
to the Negotiations
with Spain.

Sir,

‘ As the Petitions now presented to us have been so unanimously referred to a Committee of the whole House, and a proper Day appointed for taking them into Consideration, I make no doubt of our entering seriously into an Examination of the Grievances complained of; but, as those Grievances are of a foreign Nature, as they are Grievances which have been long complained of, and as they are Grievances our Government, we know, have endeavoured to get redressed, have applied to the proper Court for that Purpose, I must be of Opinion, that we cannot examine thoroughly as we ought to do, into this Affair, without having before us the whole Thread of that long Negotiation which has been carried on with the Court of Spain, for obtaining Redress in an amicable and peaceable Manner.

‘ The Abuses complained of by the Petitions now before us are, I must say, Sir, of a most extraordinary Nature: They are such as the most pitiful Prince in the World would not suffer from the most powerful, without taking the first Opportunity for shewing his Resentment. By these Petitions we are told, that the Spaniards have not only seized our Ships, with their Effects, in a most arbitrary Manner, but that they have inhumanly treated our Seamen. Nay, we are told, that with respect to one Ship in particular, though the Court of Spain itself has acknowledged her being wrongfully and injuriously seized, yet they have hitherto refused or delayed making any proper Reparation, notwithstanding its being now almost ten Years since the Ship was seized, and near eight Years since the Court of Spain itself acknowledged the Injustice of the Seizure.

‘ But why should I talk, Sir, of what has been done eight or ten Years ago, or but lately? These Insults and Abuses have been continued, I may say without Interruption, ever since his late Majesty’s Accession to the Crown, which is near twenty-four Years since. This is not the first Time that our Merchants have been obliged to sue to this House for Redress in this Affair. In the Year 1728 we may remember that Application was made to this House, against the many unjust Seizures and Depredations, that had, for several Years preceding, been committed by the Spaniards in America upon his Majesty’s Subjects, whilst they were carrying on their fair and lawful Trade in those Parts; and upon that Application, this House came then to a Resolution, ‘ That
‘ from the Peace of Utrecht in 1713 to that Time, the British
‘ Trade and Navigation to and from the several British Colonies in America, had been greatly interrupted by the continual Depredations of the Spaniards, who had seized very
‘ valuable Effects, and unjustly taken and made Prize of great
‘ Numbers of British Ships and Vessels, in those Parts, to the
‘ great

‘ great Loss and Damage of the Subjects of this Kingdom, and
 ‘ in manifest Violation of the Treaties subsisting between the
 ‘ two Crowns: Upon which Resolution an Address was pre-
 ‘ sented to his Majesty,’ Beseeching him to use his Endeavours
 for obtaining Satisfaction and Security for our Merchants.
 But what was the Consequence? The Spaniards not only re-
 fused Satisfaction, but continued their Depredations; and
 therefore a new Application was made to this House, and a
 new Address presented to his Majesty by this House, in the
 Year 1730, which must now appear to have had as little
 Effect as the former, if the Facts charged in the Petitions
 now before us shall, upon Examination, be found true.

After having thus stated the Case in its proper and true
 Light, I must take notice, Sir, that when we go into a Com-
 mittee upon this Affair, the first Thing we enquire into, is,
 to know whether the Facts, as represented in the Petitions,
 are true; for which Purpose we must examine the Peti-
 tioners, and such Witnesses, or other Vouchers, as they shall
 please to bring or lay before us. This we must certainly do;
 but when we have done this, we shall have heard only one
 Side of the Question; for, surely the Spaniards have some
 Pretence for what they have done, or something to say in
 their own Vindication. As there is no War, nor has been
 for several Years, between the two Nations, they would not
 certainly have seized any one Ship belonging to British Sub-
 jects, without some Pretence for so doing; and from the
 Wisdom, the Penetration, and the Courage of our present
 Ministers, I must conclude, that those Pretences were such as
 carried some Shew or Colour of Reason; because if it had
 been otherwise, I am convinced, our Ministers would have
 advised declaring War against them long before this Time.
 These Pretences therefore we must examine into, before we
 can come to any proper or just Resolutions with respect to
 this Affair; and these Pretences we cannot examine into
 without having before us all the Letters, Memorials, and o-
 ther Papers, that have passed between the two Courts upon
 this Subject.

‘ If the Facts set forth in the Petitions be found to be true,
 and exactly as represented; and if the Pretences made use of
 by the Spaniards for treating our Merchants and Seamen in
 such a thievish and barbarous Manner, be found to be frivolous
 and groundless; the next Thing we are to inquire into, is, how
 it comes that no Satisfaction has yet been obtained, and what
 Prospect we now have of obtaining Satisfaction? For in such
 Cases there are but three Ways of obtaining Satisfaction,
 which are, either by Negotiation, by declaring War, or by
 a middle Way between these two, I mean that of granting
 Letters of Marque or Reprisal to such of our Subjects as have
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Anno 21 Geo. II.
1737-38.

been injured. The first we have certainly tried ; and if that should be now in such Forwardness as that a proper Satisfaction may, in all Probability, be soon expected, I should be against this House's coming to any Resolution at present, lest it might disturb or interrupt the Course of that Negotiation ; but this we cannot enquire into, without having before us those Letters, Memorials, and other Papers, that have lately, or indeed those that have last passed between the two Courts upon this Subject. In this Case, I say, Sir, I should be against our coming to any present Resolution ; but if it should appear, that we have now no Hopes of obtaining Satisfaction or Security in a peaceable Manner, I must think it would be very proper for us to inquire into what Prospect we ever had of obtaining Redress by Way of Negotiation ; for considering that our Negotiations for this Purpose have continued, or at least ought to have continued, for above these twenty Years, I cannot but be of Opinion, that we have been bamboozled with fair Promises ; and in that Case I do not know but it may be thought proper to inquire into the Nature of those Promises, in order to know whether they were such as a prudent Man ought to have depended on ; because if they were of such a Nature, or so often broken, as that no prudent Man would have depended on them, I am sure it ought to stir up the Resentment of this Nation against some other Persons, as well as against the Spaniards. This likewise is a Piece of Knowledge which we cannot come at, without having before us all those Letters, Memorials, and other Papers, that have passed between the two Courts, relating to the Depredations, Insults, and Cruelties now complained of.

I think I have now shewn, Sir, that we cannot seriously and thoroughly examine into the Grievances complained of in the Petitions now before us, or come to any proper Resolutions for obtaining Redress, without having before us the whole Thread of the Negotiation between Spain and us, relating to the Depredations committed by the Subjects of Spain upon those of Great-Britain ; but before I make any Motion for this Purpose, I must beg leave to observe, that this very Affair has occasioned many Complaints among our People, not only against the Spaniards, but against our present Administration. Those Merchants and Seamen who have been plundered and abused, and have been at so much Trouble, and so great an Expence of Time and Money, in applying for Redress both at the Court of Great Britain, and, by Encouragement and Recommendation from thence, at the Court of Spain, are apt to think, that both the Honour and Interest of their Country lie neglected and forgot. Nay, this Opinion prevails too much, not only among those who
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are the Sufferers, but also among their Friends and Acquaintance, and I am afraid, among all those who have heard or read of these often-repeated Depredations. This Opinion not only renders our People discontented with our Administration, but, what is of much worse Consequence, it may render our People disaffected towards his Majesty and his illustrious Family; and it must be confessed, that Gentlemen who are no way acquainted with the Secrets of our publick Transactions for several Years past, do not well know what to say to those who thus complain, or how to make an Excuse for the many Losses, Disappointments, and Delays our Merchants have met with.

‘ This Inability which most Gentlemen in the Kingdom are under, must be a real Grief to all those who have a true Regard for his Majesty, or for the Royal Family. This, Sir, of itself is, in my Opinion, a sufficient Argument for Gentlemen’s being desirous to examine into the late Negotiations, that have passed between Spain and us. I hope every Gentleman will from thence see, that every thing has been done for obtaining Satisfaction for past Injuries, and Security against future, that could be done by a wise King and a disinterested Administration. From thence every Gentleman will be able to give a satisfactory Answer to all those who think they have Reason to complain; by which Means, Disaffection will be prevented, and those Discontents, which I am afraid fall heavily at present upon our own Administration, will then, I hope, be all converted into a just Resentment against the Shuffling, and repeated Breaches of Faith, which the Spaniards have been guilty of. This, I say, Sir, will, I hope, be the Consequence of having these Papers laid before us; but whatever may be the Consequence with respect to those who have been entrusted with our Administration, I am sure every Gentleman will see, and from thence will be able to convince others, that his Majesty has all along acted the most prudent Part, according to the Information he has had from Time to Time; which will of Course remove every Ground of Disaffection; and this is what, I am sure, the Majority of this House have chiefly, if not solely, at Heart; for the Majority of this House will, I hope, always have a much greater Concern for vindicating the Honour of their Sovereign, than for screening or concealing the Faults of any of his Ministers, either abroad or at home.

‘ In full Confidence of this, Sir, I presume the Motion I am to make will be unanimously agreed to, and therefore I shall add no more, but move :

Anno¹¹ Geo. II.
1737-38.

The Motion.

“ That an humble Addreses be presented to his Majesty, that he would be graciously pleased to give Directions for laying before the House Copies or Extracts of the several Petitions, Representations, Memorials, and all other Papers relating to the Spanish Depredations upon the British Subjects ; which had been presented to his Majesty, or delivered to either of his Majesty’s principal Secretaries of State since Midsummer last ; together with Copies, or Extracts of such Memorials or Representations, as had been made either to the King of Spain or his Ministers ; and the Answers returned by them to the same ; and together with Copies, or Extracts of the Letters written to his Majesty’s Minister at Madrid, with the Answers received from him relating to the said Depredations.”

This Motion being seconded by Mr. Alderman Perry, Sir Robert Walpole rose, and spoke to the following Purpose :

Sir,

Sir R. Walpole.

‘ I do not stand up to oppose the honourable Gentleman’s Motion, because there are many Papers have passed between the Courts of Great-Britain and Spain, relating to the Subject of Complaint now before you, which it may be proper for the Committee to see ; but there are certainly some which you ought not as yet to call for ; and therefore I must think the Motion rather too general and extensive ; for tho’ we have a full and unlimited Power of addressing for whatever we may think proper, yet we ought never to desire any Thing but what the Crown may probably be able to comply with, without doing an Injury to the publick Affairs of the Nation.

‘ I am sure it cannot be supposed, Sir, that I have any Objection, on my own particular Account, against calling for any Letters, Memorials, or other Papers, that have been contrived and drawn up by the Court of Spain : I am no Minister at that Court, nor can it be said that I have the least Influence on any of their Councils ; and therefore I cannot be made to answer for any Step they have been pleased to take, relating to the Thing now before us. If I had had the least Influence on any of their Councils, I am sure I would have advised them, even for their own Sakes, to have observed a very different Sort of Conduct with respect to this Nation. In my Opinion, if the Spaniards were governed by prudent Councils, if their publick Affairs were under the Management of those who had nothing else in View but the true Interest of that Kingdom, they would find it as much their Interest to avoid picking Quarrels with us, as it is our Interest to avoid picking any Quarrel with them. They would have long since found, and they may probaby at last find, to their Cost, that their own Proverb will always hold true,

true, 'Peace with England, and War with all the World besides.' This has long ago become a Sort of Proverb in the Spanish Language, and will always be found to be a just and a prudent Maxim; for it is the Interest of both Nations to be well with one another; but Nations have often the Misfortune to be governed by those, who have nothing less in View than the Interest of that Country they govern.

'For this Reason, Sir, every Gentleman must allow, that a War with Spain ought to be avoided if possible; and as his Majesty has not as yet told us, that he has given over all Hopes of obtaining Redress by Negotiation, we ought to take no Step, nor call for any Paper, that may render ineffectual, or perhaps put an intire Stop to all future Negotiation. We cannot suppose that any Step taken by this House, or any Paper laid before us, can be kept a Secret, because there are generally great Numbers of Persons present, besides those who have a Right to be here. This, I say, can never be supposed; and therefore it has always been observed as a Rule in our Proceedings, never to call for any Paper relating to an Affair then in Agitation. The last Memorial or Answer from Spain is a Paper of this Nature: It arrived but on Saturday last; and, I believe, I may venture to acquaint the House, that it is far from being satisfactory; but if kept private, and no violent Measures taken in the mean Time, it may be explained so as to render it satisfactory, by which means an open Rupture will be prevented: Whereas, if it should be laid before this House, it may inflame the Nation, or even this House, so much, as to hurry us into some violent Measures; and even suppose we should be able to govern our Resentment, yet the rendering it publick, which would certainly be the Consequence of laying it before us, might make the Court of Spain think their Honour concerned in adhering peremptorily to the Terms of this Answer, without giving such Explanations as they might otherwise in prudence be induced to give.

'I shall most readily agree, Sir, that our Merchants and Seamen have been often treated most unjustly and most inhumanly by the Spanish Guarda Costas, and that both the Honour and Interest of the Nation are deeply concerned in obtaining Reparation for past Injuries, and a proper Security against being exposed to any such in Time to come; but we certainly ought not to have Recourse to Arms as long as there is any Prospect of obtaining Redress in a peaceable Manner. It is without Doubt a very popular Way of arguing, to talk highly of the Honour, the Courage, and the superior Power of this Nation; and, I believe, I have as good an Opinion of the Honour, Courage, and Power of this Nation, as any Man can, or ought to have; but other Nations must be

Anno 11 Geo. II.
173738.



supposed to have Honour as well as we, and all Nations generally have a great Opinion of their Courage, and Power. If we should come to an open Rupture with Spain, we might in all Probability have the Advantage; but Victory and Success do not always attend upon that Side which seems to be the most powerful; therefore an open Rupture, or declared War, between two potent Nations, must always be allowed to be an Affair of the utmost Importance to both; and as this may be the Consequence of our present Deliberations, we ought to proceed with great Coolness, and with the utmost Caution.

Prudence and Pusillanimity, Sir, are two Words which are easily understood in private Life; but in publick Life, and in national Affairs, it is not so easy to form proper Ideas for these two Words, and to determine the exact Boundaries between them. If a private Man should think his Honour injured, he may, he ought to resent it immediately; because, as he has nothing but his own Life to lose, his own Opinion is a good and a sufficient Reason for putting it to the Venture: But in national Quarrels the Lives of many Thousands are concerned; and those who are to deliberate and determine in what Manner, or how soon, an Injury ought to be resented, are generally those whose Lives, in Case of a Rupture, will be the last of being brought into Danger. For this Reason, they ought not to depend so much on their own Opinion; nor ought they to insist upon such Punctilio's as may be insisted on in private Life. They ought to consider the Circumstances of both Nations, and they ought to weigh thoroughly the probable Consequences; for it may sometimes be the Interest of a Nation to pocket an Affront, or at least to defer their Resentment, till they find a more proper Opportunity for taking Vengeance. This is what we cannot be competent Judges of, even though we had all the Papers now moved for before us; because from them we could not guess how we stand with respect to the other Powers of Europe. We could not from thence know, but that our coming to an immediate Rupture with Spain might unite several Powers against us; and, in that Case, surely, it would be Madness in us to call for any Paper, or to make any Step, which might hasten that Rupture.

‘ From this Consideration it must appear, Sir, that even with respect to a Nation, whose Friendship we have no Reason to be fond of, it may not at all Times be proper to shew an immediate Resentment; but with respect to a Nation whose Friendship we have Reason to be fond of, and not only a Nation we ought to endeavour to be well with, but likewise a Nation whose real Interest it is to cultivate a Friendship with us, we certainly ought not to be quick in shewing
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our Resentment; upon every Misunderstanding that may happen between us. If such a Nation should be hurried into wrong Measures with respect to us, either by the particular Circumstances they happen to be in, or perhaps, by weak or treacherous Councils, there may be many Reasons for our delaying to shew a proper Resentment; because the Circumstances they are in may alter, or they may come to be governed by more prudent or more upright Councils, in which Case they will court a Reconciliation, and for that Purpose will be glad to make us all the Reparation they have in their Power. This will certainly be the Case with Spain, as soon as they begin to consider seriously, and to pursue solely that which is the true Interest of the Spanish Nation in general. The present Misunderstandings between us, would then be easily and speedily removed; whereas if we should hurry ourselves into a War with that Nation, the Violences, Rapines, and Massacres, which would be committed on both Sides, might establish a Sort of national Enmity and Hatred between the People of the two Kingdoms, which both Courts, if they were never so well inclined to each other, might find difficult to remove for many Years after.

‘ For this Reason, Sir, we ought to avoid as much as possible coming to an open Rupture with that Nation in particular; and, therefore, I do not know any great Necessity there is for our calling for any Papers; for I do not think we can come to any Resolution upon the present Occasion, except that of addressing his Majesty to take those Measures which he may, in his great Wisdom, think most prudent and necessary, for obtaining Redress to his injured Subjects. I hope no Gentleman will think, that this House ought to declare War against Spain, or that we ought to advise his Majesty to declare War, till he applies to us for our Advice upon that Head. Such a Proceeding would not only be an Incroachment upon one of the most certain Prerogatives of the Crown, but it would likewise be a Sign of great Rashness and Imprudence; for no Man can prudently give his Advice for declaring War, without knowing the whole System of the Affairs of Europe as they stand at present, and how the several Potentates of Europe now stand affected towards one another. It is not the Power of Spain, and the Power of this Nation only, that we ought in such a Case to consider and compare: We ought likewise to know what Allies our Enemies may have, and what Assistance we may expect from our Friends; neither of which we can know from the Papers now moved to be called for, if they were all laid before us; therefore we must leave it entirely to his Majesty, to take the most prudent Measures for obtaining Redress; and, when his Majesty finds that no peaceable

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Measures will prevail, he will without doubt apply to this House for Advice as well as Assistance; and, will then certainly give the House all the Information that may be necessary for giving us a full View of our Circumstances both abroad and at home.

‘ From what I have said, Sir, I hope Gentlemen will be of Opinion, that we can come to no Resolution upon the present Occasion, but that of addressing his Majesty in much the same Terms this House has heretofore done upon a like Occasion; and this, I am convinced, every Gentleman will think we may do, without having before us any of the Answers from the Court of Spain, especially that which arrived only on Saturday last. There is, therefore, not the least Occasion for our calling for that Paper; if we do, we may have Reason to repent it; but, I am sure we can never have Occasion to repent our not calling for it; because, we may hereafter have that, and every other Paper relating to the Affair now in Hand, laid before us; and, if any of his Majesty’s Ministers, either abroad or at home, have been to blame, or have injured the Nation by their Ignorance or Neglect, or by any criminal Step, in the Course of these Negotiations, it will then appear; and the Person guilty may be punished according as the House shall then see just; for no one of his Majesty’s Ministers either does, or can expect to have his Failing screened or concealed by a British House of Commons; I hope no one of them has any Occasion for such Screening or Concealment.

‘ As for the Discontents that may be in the Nation, on Account of the Depredations committed by the Spaniards, I cannot think that any of them are directed against the Administration; I am sure they cannot with any Justice be so directed; and therefore, I am convinced, that none of them are so directed by any Person who is not disaffected to his Majesty, as well as discontented with the Administration. But I hope most of them are levelled where they ought only to be levelled; I mean against the Spaniards, who have been guilty of, or have connived at, those Depredations; for even from the Papers we have already seen, I must be of Opinion, that our Ministers, both abroad and at home, have been at as much Pains as it was possible for them to be at, and have used all proper Means for convincing the Court of Spain of their Error, and for prevailing with them to make full Reparation. This, I say, I am convinced of from the Papers now upon our Table, which in my Opinion may furnish any willing Mind with Matter sufficient, not only for vindicating his Majesty’s Government from any Aspersions that may be cast upon it by the Disaffected, but also for vindicating the Measures pursued by the Administration. With respect to
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his Majesty's Government, tho' there are some without Doors who, for the Sake of spreading Disaffection, are ready to impute the most casual Misfortunes, to some Fault or Neglect in his Government; yet I am sure there is no Gentlemen within Doors, who will not be ready to vindicate it upon every Occasion; but with respect to the Administration, I cannot say so much: I am afraid there are some within Doors as well as without, who are not very willing to vindicate it upon any Occasion, and who upon most Occasions are even unwilling to admit of those Excuses, which the Administration may justly lay claim to.

Anno 11. Geo. 11.
1737-8.



' As I do not oppose calling for any Papers, in which our Administration can be supposed to have a Concern, I hope, what I have said, Sir, will have the more Weight. If I opposed calling for any Papers that have been penned or advised by any of our Ministers, it might perhaps be suspected that my Opposition proceeded from some selfish End, in order to prevent an Enquiry into my own Conduct, or into the Conduct of some of my Friends; but as I oppose calling for some of those Papers only, which have been penned and advised by the Ministers of Spain, I cannot think my Opposition will be liable to any such Suspicion; I hope it will be thought, I have nothing but the Good of my Country in View. I really think, and I protest I speak it sincerely, I say, I really think it inconsistent with the Interest of the Nation, to call for any Paper so lately arrived, as the last Dispatch which came from the Court of Spain to this Court. It may be attended with terrible Consequences, not only in the Case now before us, but in many future Cases, because it will be a dangerous Precedent for all Time to come. Who knows, Sir, should we make a Precedent of this, but that a future House of Commons may assume to themselves a Power of calling for Papers during the Dependence of a Negotiation; and if this should ever come to be our Case, I am sure no foreign Prince or State will ever enter into any secret Negotiation or Treaty with our Government, the Consequences of which I shall leave to every Gentleman to form to himself a Notion of; for they are beyond what I can pretend to express.

' I am far from thinking, Sir, that a Negative ought to be put upon the Motion the honourable Gentleman has been pleased to make; but from what I have said, I hope even he himself will be convinced, that his Motion ought to be confined, and that therefore he will agree to the Amendment I am to propose; for in the Affair now before us, it will be a great Advantage to the Nation, and therefore I wish, that we may proceed in every Step with the greatest Concord and Unanimity. The Amendment I propose is, That those Words which relate to the Answers from Spain
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Apno II. Gen. II.
1737/38.

may be all left out ; and in that Case the latter Part of the Motion will run thus : ‘ Together with Copies or Extracts of such Memorials or Representations, as had been made, either to the King of Spain, or his Ministers ; and of the Letters written to his Majesty’s Minister at Madrid relating to the said Depredations.’

Mr. Pulteney spoke next.

Sir,

Mr. Pulteney.

‘ The Motion made by my honourable Friend over the Way, is not only so just in itself, but so much calculated for vindicating the Conduct of the honourable Gentleman who spoke last, that I wonder to hear him oppose calling for any Papers, or any one Paper, that can be supposed to have the least Relation to the Subject of Complaint now under our Consideration. If I were to advise him, and I speak it with the utmost Sincerity, I would advise him, for his own Sake, as well as for the Sake of the Nation, to advise laying the Affair fully before the Parliament, in order to have the Advice of Parliament upon such an important Occasion. We have in this Kingdom several Councils ; we have a Privy Council ; a Cabinet Council ; and, for what I know, a more secret and less numerous Council still, by which the other two are directed : But the Parliament is his Majesty’s great and chief Council : It is the Council which all Ministers ought, both for their own Sakes and their Masters, to advise his Majesty to consult with, upon every Affair of great Weight and Importance ; for, from all our Histories we shall find, that those Kings have been the most happy and glorious, who have often consulted with their Parliaments ; and that those Ministers have always gone through their Administration with the greatest Ease and Applause, and have divested themselves of their Power with the greatest Safety to themselves, which seldom happens to any but those who have advised their Masters to depend chiefly upon the Advice of their Parliaments.

‘ In our Privy Council, Sir, in our Cabinet Council, and in any more secret Council, if there be any such, the honourable Gentleman may be supposed to have a Sway ; nay, it may be even suspected that he has, under his Majesty, the chief Direction of each ; and therefore he may, some Time hereafter, be made to answer for their Determinations ; but it cannot be suspected that he has the Direction of either House of Parliament, nor are we to presume that he has any other Sway in this House, but that which proceeds either from the Solidity and Strength of his Arguments, or from his superior Art of Persuasion ; For which Reason he can never be made to answer for any Resolution of Parliament, or for any Thing that is done pursuant to the Advice of Parliament. In all Cases

Cases therefore he ought to be fond of having the Advice, or at least the Approbation, of an independant and free Parliament; but more particularly in a Case such as the present, where the most prudent Councils may not be always attended with the wished-for Success. In such Cases, I say, more particularly, he ought in common Prudence to chuse and desire, that his Conduct should proceed from the Advice and the Resolutions of Parliament; because, whatever may be the Event, he cannot be made to answer for our Conduct, nor can he be blamed even by those who judge of Things only by the Event, which is the Case of the greatest Part of Mankind, in this as well as every other Country.

‘ I am very sensible, Sir, the honourable Gentleman is no Minister in Spain; I believe he has but very little, if any direct Influence upon that Court; and I am sorry it is so, because if he had any Power over their Councils, I find he would have advised them to have acted in a very different Manner towards us, and in a Manner more consonant to their own Honour and Interest as well as ours: But yet I would not have him to depend so much upon his never being brought to answer for any of those Memorials or Answers, that have been drawn up, or any of the Measures that have been pursued by the Court of Spain, because both might, and, I believe, did very much depend upon the Memorials or Representations we sent them, and the Measures we pursued; and if by any Fault or Mistake in our Conduct, they have been induced to send us wrong or evasive Answers, or to pursue Measures that were contrary to the Honour or the Interest of this Nation, those who were the Authors and Advisers of our Conduct towards them, may justly be made to answer for their Conduct towards us; especially as no Part of our past Conduct can be said to have proceeded from the Advice, or from the Resolutions of Parliament. When I say this, Sir, I would not have it thought, that I intend to blame any Part of our late Conduct towards Spain, or to charge any Gentleman with having been the Author and Adviser of that Conduct. This is what neither I nor any Gentleman can do, till he has fully and thoroughly enquired into the Affair now before us, and particularly the Papers now called for.

‘ The Interests of Trade and our Situation, Sir, makes a Friendship betwixt this Nation and the Crown of Spain, to be wished for by every honest Englishman, and by every true Spaniard; but, Sir, if we have neglected to cultivate a Friendship with that Nation, or if it should be found, that we have even wilfully or causelessly disobliged them, for the Sake of cultivating a Friendship
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1737-38.

with other Nations, whose Friendship can never be of any great Service, but has been still found ruinous to this Nation, or for the Sake of encouraging or protecting a particular Set of Men amongst ourselves, I believe it will be generally agreed, that the Authors and Advisers of such a Conduct, ought to be enquired after by, and ought to fall under the Censure of, a British Parliament: I believe every Man will likewise agree, that we cannot in Justice expect Reparation till we are ready to give it; and that, if we were the first to offend, we ought to be the first to offer an Attonement. I am far from thinking that this is the Case, but I am sure it will be allowed, that it may; and surely, this House can come to no Resolution, with respect to the Affair before us, till we know whether this be the Case or not. Now, I would be glad to know, how it is possible for us to determine, whether this be the Case or not, till we have seen all the Memorials, Answers, and other Papers, drawn up by the Court of Spain upon this Head; for, from these, and these only, we can acquire a sufficient Knowledge of the Demands they have upon us, or the Complaints they make against us.

'Tis true, Sir, we cannot presume that any Paper laid before this House can be long kept a Secret, nor can we tell whether the last Answer from Spain be a Paper which ought to be kept secret. The hon. Gentleman has been pleased to tell us, it is far from being satisfactory; but if I have been rightly informed, it is something more than dissatisfactory; I have been told it may even in some Measure be called Menacing and Insulting. I shall be glad to find I have been misinformed. I hope it is, as the honourable Gentleman says, such a one as may admit of an Explanation. But I am sure, if a Negotiation of twenty Years has not been able to procure a satisfactory Answer, or proper Explanations, it is high Time for us to take other Measures; and, no Measure can be more effectual than an explicit and strong Resolution of a British Parliament. Such a Resolution has always hitherto had a great Effect upon the Councils of most States in the World, especially such as have any Territories bordering upon our Dominion in the Ocean: I hope it will still have the same Effect; for whatever little Divisions may be amongst us, with respect to our own domestick Affairs, I am convinced those Divisions will never prevent our shewing a firm Resolution of being unanimous against any foreign Power, that shall dare to encroach upon or insult us. Upon such Occasions, I hope, we will always shew ourselves as ready to support the Honour of our King, as he is to support the Interest and just Rights of his People.

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‘ It may, Sir, have been generally observed as a Rule in Parliament, not to enquire into any foreign Affair while it is upon the Anvil ; but, even this Rule is not without Exception, especially if any Affair should be continued too long upon the Anvil ; for its being so, may be a good Reason for a parliamentary Enquiry. But, after either House of Parliament has resolved to enquire into any Affair, foreign or domestick, was it ever pretended, that they ought not to call for every Paper necessary for giving them a full Light into that Affair ? Does not every one know, that it has always been, and always must be, the Custom of this House, when any Affair is, according to Order, to come before us, to call for all Papers which we can suppose to have any Relation to that Affair ? In such Cases, if among the Papers called for, there be any which ought not, for the Sake of publick Good, to be exposed to publick View, it is the Business of the Crown to tell us so ; but, this is an Answer we ought not to take from any of our own Members, let him know ever so much of the Secret of Affairs. That, Sir, is a Knowledge I don’t envy him for ; but I speak as a Member of this House, and therefore say that no Gentleman can take upon him to dictate what Papers are proper, and what are improper for our Inspection. The Answer last arrived from Spain is certainly a Paper which relates to the Affair we have resolved to enquire into ; it is, in my Opinion, the most principal Paper, and a Paper without which we cannot come to any proper Resolutions ; therefore we certainly ought to call for it ; and, if it be of such a Nature as that it ought not yet to be made publick, his Majesty, in his Answer, will certainly tell us so. When his Majesty has told us so, we may then consider, whether it may not be proper for us to put off an Enquiry into this Affair, till we can have a Sight of that Paper ; but, till we have such an Answer from the Crown, and from the Crown only it is that this House can take such an Answer, there cannot, in my Opinion, be any Colour of Reason for our not calling for a Sight of it. What the Answer from the Crown may be, I shall not pretend to guess at ; but I must say, I cannot at present suggest to myself any one Reason for thinking that Answer of such a Nature, as that it may not be safely communicated to this House. If it be merely dissatisfactory, it can neither inflame nor hurry us into any violent Measures ; and, if it be menacing or insulting, it ought to be exposed for that very Purpose. In private Life, a Man may be my Friend, and may have been so for many Years ; but, if once he begins to menace or insult, from that Moment he ceases to be so ; and, nothing but an abject, sordid Spirit, will patiently submit to such Treatment, for the Sake of any self-interested View whatever.

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‘ There is therefore, I think, Sir, not the least Foundation for being afraid, lest our Resentment should be stirred up beyond its just Bounds, by that Paper’s being laid before us; and, as for the Honour of the Court of Spain, I wish some Gentlemen may not have had both formerly and of late too great a Regard for it: I wish they may not have sacrificed some of the most substantial Points of English Honour, to some of the most romantick Punctilio’s of Spanish Honour. For my Part, I shall always think, that, in national Affairs, as well as in private Life, even the Punctilio’s of Honour ought to be insisted on, when we have to do with those who, on their Parts, do insist upon them; for then they become material. But, Sir, as I shall always have a much greater Regard for the Honour of this Nation, than for that of any other, if the Court of Spain, or any other Court in Europe, should entertain such whimsical Notions of their Honour, as might prevent their doing Justice to us, I should think it inconsistent with the Honour of this Nation, not to take such Measures as might be proper for giving them different Notions, both of their own Honour and of the Justice that is due to us.

‘ I am as much averse, Sir, to the involving of this Nation in a War, especially with Spain, as any Gentleman can be; and therefore, notwithstanding the many Injuries and Insults we have suffered, I am against coming to an open Rupture, if there be any reasonable Hopes left of obtaining a proper Redress in a peaceable Manner; but, for God’s sake, Sir, when are these Hopes to be at an End? In this Respect, I am sure, it cannot be said, but that we have already hoped sufficiently; we have hoped, and hoped, and hoped again; but, by what yet appears, we have, I think, hitherto hoped in vain. What if we should now put a Period to our pacifick Hopes, and begin to put on other Hopes, I mean those of acting such a Part as may become a brave but injured People: It is true, that Means may be fallen upon to disappoint even those Hopes. Nay, Sir, it is certain that no Nation can be assured of Success, even in the justest Quarrel, and supported with the greatest Force; but will this Uncertainty ever be a Reason with any brave Man, or powerful Nation, to bear tamely with repeated Injuries and Insults? When there is a just Cause for War, we ought certainly to take all prudent and necessary Measures for securing Victory on our Side, and when we have done so, we must trust the Event to Providence. Now, Sir, I should be glad to know, whether, in our Deliberations on this Affair, we are to enquire what reasonable Hopes we may have of obtaining Redress in a peaceable Manner; because, if this be one of the Points that is to fall under our
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Consideration, and that it is, I can hardly think any Gentleman will seriously deny, it is absolutely impossible for us to determine this Question, without seeing the last Answer from Spain; and therefore, it is absolutely necessary for us to call for that Answer in particular, if we are seriously resolved to make a thorough Enquiry into this Affair, and to come to such Resolutions as may be worthy of a British Parliament.

‘ Prudence and Puffillanimity, Sir, in private Life, is what every Gentleman well knows to be widely different, and even with Respect to national Affairs, are not Words of such an intricate or unintelligible Nature but that they may be understood by Parliaments as well as Ministers. Even a Parliament may avoid Puffillanimity, without running into rash or precipitate Measures; and if our Cabinet, or any other of our private Councils, have been guilty of Puffillanimity, our Parliament may correct it by their Prudence. The Wisdom of Parliament, is the Wisdom of the Nation; and in all national Affairs of great Importance, surely the Wisdom of the Nation ought to be consulted. We are not to conclude, that such a Step must necessarily and unavoidably throw us into a War; and much less are we to conclude, that the laying of this last Answer, or any Answer, from Spain, will necessarily produce such an Effect. On the contrary, a strict Parliamentary Enquiry into this Affair, may prevent an open Rupture. The Court of Spain, if it is in the Wrong, will then see we are serious; they will from thence conclude, we are no longer to be dallied with, and may probably shew more Respect to the Interposition of Parliament, than they have ever shewed to the Negotiations of our Ministers. If they are not in the Wrong, which may be the Case; for tho’ they have certainly done us many and great Injuries, yet their having done so, may, for what we know, proceed from our having first done Injuries to them; and their refusing or delaying to make Reparation to us, may proceed from our refusing or delaying to make, or so much as to offer, any Reparation to them: If this be the Case, if our Ministers have been guilty of any Misconduct or unjust Obstinacy in this Respect, which I am far from suspecting they have, we cannot expect that they will immediately, and of themselves, acknowledge their Error, and change their Conduct; but whatever Faults they may have this Way been guilty of, will certainly, upon a proper Enquiry, be rectified by the Resolutions of Parliament; so that by laying this Affair fully before Parliament, a War may be prevented, which would otherwise be unavoidable; but without a thorough Enquiry into the Disputes between Spain and us from first to last, we cannot discover whether our Ministers have been guilty of any Misconduct or

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unjust Obstinacy, and consequently can come to no proper Resolutions for rectifying their Mistakes; and I am sure, without seeing *every* Paper that has passed between the Courts relating to these Disputes, we can make no thorough Enquiry.

The next who spoke on the same Side was Lord Polwarth :
Sir,

Lord Polwarth:

‘ My honourable Friend has so fully opened the Reasonableness of the present Motion, and so clearly answered the Right honourable Gentleman over the Way, that I am persuaded I need to say very little.

‘ It is very true, Sir, as the Right honourable Gentleman seems to insinuate, that we cannot guess from the Papers now called for, how the other Powers of Europe stand affected towards us, or what Assistance either we or the Spaniards might expect from any of them, in Case of an open Rupture between the two Nations. But as the Disputes between Spain and us, have been depending for above these 20 Years; as the Obstinacy of the Court of Spain has been very great, and as the Interests which we have depending upon a satisfactory Accommodations of these Differences are very great; we cannot but suppose, from the known Wisdom and Foresight of his Majesty’s Ministers, that Care has been taken, by proper Treaties and Alliances, and by the many Negotiations we have lately carried on, to provide and secure to us all the Assistance we may stand in need of, or at least to prevent any other Power in Europe from endeavouring to support our Enemies, in any unjust Measures they may have been guilty of towards us. But suppose it were otherwise, which I am sure no Gentleman will willingly suppose; are our Merchants to be plundered, and our Seamen cruelly used, for many Years together in the Time of profound Peace? Are they to come frequently to Parliament with Complaints of such Treatment? And is a British Parliament always to content itself with presenting an humble Address to the Throne, praying that his Majesty would use his Endeavours, for obtaining Satisfaction to his injured Subjects?

‘ Sir, This would be inconsistent with the Honour and the Duty of Parliament. In the Case of a domestick Grievance, if the Parliament should address to have it removed, and if, several Years after, a Petition should be brought to Parliament, representing that notwithstanding their Address, the Grievance remained, and was more heavy and frequent than before; what then would be the Business and Duty of Parliament? Would not they be in Honour obliged to enquire, how it came that the Grievance was not removed, to enquire at whose Door the Fault lay, and to punish those who had been guilty?

guilty? With Respect to any foreign Grievance, 'our Duty is the same. The Grievances, the Injuries now complained of, and so often before complained of, are such as no Nation ought patiently to suffer, if there be any Way of redressing them, either by fair or foul Means; and if there be no Way of redressing them, if by any Misconduct the Nation be brought into such a melancholy State, that we must suffer them, which God forbid! the Parliament ought to enquire into the Affair, if not to find a Remedy, at least to punish those who have made our Case remediless. Therefore I must think it incumbent upon us, to proceed now a little further. We have twice already addressed for having this Grievance removed: It is now high Time for us to enquire, how it comes that it has not been removed: But if we should be so good-natured as to rest satisfied with presenting a third humble Address, surely that Address ought to be in different Terms from any of the former. I shall not pretend to tell what we ought to do, or in what Terms we ought to address, nor can any Gentleman pretend to tell, till he has seen and deliberately examined every Paper relating to this Affair.

The honourable Gentleman over the Way seemed to be in a mighty Panick, as if we could not agree to this Motion without breaking with Spain. For my Part, Sir, I have very few Apprehensions of that Kind: Not that I should wish, that we were to plunge ourselves inconsiderately into a War with Spain: But, I believe, the Court of Spain knows too well the Way to prevent Things coming to an open Rupture. They at the same Time know what the Consequence of going to War with us at present might probably be. Therefore, Sir, tho' we were to see these Papers, and to come to some vigorous Resolutions, I am afraid they might, by a few fine glossing Overtures, bring us to treat again, and then we should be just where we are now. But, Sir, let us suppose that we should go to War; yet I do not foresee any bad Consequences for the Nation, for a just and casual War never produces a settled Enmity between two Nations: Nothing but a perpetual Clashing of national Interests, can produce such a one; and even tho' a War should produce such an Enmity, it will always be more for the Interest, as well as Honour, of this Nation, that the People of Spain should hate and fear us, than that they and every other Nation in the World should contemn and despise us.

' I should be extremely sorry, Sir, to think that all those who complain of our long Sufferings, with Respect to the Depredations committed by the Spaniards, are such as are
disaffected

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disaffected to his Majesty and his Family: It would be a melancholy and a dreadful Prospect, to every Man who has a true Regard for our present happy Establishment; but I am sure they are not. I know many of them, who would venture their Lives and Fortunes for the Support of our present Establishment, with as much Alacrity as they would venture them in revenging the Insults, that have been lately put upon us by the Spaniards. Most of those who complain are fully sensible, and most will readily acknowledge, that his Majesty can be no way to blame in this Affair. They know how ready he is, upon every Occasion, to vindicate the Honour of his Crown, or assert the just Rights of his Subjects; but I doubt much if any of these People will make the same Acknowledgments with respect to all his Majesty's Ministers. Who are to blame, or what way they are to blame, those who complain do not know, nor can I tell them, till I see the Papers now called for; but considering the Power of this Nation, when compared with that of Spain, and considering the many Opportunities we have lately had, for obtaining or compelling from Spain a full Satisfaction and Security, every Man concludes, that some Persons amongst ourselves must be to blame, for our having so long and so patiently submitted to such Indignities. If the honourable Gentleman has a Mind to remove all Cause of Suspicion from himself, the best Thing he can do is, not to oppose any Thing that may tend to the clearing up of this Affair; and therefore, I think, if he has any Regard for the Opinion his Countrymen may entertain of him, he ought to withdraw the Amendment he has been pleased to offer, and join with us in calling for the late Answer from Spain, as well as every other Memorial or Answer they have sent us upon the same Subject.

What may be in the Papers relating to this Affair, which are now upon our Table, or what Justification any Gentleman in the Administration may expect from any of them, I do not know; for, I neither have been at the Pains to examine them strictly, nor shall be at any such Pains, till the Whole be laid before us; and, I hope, the honourable Gentleman will not think, that this Neglect or Indolence in me, proceeds from any Unwillingness to vindicate him or any other Gentlemen concerned in these Transactions; but really from an Opinion, that I cannot make myself Master of the Affair, or pass any Judgment relating to it, till the Whole be laid before the House; and, when that is done, I can assure him, I shall be extremely glad, tho' I must say, I shall be a little surprized, to find, that we have been guilty of no Mistake or Blunder, in this long, tedious, and perplexed Negotiation. If this should be the Case, it must be allowed,
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that, if we have not, within these twenty Years, added much to our Character of Fighting, for which we were always famous, we have acquired a new Character, for which we were never famous, I mean, that of being cunning Negotiators, and cautious Treaty-makers; this at least is some Comfort to the Nation; and if our long Negotiations with the Court of Spain have been carried on with the Firmness, the Resolution, and the Prudence, which so delicate, so material, an Affair required, I shall then congratulate the honourable Gentleman upon the new Honour the Nation has acquired by his Means, or by the Means of some of his Friends. However, Sir, I cannot help thinking it somewhat suspicious, that none of the right honourable Gentleman's Friends have attempted to vindicate his and their own Conduct from the Papers lying upon our Table, since they seem to think it would be very easy to do it. This I think would be of very great Service to him; and I am sure it cannot be said, he wants Friends, who have Hearts to undertake, and Heads to execute such a Design, in the most elegant, the most polite, and the most convincing Manner.

‘ Upon the Whole, Sir, there is nothing can contribute more to the Good of the Nation, nothing can so effectually prevent our being obliged to come to an open Rupture, as our shewing that we are unanimous, and peremptorily resolved to be at the Bottom of our present Disputes with Spain, and to put an immediate End to them, either by the Pens of our Ministers, or the Mouths of our Cannon. If we begin, in the very first Step, with mincing the Matter, and seeming to be afraid, lest we should disoblige the Court of Spain, by any Resolution we may come to, no Man either abroad or at home will believe we are serious, nor will the Court of Spain think of making any new Offers, or giving plain and explicit Answers. Therefore, if there were no Necessity for our seeing the last Answer from Spain, I should be for calling for it, for this Reason only, because it has been moved for.

‘ The calling for the last Answer from Spain, Sir, or any other Paper relating to the Affair we have agreed to enquire into, is not against any Rule observed in our Proceedings; it can be attended with no present Danger, nor can it be a Precedent of dangerous Consequence in Time to come; because, all those Papers, and the last Answer in particular, are absolutely necessary for the Enquiry we have resolved to make. If Gentlemen indeed will say, that an Inquiry is improper and needless, with all my Heart, let them put it on that Footing; but it would be ridiculous for us to think of enquiring without seeing every Paper that has been sent from the Court of Spain.

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‘ What Interest, Sir, or what private End, the honourable Gentleman, or any of his Friends, may have, or if they have any, for concealing any Memorial or Answer from Spain, I shall not take upon me to determine ; but, I have already shewn, that he and his Friends are not absolutely unconcerned, even as to the Papers that have been penned or advised by the Court of Spain ; because the Measures of every Court are always influenced by the Measures of others, especially those with whom they negotiate : Therefore, his present Opposition may afford some Suspicion of his being afraid, lest the laying of those Papers before the House should occasion an Enquiry into his Conduct, or into the Conduct of some of his Friends ; but, I am far from conceiving any such Suspicion ; I hope his Conduct and Behaviour has in this Respect, as well as every other, been so wise and upright, that he fears no impartial Enquiry into his own Conduct ; and, I cannot allow myself to think, he would desire to prevent an Enquiry into the Conduct of any of his Friends ; because, if they have behaved in the same Manner he has done, an impartial Enquiry into their Conduct would redound to their Honour ; and, if any of them have behaved otherwise, I am sure he would scorn to think of endeavouring to skreen the Guilty.

‘ Having said thus much, Sir, I shall conclude with my earnest Wishes, that the House would agree with my honourable Friend’s Motion ; indeed I think it will be for the Honour of Parliament, and, I hope, the honourable Gentleman has no private End to serve by opposing the calling for, or even publishing any one of them : Therefore, for the Sake of Unanimity, and for the Sake of persuading the World that we are serious in what we are about, I must hope, he will withdraw the Amendment he has been pleased to offer, and agree to the Motion as it was at first proposed.’

The next that spoke was Horace Walpole, Esq; whose Speech was in Substance as follows, viz.

Sir,


Horace Walpole, Esq; ‘ Tho’ it would be very reasonable to put off the Consideration of so important an Affair, and so unexpectedly brought before the House, as the present Motion has been, to another Day ; yet, as the right honourable Gentleman, who is principally concerned in the Fate of this Question, has made no Motion for that Effect, neither shall I, but proceed to consider what has been advanced by the honourable Gentleman who spoke last against the Amendment. I must say, I am glad to hear the honourable Gentleman who spoke last, acting so much the Part of a Friend towards the honourable Gentleman that spoke before him, as to offer him his sincere Advice. Whatever Advice the honourable Gentle-

Gentleman may be pleased to offer, either upon this or any other Occasion, will always, I am convinced, be gratefully received, and will be of great Weight with my honourable Friend near me ; but, in the present Case, I doubt much if his Advice will be taken ; I do not, indeed, think it ought. I shall readily grant that in all Cases a Man ought to consult, and have a Regard to his own Safety, and that he ought to chuse that Method of speaking and acting, which will least expose him to Danger ; but, in all Matters of a publick Concern, I hope it will be allowed, there is a superior Consideration : The Safety of a Man's Country is what he ought to prefer even to his own Safety ; and every Gentleman in this House, especially those Gentlemen who pique themselves upon their Patriotism, will certainly do so upon all Occasions.

‘ Considering the Uncertainties of War, as well as the Uncertainty of all Events which depend upon foreign Negotiations ; and, considering how much the Judgment of the inferior Sort, and the Resolutions or Behaviour even of the better Sort, depend upon the Event of Things ; I do not know, Sir, but that, if my honourable Friend near me consulted only his own Safety, he would take the Advice that has been given him : He would chuse to have our future Conduct proceed from the Resolutions of Parliament, and would for that End advise laying every Paper relating to the Affair now under our Consideration before Parliament : But if he really thinks, the laying of all those Papers before Parliament, would tend to the Prejudice of his Country, he ought to oppose it, whatever may be the Event of that Opposition with respect to himself ; and if, in such a Case, for the Sake of his Country, he runs the Risk of drawing upon himself the Resentment of his Country, it must be allowed, he acts the Part of a true Patriot.

‘ I know, Sir, the Part which the honourable Gentleman upon the Floor has acted all along in the Difference betwixt Spain and us, to be such as gives him no Room to fear any Discovery to his Disadvantage, from the Papers that have been moved to be laid before us. Therefore, Sir, the right honourable Gentleman's Opposition to this Motion, must proceed from other Motives than personal Fear. I am convinced, Sir, that he is persuaded, that if the least Answer from Spain were laid before us, it would produce Consequences inconsistent with the Peace of Britain : And I own, Sir, that I myself am of the same Opinion ; I am of Opinion Sir, that our calling for these Papers is absolutely against the usual Forms of our Proceeding ; for I believe there is no Precedent of this House having called for any Paper that relates to a Negotiation, while the Event of that Negotiation

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was in Suspence. Therefore, Sir, by our calling for all the Papers relating to this Negociation, we shall in Effect tell the World, that we are of Opinion, that his Majesty's Endeavours to procure an honourable and safe Peace, are disagreeable to the Nation, and contrary to the Sense of Parliament. For, I believe no Nation would publish such Papers with any other View, than that of breaking off all future Conferences upon that Subject; and the State with whom they had been in Negociation, would certainly look upon it as done with that Design, and would therefore resolve not to treat with them any longer in a friendly and peaceable Manner: Therefore, if it be more for the Good of the Nation to have this Affair accommodated in a private and peaceable Manner, than to have recourse to an open and warlike Method, it must be inconsistent with the publick Good to have all the Papers now called for laid before the House.

‘ Sir, the publishing of all the Answers from Spain, relating to the Affair now before us, would not only be looked upon by them, as done with a Design to break off all future Conferences upon that Subject; but, I believe, it would be looked upon by them as, and would really I think be, a Sort of Declaration of War. The publishing of those Papers, would, in my Opinion, be the same with publishing a Manifesto; for if War were to be declared, and a Manifesto to be published, that Manifesto must be drawn up chiefly from those very Memorials or Answers which are now called for; and I can see no great Difference between publishing a Manifesto, and publishing the Grounds and Reasons upon which it must be founded, if ever it be published. The Design of such a Manifesto, if any such Thing were to be published, would be, to represent in the strongest Light the Insults and Injuries put upon us by the Spaniards, and the Injustice and Frivolousness of the Pretences they made use of, for behaving in such a Manner towards us, or for delaying to give Satisfaction; and this can be done only from the Papers now called for. As for the Insults and Injuries we have suffered, they are already too publick: They have been published, and, I believe, even aggravated, with great Care and Industry; and therefore, those Papers that give an Account of them, may be laid before us without any Danger. But as to the Pretences made use of by Spain, either for justifying those Insults and Injuries, or for delaying to give a full Reparation and Satisfaction, they are not yet publickly known, nor ought they to be made publick, as long as there are any Hopes of getting the Spaniards, by peaceable Means, to pass from the Pretences they now make use of, and to make Satisfaction for past Injuries, as well as to give a proper Security against any such in Time to come. When we can no longer entertain

entertain any such Hopes, it will then be Time to publish and expose the Frivolousness of the Pretences they make use of; but this ought to be done only by Way of Manifesto from his Majesty, in order to justify the Force he then finds himself obliged to make use of; and I am sure no Manifesto, nor any thing like a Manifesto, ought to be published, till we are prepared to back it with such a formidable Armament, as may be suitable to the Power of this Nation, or necessary for compelling our Enemies to submit to reasonable Terms; otherwise, Sir, we shall appear not only weak, but ridiculous.


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‘ It is very easy, Sir, to talk big, either within Doors or without; and, considering the Spirit of Resentment that has been industriously stirred up in the Nation, I know, it would be mighty popular in us, to come to vigorous Resolutions immediately; but I do not know, if it would be mighty wise. I am sure, it would not be wise, as long as there are any Hopes of obtaining Redress by peaceable Means; and even when we are come to an End of all our Hopes in this Way, we ought not to begin to talk, till we are ready to act. In this we ought to follow the Example of that Sort of Animal which is peculiar to this Island; and therefore I am not ashamed to recommend its Example to my Countrymen: I mean, our brave English Bull-Dog, who always seizes upon his Enemy at once, and without making the least Noise before-hand. Threatening Speeches, or even threatening Resolutions, are but Words. They are *Vox & præterea nihil*; and therefore the less they are made use of, the better: But if any such are ever made use of, they ought to be instantly followed with suitable Actions; for if they are not, those who have injured us, will despise our Menaces, and the whole World will laugh at our Folly.

‘ When one Nation, Sir, has been insulted or ill-used by another, and no Redress can be obtained by fair Means, it is without Doubt extremely proper, and even necessary, for those who are concerned in the Government of the injured Nation, to publish and set the Injuries they have suffered in the strongest Light. This Method has been always thought adviseable, as it gives the Subject a good Opinion of the Cause, and makes him contribute with Pleasure towards carrying on the War; but this ought not to be done till the Court is both resolved and ready to come to an open Rupture. Now, as those who are concerned in the Government of a Nation are the best, if not the sole Judges, not only of the Time when they ought to resolve, but likewise of the Time when they are ready and prepared to come to an open Rupture; therefore, in my Opinion, they are the only Persons that ought to be allowed to endeavour to stir up what is called a national

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Resentment. For this Reason, I cannot but think, that some of those Gentlemen who have been lately so busy in stirring up the Resentment of our People against the whole Spanish Nation, have gone a little beyond their Sphere: They have been acting a Part they were no Way qualified for, either by their Knowledge of publick Affairs, or the Station they happened to be in. They have been doing all that they could to involve the Nation in a War, when, for what they knew, we were in a fair Way of obtaining Redress by peaceable Measures; or perhaps, when our Circumstances, neither at home nor abroad, could allow us to come to an open Rupture. In either of which Cases it must be allowed, they have been doing their Country an Injury; for, with respect to the former, if we should have obtained, or should yet obtain Redress by peaceable Measures, they have been doing an Injury to their Country, by endeavouring to stir up and establish among our People, an Enmity to a Nation, with which an honourable Member, who has spoke in this Debate, has owned it is our Interest to be in perpetual Friendship; and even those who should at last be obliged to come to an open Rupture, yet they have done an Injury to their Country, by beginning too early to stir up the Resentment of our People; because, when the Resentment of a People is too soon stirred up, it is apt to evaporate before it produces the proper Effect.

Thus, Sir, it must appear, that those busy Intermedlers in publick Affairs have been doing an Injury to their Country, whatever may be the Effect of our present Negotiations; and supposing we were in Circumstances proper for encouraging us to declare War: But, if we were not in such Circumstances, they were endeavouring to do a most notable Injury to their Country; for surely, no greater Injury can be done to a Country than that of involving it in a War, when it has no Prospect of being able to prosecute the War with Advantage. It was a Maxim with Julius Cæsar, never to venture even a Battle, if the Disadvantages that might ensue from a Defeat appeared to be greater than any Advantages he could expect from a Victory; and in Africa, we are told, that he bore with many Insults and Indignities from the adverse Army, only because by a little Patience he had Reason to expect being able to obtain a Victory with less Blood-shed. In resolving upon War or Peace, the same Maxim ought to be observed; which makes the Question of such an intricate Nature, that none but those who are thoroughly acquainted with the Circumstances of a Nation, can, or ought to deliberate upon it: Therefore as we cannot pretend to be thoroughly acquainted with the present Circumstances of the Nation, we ought not to do any thing, nor
desire

desire any thing to be done, that may tend towards involving the Nation in a War; and till his Majesty acquaints us that he is resolved upon, and prepared for an open Rupture, we ought not to call for any Paper, that may, for what we know, tend to confirm, and even irritate that national Resentment, which has been already most imprudently, if not seditiously, stirred up.

‘ From what I have said, Sir, I think it is evident, that the Memorials or Answers from Spain, especially the last, are in all Probability Papers of such a Nature, that they cannot yet be communicated to this House. So far indeed I agree with the honourable Gentleman, that the House is not obliged to take my Word, nor that of any other Member, as to the Contents of those Papers; but ‘it has always been observed as a Rule in this House, to call for no Papers, but such as we had Reason to believe, the Crown might safely communicate to us. Surely we are not to court a Denial from the Crown; and upon the present Occasion, we ought to be more cautious in this Respect than at any other Time. Every one knows how loth his Majesty is to deny any Thing to his Parliament. Nothing but the publick Good will ever prevail with him to do so; and even in such a Case, it would be with the utmost Reluctance and Uneasiness. I am persuaded every Gentleman that hears me, has such a dutiful Respect for his Majesty, that he would not propose or agree to any thing, that might unnecessarily give him a Moment’s Disquiet; but in the present Case, a Denial from the Crown might be attended with Consequences still more fatal. It would make all other Foreigners, as well as the Spaniards, who do not well understand our Constitution, imagine, that there was no good Harmony between his Majesty and his Parliament; which would of Course render the Spaniards less pliable than they are at present, and consequently might not only prevent our being able to obtain Redress in a peaceable Manner, but might even prevent our being able to form proper Alliances for obtaining it by Force of Arms.

‘ It has been said, Sir, that all the Papers now called for, are absolutely necessary for the Enquiry we have already resolved on. This, in my Opinion, is very far from being the Case. We have resolved to take the Petitions now presented to us into our Consideration. In pursuance of this Resolution, we cannot regularly enter into any Enquiry, but that which relates to the Truth of the Facts set forth in the Petitions; and surely we can expect no Proof of those Facts, from any of the Spanish Memorials. When we have examined into those Facts, and found some or most of them to be true, which, I believe, will be the Case, such a Discovery may give a Foundation for our resolving upon another Enquiry;

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quity; and upon that future Enquiry, it may be thought necessary for us to see the Memorials or Answers from Spain. If this should be the Case, they may then be called for; but till then, I cannot find we have the least Occasion to examine into any one of them.

‘ As for an Enquiry into the Conduct of those who have been concerned in our late Negotiations with Spain, Gentlemen may enter into it when they please; but I hope they would not, for the Sake of punishing our Negotiators, supposing they have been guilty of Mistakes, resolve to punish the Nation, by involving it in a dangerous and expensive War, which in all probability might have been otherwise avoided. I have had some Hand, Sir, in several Negotiations; but, I think it cannot be said, I had ever any Share in any of our Negotiations with Spain: However, I know something of them, and from what I know, from what is publickly known, I must observe, that some Gentlemen seem to be in a surprizing Mistake as to these Negotiations. They seem to insinuate, as if we had been negotiating with Spain for above twenty Years without any Effect. Surely, Gentlemen cannot have forgot, that, within these twenty Years, there have been two publick and famous Treaties between Spain and us; by each of which they promised full Reparation for all past Injuries, and that no such Injuries should be committed for the future. We all know, that in the Year 1721 a Treaty of Peace was concluded at Madrid between Spain and us, which was the same Year confirmed by the Treaty of Alliance between Great Britain, France, and Spain; that by the second Article of the said Treaty, ‘ all former Treaties were confirmed;’ and that by the third Article, his Catholick Majesty expressly promised, ‘ that all the Goods, Merchandizes, Money, Ships, and other Effects, which had been seized, as well in Spain as the Indies, should be speedily restored in the same Kind, or according to the just and true Value of them, at the Time they were seized.

‘ I am not, Sir, to answer for every Step that brought on that Treaty; some Gentlemen, perhaps, know more of them than I do, but I will venture to say, Sir, that we must from hence suppose, that by this Treaty an End was put to all Negotiations before that Time; and that from this Treaty our Ministers had Reason to expect full Reparation for all past Injuries, and a Security against all such in Time to come; but some new Differences having afterwards arisen between the two Nations, a new Treaty was set on Foot, which was afterwards concluded at Seville, in the Year 1729. By this new Treaty a Reparation for past Injuries, and a Security against future, were again expressly stipulated; for, by the first Article, ‘ all former Treaties of Peace, Friendship,
‘ and

and Commerce, are renewed and confirmed; and they expressly promise, 'not to do any Thing, nor suffer any Thing to be done, that may be contrary thereto, directly or indirectly.' By the fourth Article, it is stipulated, 'particularly, that the Commerce of the English Nation in America should be exercised as heretofore; and that Orders should be dispatched, without any Delay, as well for the Execution of the said Treaties of Commerce, as for supplying what may be wanting for the entire Re-establishment of Commerce, on the Foot of the said Treaties and Conventions.' And by the sixth Article it is agreed, 'that Commissaries should be nominated within four Months after the Exchange of the Ratifications, for examining and deciding the respective Pretensions which related to the Abuses supposed to have been committed in Commerce, as well in the Indies as in Europe, and all the other respective Pretensions in America, whether with respect to the Limits, or otherwise;' and they promise, 'to cause to be executed punctually and exactly, what should be so decided by the said Commissaries, within six Months after their making their Report;' which Report they were, by the eighth Article, to make within three Years, to be computed from the Day of the Signing of that Treaty.

Accordingly, we know, Sir, that Commissaries were respectively nominated; but by various Accidents the Meeting of these Commissaries was delayed till the Beginning of the Year 1732; and therefore the Time for their finishing their Commission, and making their Report, was prolonged to the End of three Years after their first Meeting; so that the Negotiations, upon the Footing on which they are at present, cannot be said to have commenced till the Beginning of the Year 1735, and therefore cannot be said to have lasted above three Years; and from considering these Treaties, especially the last, and the several Steps that have been made by us since that Time, it must be granted, I think, that we have done all that a prudent and wise People could do for obtaining, in a peaceable Manner, a full Reparation for all past Injuries, and an absolute Security against our being exposed to any such in Time to come. If there is any Fault therefore, it must be wholly attributed to the Spaniards, who have refused or neglected to perform the repeated solemn Engagements they have entered into with us; but with regard to their Behaviour towards us, or whether the Breaches of Promise they have been guilty of can warrant an immediate Rupture, is an Enquiry which cannot come regularly before this House; nor ought we, by our Constitution, to attempt any such Enquiry: It is an Enquiry which ought to be left entirely to his Majesty's Wisdom and Justice; because, from
thence

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thence it is that Peace or War must be determined ; and, I hope, it will be admitted, that our pretending to determine in this Case, would be an Incroachment upon the Prerogatives of the Crown.

' The Parliament, 'tis true, Sir, is the great and the supreme Council of the Nation, and consequently it is the Council in which our King ought to put his chief Confidence, and which he ought to consult upon all important Affairs, when those Affairs are brought to such Maturity, or to such a Crisis, as to be ripe for being made publick ; but, no Man will pretend, that the Parliament is a secret Council, or, that any Affair ought to be laid before Parliament, till it can be safely communicated to the Publick. Negotiations of all Kinds are of such a Nature, that while they continue in the Shape of Negotiations, they ought to be kept inviolably secret ; and, it is for this Reason that, by the Excellence and Wisdom of our Constitution, the Power of making Peace or War is lodged solely in the Crown ; because, for the Good of the Nation, it is absolutely necessary, that all the Steps we make towards a Peace, should be kept secret, till a Treaty is actually concluded for that Purpose ; and likewise it is necessary, that all the Steps we make towards a War, nay, even our Preparations for War, should be kept as secret as possible, till a War is actually declared, or at least just ready to be declared. In the present Case, if our Negotiations with Spain should end in a Treaty, which I hope they will, and I dare say every Gentleman here wishes his Country so well as to hope the same, his Majesty will then, without doubt, communicate that Treaty to his Parliament ; and, on the other Hand, if our present Negotiations should prove abortive, if his Majesty should at last find, that nothing will prevail but the *Ultima Ratio Regum*, he will certainly make such Alliances, and take such Measures, as he in his great Wisdom may think proper or necessary, for rendering the Issue of that War advantageous and glorious to this Nation ; and when he has not only fully resolved upon War, but is fully prepared for coming to an open Rupture, he will then communicate to his Parliament the several Steps he has taken, and all the Papers that may be necessary for giving them a sufficient Light into the Affair. This, I say, Sir, we may be assured of, from his Majesty's known Wisdom, and from the Condescension he has always shewn towards his Parliaments ; therefore, we ought to be extremely cautious in calling for any Papers, that may tend towards rendering publick any present Negotiation his Majesty may be engaged in ; and as this would probably be the Consequence of laying any of the late Memorials or Answers from Spain before

before us, we ought to suspend our Curiosity, till his Majesty may think it proper to communicate them.

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‘ I hope, Sir, I have now clearly shewn, that none of the Memorials or Answers from Spain can be said to be necessary for any Enquiry we have as yet resolved on; and that the communicating of any of them to this House, or even our calling for them, would be of dangerous Consequence. Then, as to the Unanimity of our Proceedings, I cannot but think it is as strong an Argument for prevailing with the honourable Gentleman who made the Motion, to agree to the Amendment proposed, as it can be for prevailing with my honourable Friend to withdraw the Amendment he has offered; therefore, whatever Regard he may have for the honourable Gentleman who was so good as to offer him Advice, I hope he will, upon the present Occasion, take the Liberty to refuse it; and, I hope that, for the Sake of Unanimity, the honourable Gentleman who made the Motion, will be the first to agree to the Amendment that has been offered.’

Sir William Windham spoke next :


Sir,

When the honourable Gentleman who proposed the Amendment, first gave his Reasons against some Part of the Motion that has been made to us, I was pretty much inclined to agree with him in Opinion; but since I have more fully considered the Circumstances of the Case before us, and have heard what has been said on the other Side of the Question, I must be for agreeing to the Motion without any Amendment; therefore I hope the honourable Gentleman will take the Advice that has been offered him, and give up his Amendment, notwithstanding what has been said to the contrary by his worthy Friend near him; for, I think, no Man can more effectually shew his disinterested Regard for the Good of his Country, than by contributing as much as he can towards shewing to the World, that we are not only serious but unanimous upon the present Occasion.

Sir Wm. Windham.

‘ If Peace, Sir, be a desirable Thing, there is, in my Opinion, nothing that will contribute more towards our being able to procure a proper Redress, in a peaceable Manner, than our agreeing unanimously to the Motion now made to us. I make no Question but that an Express will this very Night be sent to the Court of Spain, and I hope that Express will carry the News not only of our having agreed to this Motion, but of our having unanimously agreed to it. This, I say, I hope, nay I most heartily wish it may be so; because I am convinced, that nothing can contribute more towards preventing our being obliged to come to Extremities;

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for I am sure no Man will say but that we ought to come to Extremities, rather than continue any longer to sit tamely under the Insults and Indignities that have been put upon the Nation, in the Persons of some of our most useful Subjects; and the best Way of obtaining Reparation and Security by fair Means, is to shew that we are resolved to have it by foul, if it cannot be otherwise obtained. If by our Behaviour upon the present Occasion, it should be made apparent to the World, and particularly to the Court of Spain, that this is our Resolution, it may probably render that Court a little more pliable than our Negotiators have ever yet found them; for in publick as well as private Life, the surest Way of living in Peace and Quiet, is to gain and preserve the Character of being ready, upon any just Provocation, to try the Fate of a Combat.

‘ I cannot comprehend, Sir, why it has been so much insisted on in this Debate, that it is the Interest of this Nation to keep up a good Correspondence with Spain: I am sure it is as much the Interest of Spain to keep up a good Correspondence with us, as it is our Interest to live in Friendship with them; and former Experience has often shewn, that they have more Reason to be afraid of a Rupture with us, than we have to be afraid of a Rupture with them. They have, ’tis true, of late Years, set up some Pretences which are inconsistent with Justice and the Rights of this Nation: They have plundered our Merchants, and maltreated our Seamen; and they have refused, or unreasonably delayed, to give us any proper Satisfaction. What can this be owing to? It is not owing to their being ignorant of their own Interest, or of the Danger they may expose themselves to by coming to an open Rupture with us. It must be owing to some unaccountable Notion they have begun to entertain, that we are afraid of coming to an open Rupture with them; and while they entertain such a Notion, they will never do us Justice in a peaceable Manner. How they came at first to conceive such a Notion I do not know; but I must say, that by our late Patience and Forbearance, not only they, but all the World, I believe, begin to think that we will submit to any Thing rather than engage in a War; and while this Opinion prevails, we may live in Peace, but I am sure we cannot live at Ease, or in Quiet. It is therefore high Time to resume the antient, and what, I hope, will always be found to be the true Character of this Nation. It is high Time, it is even become necessary for us to do something for convincing the World that we are now, and always will be, ready to vindicate our Honour by Force of Arms, when we cannot obtain a full Satisfaction by peaceable Means; and upon the present Occasion we can do this, only by a-
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greeing unanimously upon the most vigorous Resolutions, upon such Resolutions, as ought to be the immediate Consequence of the Treatment our Merchants and Sailors have met with. This is what has already been too long delayed ; and it is what cannot now be regularly done without our having first seen, or at least called for, those very Papers which, by the Amendment, are proposed to be left out of the Motion.

‘ From what I have said, Sir, it will appear, that the chief, I may say the only Argument made use of against our calling for the Answers or Memorials from Spain, is really one of the strongest Arguments for it. The chief Argument made Use of against our calling for these Papers is founded on a Supposition, that the laying of such Papers before us may interrupt the Course of our peaceful Negotiations, and involve the Nation in a War. Now will not our refusing, or even delaying, for such a Reason, to call for Papers, which are certainly extremely proper to be look’d into, upon the present Occasion, be a Testimony of our being terribly afraid of involving the Nation in a War? Will it not confirm the Notion, which I am afraid the Spaniards now entertain of us? Will it not make them conclude that we are more afraid of coming to an open Rupture with them, than we are fond of doing Justice to our injured Merchants? And as an Account of this Day’s Debate will certainly be sent to the Court of Spain, will not they presume from thence, that they may still put off agreeing to any reasonable Terms, or offering any proper Satisfaction? This will of Course make it necessary for us to come to Extremities ; so that like those private Men, who have the Misfortune to have a sheepish Look, or too much Modesty in their Behaviour, we may probably draw ourselves into a Quarrel, which a little decent Boldness might have prevented. From whence it is plain, that our agreeing to the Amendment the honourable Gentleman has been pleased to offer, will most probably lead the Nation into what he seems to be most afraid of ; unless he thinks, which I am sure is far from being the Case, that we ought to bear patiently with all past Injuries, and submit tamely to all future, rather than run the Risk of a War.

‘ I shall grant, Sir, that no Negotiation, nor any material Paper relating to it, ought to be made publick, till that Negotiation be brought to a Period ; but where neither Party has a Mind to amuse and deceive the other, every Negotiation must soon be brought to a Period. The Protracting of any Negotiation, for a Number of Years, is a certain Sign, that one of the Parties at least has a Mind to amuse and deceive, as might be proved by a vast Number of Examples ;

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but one I cannot forbear mentioning upon this Occasion, because it is an Example drawn from an Affair that happened between us and the very Kingdom with which we are now said to be, and with which we have long been carrying on, what I am afraid will at last appear to be a fruitless Negotiation. The Example I mean is that Negotiation which we carried on with Spain, in the Reign of James I. about the Marriage of his Son the Prince of Wales. That Negotiation continued for near eight Years; and as we have now sent Commissaries, so we then sent the Prince of Wales and the Prime Minister to Spain, without any Effect: But at last it appeared that the Negotiation was carried on with a Design to amuse us, and to keep us quiet, till the House of Austria found Means to ruin almost entirely the Protestant Interest in Germany; and I do not know but their Design may now be, to amuse us, and keep us quiet, till our Trade be entirely ruined; which will be the Case, if we go on with Negotiating, and they with Plundering and Seizing our Merchant Ships, but for a few Years longer.

‘ For this Reason, Sir, as the present Negotiation has already continued for so many Years, its not being brought to a Period, is so far from being a Reason for our not calling for any Papers relating to it, that it is a good Reason for our enquiring into the Negotiation itself. From the long Continuance of our present Negotiations with Spain, there is great Reason to suspect they have hitherto been amusing us only; and from the Circumstances of our present Disputes with that Nation, this Suspicion must be considerably increased: For as we may be said to be Plaintiffs only, and they Defendants, which I am sorry for, it is their Interest to amuse and protract, because upon the Issue they will not only have a large Sum to pay us, but must give up some valuable Rights they have lately begun to lay claim to; whereas we have been of late so just and so complaisant to them, that we have already left them nothing to ask.

‘ Now, Sir, if this be the Case, if there is but Ground to suspect that any of our inferior Councils have allowed themselves to be amused and deceived, it is high Time for the supreme and chief Council of the Nation to take the Negotiation itself into their Consideration; and for that Purpose to call for all Papers relating to it; in order that we may give his Majesty such Advice as may be thought proper upon such an Occasion. Such a Resolution can no way tend to make the Court of Spain break off Conferences with us: If they have a Mind to do us Justice, rather than come to an open Rupture, it would make them begin to treat with us upon a fair, a candid, and a serious Footing, which, in my Opinion, they have never yet done; But if they

they are really resolved to come to an open Rupture, rather than do us Justice, the Effect of such a Resolution would then indeed be, not to make them break off Conferences with us, but to make us break off Conferences with them ; for as they are Defendants only, it is their Business to negotiate, as long as we will negotiate with them ; and as we are Plaintiffs only, it is our Business to insist upon a speedy and a categorical Answer ; and in Case of Refusal or Delay, to break off all Conferences, and betake ourselves to those Means, which may probably prove more effectual. Can either of these be called an Effect which we ought to be afraid of ? No, Sir, even the last, is an Effect which we ought to be fond of ; for if a sufficient Redress is not to be obtained without a Rupture, the sooner we come to it the better : A State of War is more eligible than the uncertain, mongrel State we are in at present.

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But we are now told, Sir, that the present Negotiations between Spain and us have not continued for above three Years ; and to prove this, the honourable Gentleman who spoke last, has been pleased to give us a long Account of the many Treaties lately concluded between the two Crowns. No Man, 'tis true, is more able than he to give an Account of our late Treaties and Negotiations ; and I shall own my Obligation for the exact Account he has given of some of them ; but, 'tis certain, and even that honourable Gentleman will, I believe, allow, that the Spaniards have been continuing their Incroachments and Depredations almost without Interruption for above twenty Years ; and he will, I believe, likewise allow, that as yet we have obtained no Reparation for past Injuries, nor any Security against future. What is it then appears from the long Account he has given us of the late Treaties between Spain and us ? Does it not from thence appear, that we have been for above twenty Years not only negotiating, but actually concluding Treaties, in vain, and without the least Effect ? What Hopes other Gentlemen may put in our present Negotiating I do not know ; but for my Part I must declare, that I put no great Hopes in any Negotiation we can carry on, or any Treaty or Convention we can make ; and I must think I am justified in this Way of thinking, by the Account the honourable Gentleman has been pleased to give us of the late Treaties concluded between Spain and us. By these Treaties they have two or three Times already expressly promised full Reparation and Security : They have as yet performed none of these Promises. What Reason have we to think, they will be more faithful in the Performance of any Promise they may make by the next Treaty, or by any future Treaty ? I am sure, if they do shew themselves more faithful

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faithful in Time to come, it will not proceed from our shewing such a Backwardness in coming to an open Rupture with them, as some Gentlemen seem to shew upon the present Occasion. No Nation in the World will perform a Promise, tho' made by the most solemn Treaty, if it be against their Interest to do so: They will always find Pretences for delaying or evading it, if they think they can do so with Safety; and they will always think so, if they have any Reason to believe, that the Nation, in whose Favour it was made, is so impotent or so cowardly, that they dare not attempt in a hostile Manner to revenge an Infraction of a solemn Treaty.


This, I am afraid, Sir, is the Case between Spain and us. We have been of late so passive, that, I fear, they have begun to think we will not, or dare not come to an open Rupture with them; and if this be their Way of Thinking, there is nothing will alter their Opinion, but a vigorous and well-conducted War; so that by our Long-suffering and extreme Readiness to oblige them, instead of avoiding a War, we have already made it become necessary. They may grant us the Favour of a new Treaty; they may by that Treaty again promise full Reparation and Security; but if they continue in the same Way of Thinking, those Promises will be as ill-kept as any of the former. In my Opinion, it is therefore absolutely improper for us, upon the present Occasion, to shew the least Concern about what may be the Consequences of any Resolution proposed. An unanimous and hearty Concurrence in the most vigorous Resolutions, may make them alter their Opinion of us, or may make them think, that we are resolved to alter our Conduct with respect to them; and this I take to be the only Way of avoiding a War, which will otherwise, either now or very soon hereafter, become absolutely unavoidable; unless we are resolved always to submit tamely to the same Sort of Injuries we have already suffered, and to forfeit our Character and our Trade in every Part of the World.

' I shall readily admit, Sir, that it would be ridiculous in us to talk big, or to come to vigorous Resolutions, upon this or any other Occasion, unless those Resolutions were to be followed by suitable Actions. Nay, I believe, it would be ridiculous in us to fit out formidable Squadrons, or to take great Armies into our Pay, unless those Fleets and those Armies were to be furnished with proper Orders or Instructions for enabling them to follow Words with Blows, in Case of any Denial or unreasonable Delay of Justice. I know that threatening Memorials, are but Words; and, I believe, the honourable Gentleman talks from Experience, when he says, that such Words will always be contemned,

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if People imagine they are not to be immediately followed with suitable Actions: But whatever Disrespect may have been shewn to the threatening Words or Memorials of other Councils, I hope no Sign of Disregard will ever be shewn to the threatening Resolutions of a British Parliament. I hope no Nation will ever imagine, that such Words are not to be followed with suitable Actions. The Kingdom of Spain, as well as one of her next Neighbours, has still Reason to remember the Resolutions of our Parliament in the Year 1701-2. From the Behaviour of the Nation at that Time, and for some Years after, they must conclude, that the threatening Resolutions of a British Parliament will be followed, and speedily followed, by suitable Actions. They have from thence good Reason to conclude, that, even at this Time, our Words will not only be followed with Blows, but that every Blow will be followed by another, till we bring our Enemies to reasonable Terms; and as the Justice of our Cause is now as great as it was then, I am sure our Enemies have no Cause to expect greater Favour from Providence, than they met with at that Time: Therefore, if they have any Hopes of Success, it must be in our Misconduct, or in the supposed Weakness of our Councils; and if they should bring Things to Extremity, I hope they will find themselves disappointed in both.

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‘ With respect to the general Resentment, that now prevails over the whole Nation, against the Depredations committed by the Spaniards, however disagreeable it may be to some Gentlemen, I must declare, that it is extremely agreeable to me; and it is so, because I think it is just. I do not really know what the honourable Gentleman means by saying, that it has been stirred up by those who had no Title to stir it up, or who did not know what they were about. I believe it has been stirred up by none but the Spaniards themselves; for I have so good an Opinion of the Understanding of my Country-Men in general, as to believe, that their Judgment, and consequently their Resentment, as well as their Gratitude, depends upon the Nature of Things, and not upon what may be said or wrote upon any Subject. For this Reason, if none of the Actions of the Spanish Guarda Costa’s had been unjust, if their Behaviour towards our Merchants had not been cruel and barbarous as well as unjust, I believe it would have been impossible to have stirred up such a general Resentment as now prevails against them, tho’ all the best Pens in the Nation had been as much employed to throw their Actions into a malicious and invidious Light, as some of the worst have been to palliate and excuse, or rather justify their Behaviour towards us. I must therefore think, that it signifies very little

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little who they are that endeavour to stir up the Resentment of the People; because, if there is a just Cause for it, their Resentment will rise of Course; and if there is no Cause for it, no Art or Persuasion will be able to raise it. The Resentment of the Nation is, 'tis true, come to a very great Height upon the present Occasion, and if it should evaporate before it produces the desired Effect, it is easy to foresee who will deserve to be blamed; but tho' there are no People of a more generous and forgiving Temper than the People of this Nation, yet, I hope, they will never allow their Resentment to evaporate: I hope they will neither forget nor forgive, till they see Justice done to such of their Country-Men as have been injured, and a full Satisfaction made to the Nation for the Insults that have been put upon it.

' I have now, I hope, shewn, Sir, that if we have a Mind to take the best Method for preventing a War, or obtaining Redress in a peaceable Manner, we ought to agree unanimously to the Motion without any Amendment. What the Answer from the Crown may be, I shall not pretend to determine, because I know nothing of the Nature of any of the Papers called for; but surely our Addressing to have them laid before us can be of no Prejudice. Suppose his Majesty should think it inconsistent with the publick Safety to lay some of those Papers before us, his being obliged to tell us so can give him no Disquiet; because it is a proper Answer, and an Answer which this House has generally been satisfied with: It is an Answer which cannot make any Man, that has a Weight in any foreign Council, nor any Man of common Understanding at home, suppose that there is the least Disagreement between his Majesty and his Parliament; because we cannot suppose the Ministers of any foreign Court we have to do with, nor any Man of Common Sense at home, so ignorant of our Constitution, as not to know that the Parliament always leaves it to the Crown to determine, what Papers are fit to be laid before them; and never insist upon a Sight of any Paper, after the Crown has told them that it is not safe to make it publick, unless when they have Reason to suspect, that such an Answer proceeds from evil Counsel, and from the selfish Ends of a Minister, in order to conceal some criminal or false Step he has been guilty of. Then, indeed, the Parliament would probably insist upon having such a Paper laid before them, and might perhaps address the King to know who advised him to send such an Answer; and then it might be supposed, both abroad and at home, that there was no great Harmony between the King and his Parliament, or at least between his Ministers and his Parliament; but surely, neither the honourable Gentleman who spoke last, nor any other, has the least Ground to suspect that this may be the Case at present;

present; and if it were, it would be the strongest Argument for agreeing to the Motion, to the end that the Parliament might have an Opportunity of removing such Ministers from his Majesty's Councils; for if such Men were at the Helm of our Affairs, which I am sure is not the Case at present, we could neither expect Regard or Confidence from foreign States, nor any Honesty or good Conduct in our own Affairs, with respect either to Peace or War.

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‘ Thus, I think, it appears, Sir, that our calling for the Memorials or Answers from Spain can be attended with no bad Consequence, even supposing them to be such as cannot be safely communicated; and I have shewn, that our not calling for them may be attended with the most fatal Consequence, by confirming the Court of Spain in the Notion they seem to entertain of us, that we are afraid, and will rather submit to any Thing, than come to an open Rupture with them. But we are told, we ought not to call for them, because we have now no Occasion for them; and to shew we have no Occasion for them, it is said, that in Pursuance of the Resolution we have come to, we cannot regularly, at first, enter into any Enquiry, but that of the Truth of the Facts set forth in the Petitions now presented to us. This I am surprized to hear from a Gentleman so well acquainted with the Facts set forth in the Petitions, and so much a Master of the Customs and Methods of Proceeding in Parliament. Sir, we have no Occasion for such an Enquiry but for Form's sake merely. We all know the Facts are true; and if we proceed no further, I shall be sorry we have gone so far; for we shall then only leave upon Record, in the Journals of Parliament, a Testimony of the Insults and Injuries we have tamely suffered, which is a Testimony that can no Way contribute to the Honour of the Nation; and therefore we ought to be so far from recording, that, if it were possible, we ought to prevent its being handed down to Posterity. If we look but into the Prayer of the Petitions presented to us, we must see we have something else to do, than merely to enquire into the Truth of Facts. The Petitioners beseech us, ‘ To provide such a timely and adequate Remedy, as may put an End to all Insults and Depredations on the British Subjects; and to procure such Relief for the unhappy Sufferers, as the Nature of their Case, and the Justice of their Cause, require.’ Are we not then, in Pursuance of our Resolution, to endeavour to provide such a Remedy, and procure such Relief? And is it possible for us to determine what may be a proper Remedy, what may be a proper Relief, without seeing what the Court of Spain have offered, and what they pretend in Justification of themselves?

Anno 11 Geo. II.
1737-8.

‘ There are but two Ways, Sir, of providing a Remedy, or procuring any Relief: It must be done either by Force of Arms, or by Negotiation; and which of these Methods may be most proper, is what we are to determine; it is what we have in some Measure already resolved to determine, by resolving to take the Petitions into our Consideration: For this Purpose we must necessarily examine into the Whole of our past Negotiations, whether they appear in the Form of Negotiation or of Treaty, as yet neither fulfilled, nor any Way observed. Which of those Methods may, upon the Enquiry we have resolved on, appear to be most proper, I shall not now take upon me to determine; but in this Affair we have already made use of so much Ink and Paper without any Effect, that I am afraid it will appear necessary for us to begin to make use of another Sort of Ammunition. We have already found there is no Trust to be put even in Treaties, and therefore, after we have thoroughly examined into this Affair, it may be the Opinion of this House, that we must now have Recourse to that, in which we have always found, in which I hope, we always shall find, our chief and greatest Security, I mean, Sir, the Weight of our Metal, and the Sharpness of our Swords.

‘ Now, suppose, Sir, we should come to such a Resolution; suppose we should upon Enquiry find that no effectual Remedy can be provided, nor any sufficient Relief procured, but by Force of Arms; that Resolution, to be sure, is to be offered to his Majesty by Way of Advice. In so doing we incroach upon none of the Prerogatives of the Crown: We do that only which is our Duty; for we are obliged to offer what we think the most wholesome Advice to our Sovereign. Neither do we communicate to the Publick the Secrets of any Negotiation, while it continues, or ought to continue, in the Shape of a Negotiation; we only give our Opinion that it ought not to be continued in that Shape any longer; and surely, if the Parliament think so, they have a Right to say so, and to communicate their Thoughts, by Way of Address, to his Majesty. The Power of making Peace or War may be solely lodged in the Crown; but the Parliament certainly have a Right to advise and address against the Continuance of Peace, when they think it cannot be continued with Honour, as well as they have a Right to advise and address against a War, which they think cannot be prosecuted with Advantage. This is, in my Opinion, the principal Enquiry we are to make, when we take these Petitions into our Consideration: We are to enquire, whether there be any Probability of obtaining what the Petitioners pray for, in a peaceable Manner; and upon such an Enquiry, I am
sure,

sure, we can come to no Determination, without seeing those Papers that are proposed by the Amendment to be left out of the Motion: Therefore, I hope, the honourable Gentleman will withdraw his Amendment, and leave it to his Majesty, who is the only proper Judge, to determine, whether the Papers now moved for, are such as may be safely communicated to the House.'

Anno 11 Geo. II.
1737-8.


The next who spoke was the honourable Henry Pelham Esq;
Sir,

' I must say, I am sorry the honourable Gentleman, who spoke last, did not continue in his first Opinion; for I am always fond of having an Opportunity to join with him in the same Sentiments; but upon the present Occasion I cannot; because, I think, the honourable Gentleman who proposed the Amendment, gave such Reasons for what he proposed, as neither have, nor, in my Opinion, can be answered. I shall admit, Sir, that it is as necessary for a Nation to preserve its Character among Neighbours, as it is for a private Man; but whatever Opinion the Court of Spain may entertain of our Courage, or of our Unwillingness to come to an open Rupture with them, I shall never be for doing any Thing that may tend towards involving this Nation into an unnecessary War, for the Sake only of making that Nation believe we are no Way afraid of them. The Character of this Nation for Resolution and Courage is already so well established, that we have no Occasion for making use of any Sort of hectoring Expressions, in order to convince the World, that we are not afraid of the Spaniards, whom the Gentlemen who are for a War represent as a very feeble Enemy. Therefore, if upon any false and ill-grounded Opinion of our Timidity, they should absolutely refuse to do us Justice, we may easily persuade them, that our Patience proceeded not from our Fear, but from our Prudence; but this is not to be done by any Resolutions of this House; it is to be done only by Fleets and Armies, after his Majesty has told us that nothing else will prevail. For this Reason, as long as there is the least Ground to hope, that the Court of Spain may be prevailed on by peaceable Means to give Ear to Reason, we ought not to do any thing that may tend to interrupt or retard any Negotiation, that may be carrying on for that Purpose: And that we are not as yet intirely destitute of such Hopes, must be presumed; because, we may be assured, that as soon as this comes to be our Case, his Majesty will apply in the most solemn Manner to his Parliament, both for Advice and Assistance.

Mr. Pelham.

' As for the last Answer or Memorial from Spain, I do not pretend, Sir, to know what it is; but I have been assured from Authority which I have no Reason to suspect, that

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it can no Way be looked on as a final Answer. It is so far from being a flat Denial of Justice, that it seems to shew an Inclination towards doing Justice, as soon as some disputed Facts can be cleared up; and I am told it may admit of such Explanations, as may put an End to all our Differences in a peaceable Manner: Nay, I have good Reason, I think, to suppose it such a-one; for if it had been otherwise, I am convinced his Majesty would have directly ordered it to have been laid before the House. Suppose it then such an Answer as, by proper Explanations, may lay a Foundation for our obtaining full Satisfaction and Security, in a peaceable Manner; I should be glad to know how those Explanations are to be obtained. The only Way of obtaining any such, must be by a new Memorial from this Court to that of Spain, by Way of Reply to their last Answer; but if we order their last Answer to be laid before this House, we shall, in a great Measure, put it out of his Majesty's Power to send any such Reply; for in that Case, I believe, none of his Majesty's Servants would venture to advise him to send a Reply, or to give their Opinion what Sort of Reply ought to be sent, until the Parliament had thoroughly examined into the Affair, and had come to such Resolutions as they should think proper upon the Occasion. This the Parliament may not be able to do till towards the End of the Session, during which Time the Negotiation between the two Courts must be at an intire Stand; whereas, if it be left to his Majesty, to send such a Reply as he may think most proper, the Negotiation may before that Time be brought to some Period or another; and in our present Circumstances, I am sure, nothing can be of Advantage to this Nation, that will necessarily, but needlessly, occasion a Delay in adjusting our Differences with the Court of Madrid.

‘ From hence, Sir, I think it is evident, that our calling for the last Memorial from Spain would be imprudent; and whatever Necessity there may be for our seeing the last or any of the Memorials from that Court, before we can come to any final Determination, relating to the Petitions we have resolved to take into our Consideration, yet that Necessity neither does, nor can now appear; and therefore, I do not think there is, as yet, the least Occasion for our calling for any of these Memorials. In the Course of the Enquiry we are resolved to make, it may appear necessary for us to have all those Memorials laid before us, and when that does appear, I shall be ready to join with other Gentlemen in any proper Motion for that Purpose; but till then, I think it ought to be delayed, because our immediately calling for them, especially the last, may be attended with some Inconvenience, and
because

because such a Delay can but very little, if any Way, re- Anno 12 Geo. II.
1737-38.
tard our Proceedings with respect to the Affair now before us. By the Resolution you have come to, it will be near a Fort-
night before you begin to take this Affair into your Confide-
ration; and as some Things may intervene, that may oblige
you to put off the entering upon it for some Days longer; and
likewise, as you may meet with Interruptions in the Course of
your Enquiry; I must reckon it will be near three Weeks, it
may be more, before you can know positively, whether there
will be any Necessity for your having any of those Memorials
laid before you; therefore you may, I think, without the
least Inconvenience, delay calling for any of them for two or
three Weeks at least. In the mean Time, his Majesty may
have sent to the Court of Spain a Reply to their last Answer,
and then your calling for that Answer can no Way interrupt
the Course of the Negociation, nor can it be attended with
such dangerous Consequences, as your calling for it now may
be attended with: Nay, I do not know but that, if a Reply
be immediately sent, demanding the necessary Explanations,
and insisting upon a categorical Answer, which I am con-
vinced his Majesty will do with all possible Dispatch; I do
not know, I say, but that in this Case, a new Memorial may
arrive from the Court of Spain, before it be necessary for
you to come to any Resolutions relating to this Affair; and
that new Memorial will certainly have [a great Influence] up-
on your Resolutions, as well as upon his Majesty's future
Conduct with regard to Spain.

‘ I shall grant, Sir, that in case of our calling for any
Papers, it is a proper enough Answer from the Crown, to
tell us, they are of such a Nature, that they cannot be safe-
ly communicated; but on the other Hand, I believe it will
be allowed, that such an Answer from the Crown is unusual;
and the Reason of its being so, is, because both House of
Parliament have generally taken care to call for no Papers
but such as might, in all Appearance, be safely communi-
cated. Now, though I do not pretend to know what is in
the last Memorial or Answer from Spain, yet from its having
arrived so lately, we may, I think, with Probability, if not
with Certainty, conclude, that it is a Paper which ought not
yet to be made publick; and therefore, however proper
such an Answer from the Crown may be, I must think such
an Application from this House would not be altogether so
proper at present. For this Reason, I think, it would be
more agreeable to the Custom of Parliament, and more pro-
per for us, not to call for any of the Memorials from Spain,
but to leave it intirely to his Majesty, to order such of them
to be laid before us, as he shall think may be safely commu-
nicated; and this he will certainly do in due Time, if there
be

Anno 11. Geo. 11.
1737-8.

be any Thing in any of these Memorials, that may require the Consideration of Parliament.

‘ After what I have said, Sir, I hope Gentlemen will excuse me if I say, that I think it would be rash and precipitate in us, to call for all or any of these Memorials at present; and though we had them all before us, I must think, it would be still more rash in us to come to any violent or threatening Resolutions, unless his Majesty had before told us, that he had no farther Hopes of obtaining full Satisfaction in a peaceable Manner; for even in private Life, let a Man be never so much inclined to do Justice, or to make Reparation, he would not like to be publickly threatened into it: The Attempting to make use of such a Method, would probably make him stand upon a Punctilio of Honour, and refuse, at least for that Time, to do, what he would have done with great Alacrity, if it been required of him in a discreet and prudent Manner.

‘ It is true, Sir, the Negotiations between Spain and us have already continued too long, and it must be granted, they have not as yet had any great Effect; but if we consider the Multitude of Complaints that are upon both Sides, (for the Court of Spain have their Complaints, and have Demands to make, as well as we) and the great Distance of the Places where our mutual Complaints are to be examined, we cannot think it strange, that our Negotiations have not, as yet, been brought to a final Issue. I do not mention this, Sir, with a Design to make any Excuse for the Behaviour of the Spaniards to us, or to justify all the Delays they have been guilty of. I mention it only to shew, that, notwithstanding the Length of the Negotiations between us, we ought not to conclude, that the Court of Spain designs only to amuse and deceive us; but, on the contrary, that we ought to presume there may still be some Hopes of our being able to obtain, in a peaceable Manner, as much as we can expect by the most successful War: And if this can be done, it will certainly be a great Saving both of Men and Money to the Nation. That his Majesty thinks he has still good Reason to entertain some such Hopes, we may be assured of; otherwise he would have provided, before this Time, for obtaining by Force, what he found he could not obtain by peaceable Means, and would have applied to Parliament in the most solemn Manner for that Purpose. Therefore, rather than do any thing that may put an End to all such Hopes, I think we ought to return Thanks to his Majesty, and extol the Wisdom and Goodness he has hitherto shewn, by putting a Force upon his natural Inclinations, and sacrificing that dazzling Glory which is obtained by Victories and Triumphs, to that solid and true Glory, which is the just Reward of those

those Kings, who make the Preservation of the Lives and Properties of their Subjects, their chief and greatest Concern.'

Anno 11 Geo. II.
1737-38.

After Mr. Pelham, several Gentlemen spoke for and against the Amendment proposed; but I shall give you only what was said by the two following, viz. Sir John Barnard, and Sir Charles Wager; the former of whom spoke to the Effect as follows, viz.

Sir,

' In all Debates of this Nature, Gentlemen ought to be very cautious how they run any Parallels betwixt public and private Transactions. We have heard a good deal with Regard to the prudential Consideration of our agreeing to the present Motion: But give me leave to observe Sir, that the Character of a Nation is very different from that of a private Man. A private Man that has once established a Reputation for Wisdom and Courage, may easily, and generally does, preserve that Reputation as long as he lives; but whatever Reputation a State or Kingdom may acquire at any one Time, is so far from continuing as long as that State or Kingdom subsists, that on the contrary, the Reputation acquired under one King, or one Administration, always expires as soon as that King or Administration expires; and the Successors must always begin afresh to acquire and establish a Character for the Nation under their Administration. A Nation may acquire the highest Character, the greatest Esteem, under one Reign or Administration, and yet sink into the lowest Contempt under the very next. This was the Case of this Nation, in the Reigns of Edward I. and Edward II. in the Reigns of Edward III. and Richard II. in the Reigns of Henry V and Henry VI. and in the Reigns of our wise Queen Elizabeth and her Successor James I.

Sir John Barnard.

' It is in vain therefore, Sir, to pretend, that the Character of this Nation is established, or that we can now depend upon the Character we acquired in any former Reign, or under any former Administration: For our present Character, we cannot look beyond the Date of the present Administration. Now as his Majesty's Name ought never to be mentioned in any of our Debates; as nothing that is said by any Gentleman in this House, can be supposed to relate to the King, but to the Ministers for the Time being only; I may therefore beg leave to desire Gentlemen to lay their Hands upon their Hearts, and declare, what Sort of Character they think this Nation has acquired under our present Administration, which, I must observe, began before his Majesty's Accession, and began with a Treaty of Peace between Spain and us, which I never did, nor ever shall intire-

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ly approve of. If upon this Footing, Gentlemen will examine into the Character we may at present be supposed to have among our Neighbours, I am afraid it will be found not to be a very advantageous one, at least with respect to our Courage, or Readiness to try the Fate of War, in case of any Injury or Insult's being put upon us.

' I shall grant, Sir, that generally speaking, Peace is better than War; but it is not always so: A dishonourable Peace is worse than a destructive War; It is better for a Nation, as well as a private Man, to cease to be, than to subsist in the wretched State of suffering continual Insults and Indignities; and if, under the present Administration, we have lost a great Part of the Character we gained in former Times; if our Neighbours have begun to think, that we will bear with any Infractions of Treaties, rather than engage in a War, which I hope is not the Case; we may cajole and flatter ourselves with obtaining Redress by peaceful Negotiations or Treaties; but while our Neighbours entertain such a Notion of us, I am fully convinced it will be impossible. If our Enemies are not yet fully prepared to ruin us, if they think they may soon have a better Opportunity than the present for giving us some finishing Blow, they may for some Time amuse us with Negotiations or Congresses, they may even vouchsafe to grant us a Convention or a Treaty; but these will appear at last to be nothing but Expedients, artfully contrived by them, and foolishly or treacherously submitted to by us, for making our Ruin the more compleat and the more inevitable. During these very Negotiations, and notwithstanding the Treaties they may vouchsafe to grant us, being convinced they may do it with Impunity, they will continue to put the same Indignities upon us, till we are reduced so low by our Sufferings, that, like a Man who has too long neglected a wasting Distemper, we shall not have sufficient Strength left for making use of that Remedy, which, if it had been applied in Time, would have produced a certain Cure.

' I shall not pretend, Sir, to be a competent Judge of our Conduct for several Years past; I shall not pretend to say positively what we have done, or what we might have done; but, in my Opinion, we have had several Opportunities for inducing, if not compelling the Spaniards, and likewise some other of our Neighbours, to give us full Satisfaction for Injuries past, which would have been the best Security against any such for the future: Nay, I am of Opinion, we might have prevented most of the Indignities put upon us, without involving the Nation in a War. If my Information be right, our Neighbours the Dutch have fallen upon a Way of preventing such Indignities, without involving themselves in

in a War: I shall not affirm it for a Truth, but we have been told, that they have lately taken a Method with the Spanish Guarda Costas, which will make them a little more cautious, at least with Respect to them, in Time to come: They have fitted out Ships proper for the Purpose, and when they have found Guarda Costas not properly commissioned, or such as had seized or plundered any of their Ships, contrary to the Law of Nations, and to the Instructions they had from those who gave them their Commissions, they have treated them as Pirates, and have hung them up at the Yard's Arm as soon as taken. This is what has been commonly reported; and it calls to my Mind a Story I have heard of a Gentleman, who received a Box on the Ear from a famous Bully at a Coffee-House. The Gentleman, it seems, had not so much Courage as a Gentleman ought to have, and therefore took it patiently: He thought only of obtaining Satisfaction in a peaceable Manner; but soon after he heard, that the same Bully, for such another Piece of Behaviour, had been caned and kick'd out of the Coffee-Room, by another Gentleman. Gods so! says the Poltroon, if I had known that Fellow would have been treated in such a Manner, I should not have taken the Blow he gave me so patiently.

"Anne 11. Geo. II.
1717-18.

' All Nations, Sir, are apt to play the Bully with Respect to one another; and if the Government or Administration of a Nation has taken but one Insult tamely, their Neighbours will from thence judge of the then Character of that Nation, without any Regard to their Behaviour under a former Government or Administration; and will accordingly treat them as Bullies do noted Poltrons; they will kick and cuff them upon every Occasion: And as a private Man, who has once got the Character of a Poltroon, can never wipe off that Character, or avoid such Treatment, but by drubbing those who have dared to insult him, I am afraid it is now become in vain for us to expect to recover our Character, so as to obtain Satisfaction for Injuries past, or to avoid meeting with future Injuries, by any peaceable Means: At least, I am sure, it is not fit for us at present to shew ourselves so anxious about avoiding a War, as our agreeing to the Amendment now proposed will clearly shew us to be.

' Having thus, Sir, shewn, that we have no former Character to depend on, and that nothing will more probably make a War necessary than our appearing any Way anxious to avoid it, I shall next examine some of the Arguments made use of, against our calling for any of the Memorials or Answers from Spain. As to the last Answer from that Court, which we are told arrived but a few Days ago, tho' certainly it might and ought to have arrived several Weeks ago, it has been said, that we ought not to call for it, because by

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so doing, we shall prevent his Majesty's being able to send any Reply, till after we have examined into the Affair before us, and have come to such Resolutions as may be thought proper upon the Occasion. Sir, for this very Reason we ought, in my Opinion, to call for it. I think no Reply ought to be sent but by the Advice of Parliament. The Affair is now brought, and regularly brought before Parliament; and I hope no Minister will advise his Majesty to send a Reply, till he knows the Resolutions of Parliament. If any Minister does, I am sure it will not be prudent: It will be a Peice of the highest Disrespect he can shew to a British Parliament; and whatever Pusillanimity he may have been guilty of with respect to foreign Affairs, I am sure there will in that Case be no Reason to accuse him of Pusillanimity with respect to domestick. Our obtaining Redress, or our obtaining a speedy Redress, does not depend upon our speedily sending a Reply of some Weight. Our Ministers have already sent many Memorials, many Replies, without any Effect: Our Business is now to send a Reply that will have some more Weight than any hitherto sent; and surely a Reply from his Majesty, founded upon the Resolutions of his Parliament, will have more Force than any Reply he can send by the Advice of his Ministers only. Therefore, considering how little Regard has hitherto been shewn by the Court of Spain, to the Memorials of our Ministers, I must think it high Time, even for them, to take the Aid of Parliament, and to wait for the Resolutions of Parliament, before they advise his Majesty to send any Reply to the last Answer from Spain; and for this Reason I should think, that our Ministers, of all others, would be the most fond of having that Answer laid before Parliament.

I am surprized, Sir, to hear it said, that the Necessity of our seeing all the Memorials or Answers from Spain, relating to the Affair before us, does not now appear. It appears, Sir, upon the very Face of every one of the Petitions we have resolved to take into our Consideration. Does not every one of them expressly affirm, 'That the Spaniards have unjustly seized and made Prize of our Merchant Ships, in the destined Course of their Voyages to and from the British Colonies?' Do not we know that an unlawful Trade may be carried on by our Merchant Ships, in the Spanish West-Indies; and if any of them are detected in the carrying on of such a Trade, they may not only be justly seized, but justly condemned and made Prize of? And do not we know that the Spaniards pretend, all or most of the Ships they have seized, were not in the destined Course of their Voyage to and from the British Colonies, but were detected and proved to have been carrying on an unlawful Trade upon their Coasts? Shall we then proceed to deter-

mine,

mine, that any of our Merchant Ships have been unjustly seized and made Prize of by the Spaniards, without examining what the Spaniards have to say in their own Justification? Don't, for God sake, Sir, let it be in the Power of our Enemies to tax us with Injustice; let that be all on the other Side; but give me leave to say, that such a Conduct would be unjust, and therefore highly unbecoming a British House of Parliament; and as we can no way examine into what the Spaniards have to say in their own Justification, but by perusing the Memorials they have transmitted to this Court, therefore, upon the very Face of the Petitions we have resolved to take into our Consideration, it appears necessary for us to see every one of these Memorials, before we can come to any Resolution relating to the Petitions, now before us.

' As I have shewn, Sir, that it is absolutely necessary for us to see all the Memorials or Answers from Spain before we can proceed to any Determination or Resolution relating to the Affair we have resolved to enquire into, I think it very needless to dispute, whether or no there be any Appearance of its being safe to communicate all or any of them to this House. If his Majesty should think it unsafe to communicate any of them, we must put off our Enquiry, till his Majesty finds that he may safely enable us to proceed in it, by laying all the proper Materials before us: But surely, Sir, we ought to proceed upon the Steps that are previous to that Enquiry, 'till we shall receive the disagreeable Information from the Crown itself, that it is not yet safe to lay all the proper Materials before us. For my Part, I think we have no such Measures to keep with regard to Spain, as some Gentlemen seem to think necessary. I put no Confidence in any Negotiation we can carry on, no nor in any Treaty we can conclude. I think our past Behaviour has already made a War unavoidable; and I hope his Majesty has taken care that this Nation shall be as powerfully supported by proper Allies, in Defence of our own Rights and the Rights of Mankind, as Spain can expect to be, in the Incroachments she has made upon us, and upon the known Rights of all Nations; I mean, an undisturbed Communication between the different Parts of their own Dominions, and a free Navigation in the open Seas.

' For this Reason, Sir, whatever Shame or Danger might arise to some particular Men, I cannot see the least Danger that could arise to this Nation; nay, I can see many Advantages that might accrue to her, if all the Memorials, yea all the Transactions, that have passed between Spain and us, for these twenty Years, were printed and published, as

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173738.

were not only laid before this House, but before the Publick. I will even go so far as to say, that it would be neither an unbecoming nor a rash Step for us, to come to a Resolution by Way of Advice to his Majesty, that War ought to be declared against Spain, if, within a short limited Time, they did not promise Satisfaction and Security in the most exprefs and the most explicit Terms.

‘ In private Life, if a Man has been often and for several Years sollicit, in the most complaisant Manner, - to do Justice, he ought, nay he must be threatened at last, whatever may be the Consequence : If he should then indiscreetly stand upon a Punctilio of Honour, a Court of Law would compel him not only to do Justice, but ~~to~~ pay the Costs of a Suit, which he had brought upon himself merely by his own Obstinacy ; and I hope the Fleets and Armies of this Kingdom will always be as effectual against obstinate Foreigners, as the Officers of Justice can be against obstinate Subjects.

‘ I am sorry, Sir, to hear the Multitude of our Complaints made use of as an Argument for prolonging our Negotiations. Every one knows that the Length of our Negotiations has added greatly to the Number of our Complaints ; and now, it seems, the Multitude of our Complaints ought to prevail with us to continue our Negotiations yet a while longer. At this Rate our Negotiations can never come to an End ; for while they continue, the Number of our Complaints will certainly increase daily, because our Subjects, as long as they have any thing to risk, will be making use of those Rights they think they are intitled to, and this will give their Enemies a Pretence and an Opportunity to plunder them. Therefore the Multitude of our Complaints should rather be a Reason for cutting short our Negotiations at any Rate, than for drawing them out to still a farther Length. The Ministry, Sir, had better strike a bold Stroke at once, (and indeed it will be a bold Stroke) by giving up those Rights that are in Dispute, rather than continue them in Suspence, as a Snare for making our Subjects a Prey to their Enemies.

‘ Then, Sir, as to the Distance of the Places where our Complaints are to be examined, surely it can be no Excuse for the Spaniards not having made Satisfaction, with respect to those Captures at least, which they themselves have above eight Years since acknowledged to have been unjust. This too may be made a Reason for an eternal Negotiation, as well as for lengthening our Negotiations yet a while longer ; for if the Distance of Places be an Excuse for not having made Satisfaction for an Injury done ten Years ago, and acknowledged as such above eight Years ago, it will be an Excuse for

for delaying for ten Years to come, to make Satisfaction for the Injuries done last Year, and so on *in infinitum* ; and as we are not, it seems, to have full Satisfaction for any Injury done, till the whole be adjudged and ascertained at the End of the Negociation, we must never at this Rate expect full Satisfaction for any Injury past, present, or future.

Anno 11 Geo. 11.
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‘ What Complaints, or what Demands the Spaniards may have against us, as I know nothing of them, I shall not pretend to say whether they are frivolous or not ; I am apt to suspect they are ; but, Sir, if they are not, they may then be a Pretence, and a just Pretence too, for the Injuries they have done to us, or at least for their not having made a full Reparation ; therefore those very Complaints or Demands ought to come under our Consideration at this Juncture ; and as they can appear no where but in those Memorials, which have been transmitted from the Court of Spain to this Court, they furnish us with a new and an additional Reason for shewing, that it is absolutely necessary for us to see all the Memorials from Spain, before we can properly come to any Resolution relating to the Affair we have resolved to enquire into.

‘ Thus, Sir, in every Light, in which the Question can be put, it appears, it now appears, necessary, to have all the Memorials or Answers from Spain, laid before us, if we are seriously inclined to get at the Bottom of the Affair we have resolved to enquire into : But I must say, that for my own Part, I am very easy, whether any one of these Memorials be laid before us ; because there is one Fact suggested in one of the Petitions, which to me appears a sufficient Cause for an immediate Declaration of War, and will therefore, in my Opinion, make it unnecessary for us to enquire into any of the other Facts, set forth in the Petitions, now before us. In the Petition presented by the Merchants trading to our Plantations, it is suggested, ‘ That the Crews of ‘ some of our Merchant Ships are now in Slavery in Old Spain, ‘ where they are most inhumanly treated.’ This, Sir, is an Indignity, a barbarous Cruelty, which a simple Release of the Prisoners cannot excuse. Nothing but Vengeance can atone for such a cruel, such an unchristian Behaviour. It is a Cruelty, which the Court of Spain cannot pretend to palliate or excuse, by imputing it to the Misbehaviour of their Governors in America. The Government of Spain itself must be loaded with it ; and as it cannot be justified by any Pretence, or by any Memorial whatsoever, if it be proved, which I believe it will, I shall think it a sufficient Reason for giving it as our Opinion, that War ought to be immediately declared against that Kingdom, without enquiring into any of the other Facts complained of, or seeing any of the Memorials or
Answers

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Answers they have sent us. It is not enough, Sir, if a Man has not only injured me in my Property, but basely attacked and maltreated me in my Person; I say, it is not enough, if I shall obtain bare Satisfaction for what I have suffered in my Property. But Nations, Sir, have no Courts of Justice to which they care to appeal; they must take the Remedy that their Power presents them with, which is Satisfaction by Arms.

‘ Therefore, as I have said, I am extremely easy, whether any of the Spanish Memorials be laid before us or not; but if, out of an ill-timed Complaisance for the Court of Spain, and for fear of intruding upon their Punctilio’s of Honour, we now refuse to call for any of these Memorials; I am afraid this poor Nation can at present neither meet with Reparation for past Injuries, nor can it expect a proper Security against being exposed to Injuries of the same Nature, for some Time to come.

Sir Charles Wager spoke in Substance as follows:

Sir,

Sir Charles Wager.

‘ I must say, that whatever the present Character of this Nation may be, I think we ought to do nothing rashly, either for preserving or recovering it. A Man of real Courage and good Sense is never jealous of his Character; and therefore is not so apt to take Things amiss, or so hasty in resenting Affronts, as one who has only a brutish Temerity, or a false and affected Courage. I do not know but that all the Facts mentioned in the Petitions may be proved; I believe they will; but if they were, I should not take upon me to say, whether or no they could justify an immediate Declaration of War against Spain. This is a Judgment which no Subject ought to make, because the judging and determining in such a Case, is, by our Constitution, lodged in the Crown only. But so far I may say, that whatever may be in these Facts, whatever may be our Case at present, we ought not to show our Teeth till we can bite.

‘ No Nation in the World, I believe, Sir, ever declared War, till they were ready to enter upon Action; and as we at present have neither a Fleet nor an Army ready, sufficient for attacking such a powerful Nation as Spain, I think we ought not as yet to do any thing, that may look like a Declaration of War, or even like a Resolution to declare War. I believe no Gentleman will suppose, that I can be induced, either by Interest or Inclination, to be against a War, when I think it is become necessary; On the contrary, I shall then be as much for it, and as ready to take my Share in it, as any Man in the Kingdom; but if a War were now become absolutely necessary, I should not be for giving any publick Testimony of our being resolved upon a Rupture,

Rupture, till we are fully prepared, and just ready to enter upon Action. Every Man knows we are not so at present ; and as our calling for all the Memorials transmitted hither from Spain, would be a Sort of publick Intimation, that we are resolv'd upon a Rupture, I must therefore be for agreeing to the Amendment, and leaving it to his Majesty to communicate those Memorials to us, when he thinks it safe and convenient ; which he may do, and certainly will do, without any Address from us for that Purpose.'

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The Question being put upon the Motion as it stood without the Amendment, it was carried in the Negative, Yeas 99, Noes 164. And the Amendment was then agreed to without Division.

Division.
Yeas 99, Noes 164.

March 15. Mr. Comptroller presented to the House, pursuant to their Address to his Majesty, Copies, and Extracts of the several Petitions, Representations, Memorials, and all other Papers relating to the Spanish Depredations upon the British Subjects, which have been presented to his Majesty, or delivered to either of his Majesty's principal Secretaries of State, since Midsummer last, together with Copies or Extracts of such Memorials or Representations, as have been made either to the King of Spain, or his Ministers, and of the Letters written to his Majesty's Minister at Madrid, relating to the said Depredations ; as also, (by his Majesty's Command)

Copies and Extracts of Letters from his Majesty's Minister at Madrid, and from the King of Spain's Ministers, to him in answer to Letters wrote by one of his Majesty's principal Secretaries of State to the said Minister, and to the Representations made by him to the Ministers of Spain, relating to the said Depredations ; together with a List of the said Papers.

And the said List was read, and was as followeth :

Extract of a Letter from Mr. Keene to the Duke of Newcastle, Segovia, Aug. 22, O. S. Sept. 2, N. S. 1737 ; inclosing,

Copy of a Letter from Mr. Keene to Mons. de la Quadra, Aug. 17, O. S. 28, N. S. 1737 ; and

Translation.

Copy of a Letter from the Duke of Newcastle to Mr. Keene, Sept. 12, 1737 ; inclosing,

Copy of a Letter from the Board of Trade to the Duke of Newcastle, Aug. 31, 1737 ; inclosing,

Extract of a Letter from Governor Matthew to the Board of Trade, June 14, 1737.

Extract of a Letter from Governor Matthew to the Secretary of the Board of Trade, July 18, 1737 ; inclosing.

Copy of the Affidavit of John Harris senior taken before Governor Mathew, July 11th, 1737.

Extract

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Extract of a Letter from the Duke of Newcastle to Mr. Keene, Oct. 3d, 1737 ; inclosing,

Extract of a Letter from the President of the Council at Jamaica to the Duke of Newcastle, July 13th 1737 ; inclosing,

Copy of the Deposition of John Curtis, Commander of the Ship St. James of Bristol, and of the Boatswain and Sailors belonging to the said Ship.

Copy of a Letter from Mr. Keene to the Duke of Newcastle, Madrid, Oct. N. S. 3. O. S. 14. 1737 ; inclosing,

Copy of a Letter from Mr. Keene to Monf. de la Quadra, Sept. 29, O. S. Oct. 10. N. S. 1737, and Translation.

Copy of a Letter from Mr. Keene to Monf. de la Quadra. St. Ildefonso, Sept. 28, O. S. Oct. 9, N. S. 1737, and Translation.

Copy of a Letter from Mr. Keene to the Duke of Newcastle, Madrid, Oct. 10. O. S. N. S. 21, 1737 ; inclosing,

Copy of a Letter from Mr. Keene to the Marquis de Mar, Oct. 6, O. S. 17, N. S. 1737, and Translation.

Copy of a Memorial stating the Case of the three Ships, the Restitution of which Mr. Keene demanded by his Officers of Sept. 28, 29, O. S. Oct. 9, & 10, N. S. 1737, and Translation.

Copy of a Letter from the Duke of Newcastle to Mr. Keene, Nov. 4th 1737, inclosing,

Copy of a Petition of the Merchants and Planters, in behalf of themselves and others, trading to and interested in the British Colonies in America.

Draught of a Memorial to be presented by Mr. Keene to the King of Spain, and Translation.

Copy of a short State of the Capture of the Ship St. James, with the Proofs annexed, taken 12 May 1737.

Copy of a short State of the Capture of the Ship Prince William, with the Proofs annexed, taken the 24th of March 1736-7.

Copy of a short State of the Capture of the George Brigantine, with the Proofs annexed, taken the 21st of May 1737,

Copy of a short State of the Capture of two British Ships; 1st, The Loyal Charles; 2d, The Dispatch, taken in July or August, 1737, with the Proofs annexed.

Copy of a short State of the boarding and plundering, 1st, The Snow Neptune; 2d, the Prince William; 3dly, A New-England Brigantine; on the 12th of July 1737, with the Proofs annexed.

Copy of a short State of the Attack of the Sloop Cæsar July 1st, 1737, with the Proofs annexed.

Copy

Copy of a short State of the boarding and plundering the Ship Sea-Horse, William Griffith Master, on the 18th or 19th of August 1737, with the Proofs annexed.

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Copy of a short State of the Captures of the Brigantine Two Sisters, Brigantine Hopewell, and two other Ships, Part of the Salt Fleet, taken 14 March 1732-3, with the Proofs annexed.

Copy of a short State of the Captures of the six following Ships; the Sloop Endeavour, the Bermuda Sloop, the Sloop of Anguilla, a Sloop of Antigua, a Sloop of St. Christopher's, the Friend's Adventure, all taken in February 1734-5; and of three more Ships, which were attacked at the same Time, but escaped, with the Proofs annexed.

Copy of a short State of the Captures of the Sloop Thomas and the Prince William; Sloop Thomas taken 28 March 1734; Sloop Prince William taken 9th September 1731, with Proofs annexed.

Copy of a short State of the Ship Richmond, taken April 14th, 1730, with the Proofs annexed.

Copy of a short State of the Capture of the Ship Pheasant, taken January 13, 1728-9.

Copy of the Petition of Edmund Sanders, Henry Tongue, and Richard Farr, of Bristol, Merchants, in behalf of themselves, Henry Lloyd, deceased, the Insurers, Master, and Mariners of the Ship Robert Galley, taken 12 May 1729.

Copy of the Affidavit of James Wimble concerning his Losses by the Spaniards, October 14, 1737.

Copy of the Affidavit of Murray Crymble, October 31, 1737.

Translation of a Letter from the Governor of Porto Rico to General Matthews, Governor of the Leeward-Islands, Sept. 4, O. S. 15, N. S. 1734.

Extract of a Letter from Mr. Keene to the Duke of Newcastle, Escorial, Oct. 17, O. S. 28, N. S. 1737, inclosing,

Copy of a Letter from Mons. de la Quadra to Mr. Keene, Oct. 9, O. S. 20, N. S. 1737, and

Translation.

Copy of a Letter from Mons. de la Quadra to Mr. Keene, Oct. 9, O. S. 20, N. S. 1737, and

Translation.

Extract of a Letter from Mr. Keene to the Duke of Newcastle, Escorial, Oct. 24, O. S. Nov. 4, N. S. 1737; inclosing,

Copy of a Letter from Mr. Keene to Mons. de la Quadra, Oct. 19, O. S. 30, N. S. 1737, and

Translation.

Extract of a Letter from Mr. Keene to the Duke of Newcastle, Escorial, Oct. 31, O. S. Nov. 11, N. S. 1737; inclosing,

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Copy of a Letter from Mr. Keene to Monf. de la Quadra,
Oct. 28, O. S. Nov. 8, N. S. 1737, and

Translation.

Extract of a Letter from the Duke of Newcastle to Mr.
Keene, Nov. 24, 1737.

Extract of a Letter from Mr. Keene to the Duke of New-
castle, Escorial, Nov. 7, O. S. 18, N. S. 1737.

Extract of a Letter from Mr. Keene to the Duke of New-
castle, Escorial, Nov. 14, O. S. 25, N. S. 1737.

Extract of a Letter from Mr. Keene to the Duke of New-
castle. Madrid, Nov. 21, O. S. Dec. 2, N. S. 1737; in-
closing,

Copy of a Letter from Mr. Keene to Monf. de la Quadra,
Nov. 19, O. S. 30, N. S. 1737, and

Translation.

Copy of a Letter from Monf. de la Quadra, Nov. 19, O. S.
30, N. S. 1737, and

Translation.

Copy of a Letter from Mr. Keene to the Duke of
Newcastle. Madrid, Dec. 2, O. S. 13, N. S. 1737; in-
closing,

Copy of a Memorial accompanying the Proofs and Docu-
ments presented to Monf. de la Quadra, relating to the
Depredations in America, Nov. 29, O. S. Dec. 10, N. S.
1737, and

Translation.

Copy of a Letter from Monf. de la Quadra to Mr. Keene,
Nov. 22, O. S. Dec. 3, N. S. 1737, and

Translation.

Copy of a Letter from Mr. Keene to Monf. de la Quadra,
Nov. 26, O. S. Dec. 7, N. S. 1737, and

Translation.

Copy of a Letter from Monf. de la Quadra to Mr. Keene,
Nov. 29, O. S. Dec. 19, N. S. 1737, and

Translation.

Extract of a Letter from the Duke of Newcastle, to Mr.
Keene, Dec. 10, 1737.

Extract of a Letter from Mr. Keene to the Duke of New-
castle, Madrid, Dec. 12, O. S. 23, O. S. 1737; inclosing,

Copy of a Letter from Monf. de la Quadra to Mr. Keene,
Dec. 8, O. S. 19, N. S. 1737, and

Translation.

Extract of a Letter from the Duke of Newcastle to Mr.
Keene, Jan. 7, 1737-8.

Copy

Received Jan. 9, 1737-8, from Don
Thomas Geraldino.

Copy of a Letter from the Marquis de Torre Nueva to the Governor and Captain General of the Island of Cuba and City of the Havanna, Decem. 7, O. S. 18, N. S. 1737, and

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Translation ; inclosing,

Copy of the Declaration signed by the British and Spanish Ministers Jan. 28, O. S. Feb. 8, N.S. 1731-2, and

Translation.

Copy of a Letter from the Marquis de Torre Nueva to the Governor of Porto Rico, Decem. 7, O. S. 18. N. S. 1737, and

Translation.

Copy of the King of Spain's Cedula for the Restitution of the St. James, John Curtis Master, directed to the Governor of Porto Rico, Decem. 9, O. S. 20, N. S. 1737, and

Translation.

Extract of a Letter from Mr. Keene to the Duke of Newcastle, Decem. 26, O. S. Jan. 6. N. S. 1737-8.

Extract of a Letter from the Duke of Newcastle to Mr. Keene, Jan. 26, 1737-8.

Extract of a Letter from Mr. Keene to the Duke of Newcastle, Jan. 9, O. S. 20. N. S. 1737-8.

Copy of a Letter from the Duke of Newcastle, to Mr. Keene, Feb. 2, 1737-8 ; inclosing,

Copy of Captain Way's Letter to Messieurs Drake, Pennant and Long, Havanna, Aug. 14, O. S. 26, N. S. 1737.

Extract of a Letter from Mr. Keene to the Duke of Newcastle, Madrid, Jan. 16, O. S. 27, N. S. 1737-8.

Copy of a Memorial of the Merchants interested in and trading to His Majesty's Colonies and Plantations in America, received Feb. 9, 1737-8.

Extract of a Letter from Mr. Keene to the Duke of Newcastle, Madrid, Jan. 23, O. S. Feb. 3, N. S. 1737-8.

Extract of a Letter from Consul Caley to the Duke of Newcastle, Cadiz, Jan. 17, O. S. 28, N. S. 1737-8.

Copy of a Letter from Captain Philip——to Peter De la Mont, in London, dated Aug. 11, 1737.

Extract of a Letter from the Duke of Newcastle to Mr. Keene, Mar. 2d, & 3d, 1737-8 ; inclosing,

Copy of a Letter from Francis Musgrave, Jan. 22d, 1737-8.

Copy of a Letter from John Peutron to Mr. John Lucas. Cadiz, Feb. 1st, 1737-8.

Copy of a Letter from Luke Jefferson, Cadiz, Feb. 6th, 1737-8

Extract of a Letter from Mr. Keene to the Duke of Newcastle, Feb. 12, O. S. 23, N. S. inclosing

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Copy of Letter from Mr. Keene to Monf. de la Quadra,
Feb. 7, O. S. 18, N. S. 1737-8, and
Translation.

Copy of a Letter from Keene to the Duke of Newcastle,
Feb. 20, O. S. Mar. 3, N. S. 1737-8; inclosing,

Copy of a Letter from M. de la Quadra, Feb. 17. O. S.
28. N. S. 1737-8; and
Translation.

Ordered, That the said Papers do lie upon Table, to be
perused by the Members of the House.

Petition of the
Owners of the
Mary Snow.

March 16 A Petition of Bryan Blundel, Henry Trafford, Edward Trafford, John Hughes, and James Bromfield, Merchants, on behalf of themselves, and Captain William Benson now at Sea, Owners of the Mary Snow of Liverpoole, Burthen Ninety Tons, whereof the said William Benson was Commander, was presented to the House, and read; setting forth, that on the 8th of October 1730, (which was about two Years after the Pacification between the Crowns of Great-Britain and Spain was actually agreed upon, and likewise notified to their respective Governments in the West-Indies) the said Ship, as she was proceeding on her Voyage with Provisions and other Merchandize on Board, from Cork to Jamaica, was taken, Twenty Leagues distant from any of the Spanish Dominions in the West-Indies, by a Spanish Guarda la Costa, contrary, as the Petitioners presume, to the Laws of Nations, and the Treaties subsisting between the two Crowns; and and that the said Captain Benson and his Ship's Crew being stript of the said Ship and Cargo, to the Value of 3748 *l.* 18 *s.* 6 *d.* Jamaica Money, and also of one Copper Still, and Three Boxes of Medicines, which cost 36 *l.* 14 *s.* 11 *d.* Sterling Money, besides Interest thereof for upwards of seven Years, the said Captain Benson and his Ship's Crew were turned into their Long-boat, and left to the Mercy of the Waves to shift for themselves, and the said Ship and Cargo were carried into Porto Rico; and that the said William Benson soon after landing at St. Christopher's, went thence immediately to Jaimaca, and in behalf of himself and the Petitioners, applied to Admiral Stewart, who was then Commander in chief of His Majesty's Ships of War then stationed there, for Relief, who sent his Majesty's Ship the Experiment, Captain Henry Reddish Commander, with the said William Benson on Board, to Porto Rico, in order to demand the Restitution of the said Ship and Cargo; and that accordingly the said Captain Reddish, upon his Arrival there, sent a Letter, dated the 31st of January 1730, O. S. unto the Governor of Porto Rico, demanding Restitution of the said Ship and Cargo, and setting forth the Illegality of the said Capture; and that the said Governor gave an immediate, though evasive, Answer to the
same

same; whereupon the said Captain Reddish wrote another Letter, dated the 1st of February 1730, O. S. in much stronger Terms, and therein inclosed the Copy of the declaratory Sentence of the Judge of his Majesty's Vice-Admiralty Court of Jamaica, relating to the Capture of the said Ship and Cargo; and referring to a Copy of such Letters and declaratory Sentence annexed to the said Petition; and farther setting forth, that notwithstanding the said William Benson had the Mortification to see the said Ship at Porto Rico aforesaid, and was ready to prove the Capture illegal, and although the said Captain Reddish made such Demand, as aforesaid, yet the Petitioners or the said William Benson could never regain the said Ship or Cargo, or any Part thereof, or procure any Manner of Satisfaction for the same; and farther setting forth, that afterwards, viz. the same Year 1730, the Petitioners made Application to this House, in order to be redressed in the Premises, and the Mate and Carpenter of the said Ship were examined at the Bar of this House, and thereupon several Papers were produced, and as they have been informed, left in the Custody of this House, fully proving the Illegality of the said Capture; but although his Majesty was thereupon graciously pleased to use his Royal Endeavours to procure Satisfaction at the Court of Spain for the Petitioners great Loss, yet the same have hitherto proved altogether ineffectual; and that the Petitioners, observing that there have been several Petitions of the like Nature presented to this House, thought it not improper to crave again the Aid and Assistance of the House, in this unfortunate Affair; and therefore praying, that this House would be pleased to take the Premises into farther Consideration, and grant such Relief therein, as to the House shall seem meet.

And the Copy of the Letters and declaratory Sentence referred to in the said Petition, and annexed to the same, being read :

Ordered, That the said Petition be referred to the Consideration of the Committee of the whole House, to whom the Petition of divers Merchants, Planters, and others, trading to and interested in the British Plantations in America, on behalf of themselves and many others, is referred.

Sir Charles Wager presented to the House (pursuant to their Address to his Majesty Copy of a Letter from Captain Dent, Commander in chief of his Majesty's Ships at Jamaica, dated the 10th December 1735, to Mr. Burchett; inclosing the

Translation of a Letter from the Governor of Cuba, dated the 14th of December 1735, to Captain Durett of a Guarda Costa; and also,

Copy of an Order to Captain Dent, Commander in Chief of his Majesty's Ships at Jamaica, dated the 26th of March 1736; and also,

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Sir Charles Wager

Referred to the
Committee.

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Extract of a Letter from Captain Dent, Commander in chief of his Majesty's Ships at Jamaica, dated the 22d of November, 1736; and also,

Copy of a Letter from the Secretary of the South-Sea Company to Mr. Burchett, dated the 16th of December, 1736; inclosing,

Extract of a Letter from the South-Sea Company's Factors at Carthagena, dated the 23d of July 1736; and also,

An Account of the Murder of Captain Thomas Weir from an Inhabitant of Sancta Martha; together with a Schedule of the said Papers.

And the said Schedule was read.

Referred to the
Committee.

Ordered, That the said Papers be referred to the Consideration of the Committee of the whole House, to whom the Petition of divers Merchants, Planters, and others, trading to and interested in the British Plantations in America, on behalf of themselves and many others, is referred.

Petition of the
Glasgow Merchants.

A Petition of the Merchants in Glasgow, trading to the British Plantations in America, in behalf of themselves and many others, was presented to the House, and read; setting forth, that the American Colonies (particularly the West-India Islands) are the principal Mercat for the Manufactures of this Country, whereby many Thousands of his Majesty's Subjects are employed and maintained; and that the Trade to these Parts has, for a Course of Years, been greatly obstructed by the Depredations of the Spaniards, who have in the open Seas violently attacked and boarded several Ships in the lawful Course of their Voyages, and unjustly seized and made Prize of them, with their Effects, to the great Loss and Damage of the unhappy Sufferers, and the Discouragement of the Trade and Manufactures of that Part of the Island; and representing to the House, that, notwithstanding his Majesty's most gracious Interposition, the Spaniards, so far from repairing the former Losses, still continue the same Practices, and particularly last Year have carried their Insults to a greater Height than ever, by stopping, plundering, and seizing several Ships belonging to his Majesty's Subjects, in the destined Course of their Voyages to and from the British Colonies, condemning them, with their Loadings, amounting to a considerable Value, and by treating cruelly and inhumanly the Captains or Masters of some of these Ships, with their Crews, contrary to the Laws of Nations, and in manifest Violation of the Treaties subsisting between the two Crowns; and that by these arbitrary Proceedings, the Trade and Navigation to and from America is rendered very unsafe and precarious, insomuch that the Insurance from Jamaica is greatly risen on these Accounts only, a Charge, which that Trade in its present low State is altogether unable to bear;
and

and that, without a speedy and effectual Remedy, the American Trade and Navigation will be, together with the Revenue arising therefrom, very much diminished, if not intirely lost; and that any Nation's assuming the Power of rummaging and detaining British Ships (at their Pleasure) upon their lawful Voyages in the American Seas, is in Effect, as the Petitioners apprehend, claiming and exercising the sole Sovereignty of those Seas, and an high Indignity to the Honour of the British Nation; and that the insulting the Persons, and plundering the Properties of his Majesty's Subjects, as the Petitioners conceive, is and will be attended with Consequences very fatal to Great-Britain; and therefore praying the House to consider the Premises, and to give such Remedy, as to the House shall seem meet.

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Ordered, That the said Petition be referred to the Consideration of the Committee of the whole House, to whom the Petition of divers Merchants, Planters, and others, trading to and interested in the British Plantations in America, on behalf of themselves and many others, is referred.

Referred to the Committee.

Mr. Comptroller reported to the House, that their Address (that his Majesty would be graciously pleased to give Directions, to be laid before this House, a Copy of the Treaty between Great-Britain and Spain, for accommodating Differences, preventing Depredations, and settling a Peace in America concluded at Madrid, July 8, 1670,) had been presented to his Majesty; and that his Majesty had commanded him to acquaint this House, that he will give Directions accordingly.

Mr. Comptroller.

The Order of the Day being read, for the House to resolve itself into a Committee of the whole House, to consider of the Petition of divers Merchants, Planters, and others, trading to and interested in the British Plantations in America, in behalf of themselves and many others;

Order of the Day for the House going into a Committee.

Ordered, That the several Papers, yesterday presented to the House, relating to the Spanish Depredations upon the British Subjects, be referred to the said Committee.

Papers laid before them.

Ordered, That the Extract of the Treaty of Peace between Spain and the United Provinces of the Low-Countries, made at Munster, 30 Jan. 1648, Articles 5 and 6, presented to the House the 22d Day of February, 1726, be referred to the said Committee.

Ordered, That the Translation of the said Extract, then likewise presented to the House, be referred to the said Committee.

Ordered, That the several Papers, presented to the House the 9th Day of this Instant March, relating to Applications for warlike Stores from his Majesty's Plantations in America, be referred to the said Committee.

March

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1737-38.

Tho. Pelham, Esq;

March 21. Mr. * Pelham of Lewes, from the Commissioners for Trade and Plantations, presented to the House, pursuant to their Address to his Majesty, Copies of Papers received by the Lords Commissioners for Trade and Plantations, relating to the Losses sustained by his Majesty's Subjects, by Depredations committed by the Spaniards in Europe or America to Midsummer 1737, which have not already been laid before this House, together with a List of the said Papers.

And the said List was read, and is as followeth :

1. Extract of a Letter from Mr. Fitzwilliams, Governor of the Bahama Islands, dated at New-Providence the 20th of August 1735 ; inclosing,

Copy of a Deposition and Protest, made by Samuel Lawford, complaining of a Ship unjustly seized by the Spaniards.

2. Extract of a Letter from Mr. Matthews, Governor of the Leeward Islands, dated at Antigua the 17th of January, 1636-7 ; inclosing,

The Deposition of William Fisher, relating to a Spanish Guard de Coast, or Privateer.

3. Extract of a Letter from Mr. Matthews, Governor of the Leeward Islands, dated the 14th of June, 1737, relating to Depredations by the Spaniards on two English Ships.

Papers referred to
the Committee.

Ordered, That the said Papers be referred to the Consideration of the Committee of the whole House, to whom the Petition of divers Merchants, Planters, and others, trading to and interested in the British Plantations in America, in behalf of themselves and many others, is referred.

Order of the Day
for the House going
into a Committee.

The Order of the Day being read, for the House to resolve itself into a Committee of the whole House, to consider farther of the Petition of divers Merchants, Planters, and others, trading to and interested in the British Plantations in America, in behalf of themselves and many others ;

Papers laid before
them.

Ordered, That the several Papers presented to this House the 13th of Day of May 1735, relating to his Majesty's Commissaries in Spain, be referred to the said Committee.

Ordered, That the several Papers presented to this House the 23d Day of January, 1735, from the Commissioners for executing the Office of Lord High Admiral of Great-Britain, be referred to the said Committee.

Ordered, That the several Papers presented to this House the 19th Day of February, 1735, relating to the Losses sustained by his Majesty's Subjects, by Depredations committed by the Spaniards in Europe or America, since the 25th Day of March 1725, be referred to the said Committee.

Then the House resolved itself into the said Committee ; and after some Time spent therein, Mr. Speaker resumed the Chair ; and Mr. Alderman Perry reported from the

* One of the Lords Commissioners of Trade and Plantations.

Com-

Committee, that they had heard farther Evidence touching the Matter referred to them ; and that he was directed by the Committee to move, that they may have leave to sit again.

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March 22. Mr. Comptroller presented to the House, pursuant to their Address to his Majesty, a Copy of the Treaty between Great-Britain and Spain, concluded at Madrid, July 8, O. S. 18 N. S. 1670 ; and also,

Mr. Comptroller.

A Translation of the said Treaty.

And the Titles of the said Copy and Translation were read.

Ordered, That the said Copy and Translation be referred to the Committee of the whole House, to whom the Petition of divers Merchants, Planters, and others, trading to and interested in the British Plantations in America, in behalf of themselves and many others, is referred.

Resolved, That an humble Address be presented to his Majesty, that he will be graciously pleased to give Directions to be laid before this House, Copies or Extracts of such Representation or Representations, which has or have been made by the Council and Assembly of Jamaica, to the Commissioners for Trade and Plantations, relating to the Captures of English Vessels by the Spaniards in the Bays of Honduras and Campechy since the Year 1731.

Resolution for an
Address.

Ordered, That the said Address be presented to his Majesty by such Members of this House, as are of his Majesty's most honourable Privy Council.

March 24. Mr. Comptroller reported to the House, that their Address of Wednesday last (that his Majesty would be graciously pleased to give Directions, to be laid before this House, Copies, or Extracts of the Representation or Representations therein mentioned) had been presented to his Majesty, and that his Majesty had commanded him to acquaint the House, that he will give Directions accordingly.

Mr. Comptroller.

Mr. Comptroller also, by his Majesty's Command, presented to the House,

Copy of a Letter from Mr. Keene to the Duke of Newcastle, Madrid, Feb. 12, O. S. 23, N. S. 1737-8 ; inclosing,

Copy of a Letter from M. de la Quadra to Mr. Keene, Pardo, Feb. 10, O. S. 21, N. S. 1737-8, and Translation.

Copy of a Letter from the Duke of Newcastle to Mr. Keene, March 17, 1737-8 ; inclosing,

Draught of a Letter from Mr. Keene to M. de la Quadra, and Translation.

Together with a List of the said Papers.

And the said List was read.

Ordered, That the said Papers do lie upon the Table, to be perused by the Members of the House.

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Mr. Richard Plumer.

March 28. Mr. *Richard Plumer, from the Commissioners for Trade and Plantations, presented to the House, pursuant to their Address to his Majesty, Extract of an Address and Representation of the Council of Jamaica to the King, dated at St. Jago de la Vega the 27th of November 1731; and also,

Extract of an Address and Representation of the Assembly of Jamaica to the King in November 1731.

And the Titles of the said Extracts were read

Ordered, That the said Extracts be referred to the Committee of the whole House, to whom the Petition of divers Merchants, Planters, and others trading to and interested in the British Plantations in America, in behalf of themselves and many others, is referred.

Mr. Comptroller presented to the House, pursuant to their Address to his Majesty of the 10th Day of this Instant March, Extract of a Letter from Mr. Keene to the Duke of Newcastle, Casa del Monte near Aranjuez, May 5, O. S. 16, N. S. 1735; inclosing,

Copy of a Letter from M. Patinho to Mr. Keene, May 1, O. S. 12, N. S. 1735; and,

Translation.

Copy of a Letter from Mr. Keene to the Duke of Newcastle, Madrid, March 24, O. S. April 4, N. S. 1735; inclosing,

Copy of a Letter from Mr. Keene to M. Patinho, April 22, O. S. May 3, N. S. 1734, and

Translation.

Copy of a Letter from M. Patinho to Mr. Keene, April 30, O. S. May 11, N. S. 1734, and

Translation.

Extract of a Letter from the Duke of Newcastle to Mr. Keene, June 27, 1735, inclosing,

Extract of a Letter from Governor Matthew to the Duke of Newcastle, St. Christophers, March 22, 1734-5; inclosing,

Copy of the Deposition of Captain Gordon, &c. March, 1735.

Extract of a Letter from Mr. Keene to the Duke of Newcastle, Pellejeros, July 20, O. S. 31, N. S. 1735.

Copy of a Letter from Mr. Keene to M. Patinho, July, 15, O. S. 26, N. S. 1735, and

Translation.

Extract of a Letter from Mr. Keene to the Duke of Newcastle, Pellejeros, July 28, O. S. Aug. 8, N. S. 1735; inclosing,

Copy of a Letter from M. Patinho, to Mr. Keene, July 21, O. S. Aug. 1, N. S. 1735, and

Translation.

* One of the Commissioners for Trade and Plantations.

Ext ra ct

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Extract of a Letter from the Duke of Newcastle to Mr. Keene, Jan. 13, 1736-7; inclosing,

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Extract of a Letter from the South-Sea Company's Factors at Cartagena, July 23, 1736.

An Account of the Murder of Captain Weir, &c. from an Inhabitant of Santa Martha.

Extract of a Letter from Mr. Keene to the Duke of Newcastle, Madrid, Feb. 28, O. S. March 11, N. S. 1736-7. inclosing,

Copy of a Letter from Mr. Keene to M. de la Quadra, Feb. 23, O. S. March 6, N. S. 1736-7, and

Translation.

Extract of a Letter from the Duke of Newcastle to Mr. Keene, March 24, 1736-7; inclosing,

Copy of the Affidavit of William Fisher, Nov. 13, 1736.

Extract of a Letter from Mr. Keene to the Duke of Newcastle, Madrid, April 11, O. S. 22, N. S. 1737; inclosing,

Copy of a Letter from Mr. Keene to M. de la Quadra, April 6, O. S. 17, N. S. 1737, and

Translation.

Together with a List of the said Papers.

And the said List was read.

Ordered, That the said Papers be referred to the Committee of the whole House, to whom the Petition of divers Merchants, Planters, and others, trading to and interested in the British Plantations in America, in behalf of themselves and many others, is referred.

The other Order of the Day being read, for the House to resolve itself into a Committee of the whole House, to consider further of the Petition of divers Merchants, Planters and others, trading to and interested in the British Plantations in America, in behalf of themselves and many others;

Ordered, That the Copy of a Letter from Mr. Keene to the Duke of Newcastle, Madrid, Feb. 12, O. S. 23, N. S. 1737-8; inclosing,

Copy of a Letter from Monsieur de la Quadra to Mr. Keene, Pardo, Feb. 10, O. S. 21, 1737-8, and

Translation, be referred to the said Committee.

Ordered, that the Copy of a Letter from the Duke of Newcastle to Mr. Keene, March 17, 1737-8; inclosing,

Draught of a Letter from Mr. Keene to Monsieur de la Quadra, and

Translation, be referred to the said Committee.

Then the House resolved itself into the said Committee, and after some Time spent therein, Mr. Speaker resumed the Chair; and Mr. Alderman Perry reported from the Committee, that they had further heard Evidence and Counsel upon and gone through the Matters to them referred, and had come to a Resolution, which they had directed him to report, and had also

The House goes into
a Committee

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directed him to make a Motion to the House, when the House will please to receive the same.

March 30th, the House resolved itself into a Committee of the whole House, to consider of the said Report, which Mr. Alderman Perry, (according to Order) made from the Committee of the whole House, to whom it was referred to consider of the Petition of divers Merchants, Planters, and others, trading to and interested in the British Plantations in America, in behalf of themselves and many others.

Mr. Alderman Perry being in the Chair, several Witnesses were examined to prove the Allegations of the Merchants Petition. Mr. Murray the Counsel for the Merchants made a Speech at the Bar, to shew the Justice of their Complaints, and they being directed to withdraw, William Pulteney Esq; rose and spoke as follows :

Sir,

Mr. Pulteney.

The amazing Instances of Cruelty, Barbarity, and Injustice, which we have heard proved at the Bar of this House, to have been exercis'd by the Spaniards upon his Majesty's Subjects, might justify mein making a Motion, for our enquiring into the Causes of the Nation's having suffered so often and so long, without having ever once shewed a proper Repentment: But as some Gentlemen might perhaps think, this would be carrying the Thing farther than it ought to be carried at present; I shall leave those who are to blame, if there be any such, to the Reproaches of their own Conscience, and proceed to examine the several Sorts of Insult, and Injuries, that have been put upon the Nation; because I am sure, the least we can propose to do upon this Occasion, is to vindicate and establish, as far as can be done by any Resolutions of this House, those Rights and Privileges, which the Spaniards have, either by their own Rashness or our Pusillanimity, been encouraged so frequently, so manifestly, and so contemptuously to violate.

But before I begin, Sir, I must observe, that this is not the first Time our Merchants have applied to this House for Redress; for they applied twice before, but, I am sorry to say it, ineffectually. Upon each of their former Applications they represented to us, how they had been ravaged and plundered; and as they, at each Time, fully proved their Allegations, they ought then to have met with Redress: A full and immediate Reparation ought then to have been peremptorily insisted on; and upon its being refused, or unreasonably delayed, our Ministers ought to have advised his Majesty to declare War: This, Sir, they would have done, if they had not had a greater Regard for their own Ease and Security, than they had for the Honour and Interest of the Nation.

The

The Rights of this Nation, Sir, upon which the Spaniards have already encroached, and which they now dispute, are in themselves distinct; and though they come under several separate Heads, yet each of them is of Importance enough to have roused any Ministry, excepting our own, before this Time, to a just Resentment. The first Right I shall take notice of, is that which our Merchants and Sailors have, to sail with their Ships on any Part of the Seas of America, provided they do not touch at any Place possessed by the Spaniards, with a Design to carry on a Trade or Traffick with the Inhabitants. This is a Right, Sir, which is common to us with all other Nations; and therefore, by allowing ourselves to be disturbed in the Enjoyment of such a Right, we not only betray the Right of our own Subjects, but we betray those of Mankind in general. A Nation may, when not restrained by particular Treaties, forbid Foreigners to sail to, or traffick in, the Ports, Havens, or Creeks, within their Dominions, because in these they may have an absolute Property; but no Nation can have such a Property in the open Seas, as may intitle them to interrupt the Ships of other Nations, in their Passage to and fro, upon those Seas, about their lawful Business. A Man's Ship is his House, and it is by the Law of Nations a Trespass to enter into it against his Will, unless he that enters has some Dominion or Jurisdiction over him. Accordingly, the Spaniards have, ever since they first got any Possessions in America, made it unlawful for the Ships of foreign Nations to sail to any of the Ports or Havens, or other Places possessed by the Subjects of the King of Spain, in that Part of the World, in order to carry on any Trade or Traffick with the Inhabitants; excepting when the Subjects of a Nation at Peace with them were driven by Strefs of Weather, or Want of Provisions, or Pursuit of Pyrates into their Ports or Harbours; but they never could have, by the Law of Nations, nor have they ever, till of late Years, pretended to any Dominion or Jurisdiction over the open Seas of America, nor to any Right or Title to enter into and search the Ships of foreign Nations sailing upon those Seas. They therefore can have no Right to interrupt, much less to search any British Ship, sailing upon the open Seas of America, unless they have got it by some particular Treaty between the two Crowns.

This, Sir, naturally leads me to examine, whether by any Treaty now in Force, they have acquired any such Right; and to me it appears they have not. The 8th Article of the Treaty made in the Year 1670, which is the Foundation of all our succeeding Stipulations with Spain, relating to the American Trade, says, 'That the Subjects of the

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‘ the two contracting Parties respectively, shall forbear and
‘ abstain from sailing to, and trafficking in, the Ports and
‘ Havens, which have Fortifications, Castles, or Ware-
‘ houses, or in other Places possessed by the other Party.’—
Consequently the Subjects of both may lawfully, with re-
gard to one another, sail to, and traffick in, every Port,
Haven, and other Place in America, not possessed by the
other; and that both Subjects may do this the more freely
and securely, it is, by the 15th Article of the same Treaty,
expressly stipulated,——‘ That the Freedom of Navigation
‘ ought, by no Manner of Means, to be interrupted, when
‘ there is nothing committed contrary to the true Sense and
‘ Meaning of that Treaty.’—Which evidently shews, that
no British Ship ought to be so much as interrupted in her Na-
vigation by any Spanish Ship, unless she is actually found
trafficking in some Places possessed by the King of Spain.
And this will be still more evident, if we consider the whole
of this 15th Article; for by the first Part of it, it is declared,
——‘ That that Treaty shall no Way derogate from any
‘ Preheminence, Right, or Signiory, which either the one
‘ or the other of the contracting Parties, have in the Seas,
‘ Straights, or fresh Waters of America; and that they shall
‘ have and retain the same, in as full and ample a Manner,
‘ as of Right ought to belong to them.’—Then follow these
Words: ‘ Be it however understood, that the Freedom of
‘ Navigation ought, by no Manner of Means, to be inter-
‘ rupted, when there is nothing committed contrary to the
‘ true Sense and Meaning of this Treaty.’—From hence we
may see, that the last Part of this Article is by Way of Ex-
ception to the first; and that though each Party is to con-
tinue to enjoy every Preheminence, Right, and Signiory, he
before held, yet neither Party is to make use of any such
Preheminence, Right, or Signiory, so as to interrupt the
Freedom of Navigation, when nothing has been committed
contrary to the true Sense and Meaning of the 8th Article be-
fore-mentioned.

‘ From what I have said, Sir, it is evident, our Subjects
have such a Right as I have mentioned; and therefore my
first Motion shall be, that it is the Opinion of this Com-
mittee, that it is the natural and undoubted Right of British
Subjects, to sail with their Ships on any Part of the Seas of
America, to and from any Part of his Majesty's Dominions;
and that the seizing and confiscating such Ships, as are
not sailing and trafficking in the Havens and Ports which
have Fortifications, Castles, Magazines, or Warehouses,
or in other Places possessed by the Subjects of the King of
Spain, is contrary to Equity and Justice, and a manifest Vi-
olation of the Treaties subsisting between the two Crowns.

‘ But

‘ But, Sir, as it would not, perhaps, be thought fair to desire a Question upon this Motion, without having previously given you Notice of all the following Propositions or Motions, I intend to make upon this Occasion, I shall state and explain every one of them regularly, in the Course I am to make them, before I desire your Opinion upon the Proposition I have now made. For this Purpose I must acquaint you, that the next Right, which I think now ought to be established by a Resolution of this House, is, that which the Subjects of Great-Britain have, to carry in their Ships all Sorts of Goods, Merchandize, or Effects, from one Part of his Majesty’s Dominions to any other Part of his Majesty’s Dominions. This Right, Sir, is likewise a Right, which we enjoy in common with all other Nations; for the Subjects of every State have a Right to carry in their Ships whatever Goods they please, from one Part of their Dominions to another, unless the Transporting of such Goods be prohibited by a Law amongst themselves. In this Case it is ridiculous to talk of Goods made contraband by the Laws of any other Nation; because no Nation has a Right to prohibit the Subjects of any other independent Nation, to transport any Sort of Goods from one Part of their own Dominions to another. The Spaniards may as well pretend that we shall not transport Gold or Silver, or Logwood, from Bristol to London, as to say, that we shall not transport any such Commodity from Jamaica to London; and they might as well send their Guarda Costa’s into the British Channel, to search our Ships in their Passage from Bristol to London, and to seize them, if any such Goods should be found on board, as to send Guarda Costa’s to search our Ships on their Passage from Jamaica, or any other of our Dominions in America, to London, and to seize them, in Case of their finding any such Goods on board. Indeed, as Usurpations are Things of a quick Growth, and extremely fertile, if we continue in our present Lethargy but a few Years longer, I do not know but I may hear, that the Mouth of the Thames is beset with Spanish Guarda Costa’s, in order to seize all British Ships, sailing in or out, that shall be found to have on board what they may please to call contraband Goods: Nay, I do not know but this might have happened already, if it had not been for our Neighbours the Dutch, who, I believe, draw most of our Spanish Gold and Silver away from us; and therefore would not tamely allow a Trade, even of ours, to be interrupted, by which they are so great Gainers.

‘ Contraband Trade, Sir, is a Trade that never can take Place but in Time of War. To talk of a contraband Trade in Time of Peace, is ridiculous, because all Treaties, not
only

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only betwixt the Spaniards and us, but betwixt us and any other Nation, define contraband Goods to be Arms and Provision carrying to an Enemy. These Goods are specified in the Treaties, and it is expressly declared that these, and no other, shall be deemed contraband. The Trade therefore in Dispute betwixt us and Spain is properly a prohibited Trade, and there is no manner of Doubt that any Nation, not restrained by particular Treaties, may make a Law for prohibiting the Importation or Exportation of any particular Sort of Goods they please, into or from their own Dominions. Of these Foreigners who trade with them are obliged to take Notice; and may be punished, if they transgress the Laws of the Country with which they trade: But Foreigners who have no Design to carry on any Trade in that Country, nor to touch at any of its Ports, have no Occasion to take the least Notice of what Goods are prohibited in that Country; nor can they be punished, tho' they sail, in the open Seas, along the Coasts of that Country, with such Goods on board; for it is the Law of a particular Country alone that makes Goods prohibited; and where the Laws of that Country have no Force, the Goods cannot be supposed to be prohibited.

' Now, Sir, with regard to British Ships, trading to or from any Port in Old Spain, they may have prohibited Goods on board, and may, in a proper Manner, be searched by any Spanish Officer, properly commissioned for that Purpose; but with regard to any British Ship trading to or from any Port in New Spain, or in any of the Spanish Dominions in America, it is ridiculous to say she can have any particular Sort of prohibited Goods on board, and consequently all the Goods on board, of whatever kind, must be so, and Ship and Cargo may be seized and made Prize of: Nay, if she had not one Shilling's Worth of any Sort of Goods on board, the Ship may be seized and made Prize of; but in either Case, she is not seized for having contraband Goods on board, but for having been engaged in an unlawful Trade.

' This, Sir, is the State of the Case with respect to prohibited Goods; and if we examine the two fundamental Treaties between Spain and us, I mean the Treaties of 1667 and 1670, we shall find them exactly agreeable to the Case as I have stated it. In the Treaty of 1667, which regulates the Trade between Britain and Spain in general, there is Mention made of prohibited Goods; but every one may see, that wherever there is any Mention made of the Word Prohibited, it relates to the Trade between Britain and Old Spain; and with respect to that Trade, it is determined by that Treaty, what Sort of Goods shall be deemed prohibited; and a Method is particularly prescribed, which the Spaniards are obliged to observe, when they visit British Ships, bound to or from any of the Ports of Old Spain, in search of prohibited

hibited Goods. Whereas in the Treaty of 1670, which was made expressly for regulating our mutual Affairs in America, the Word Contraband is not so much as once mentioned in the whole Treaty; and the Reason is very plain; for where there is no Trade, there can be no such Thing as prohibited Goods; and as all Trade in that Part of the World, between the Subjects of the two contracting Parties, was by that very Treaty expressly forbid, therefore it would have been absurd to have made any particular Regulations with regard to the Species of Goods, in which their Trade was to be carried on.

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‘ I know, Sir, the Spaniards pretend, that those Goods which they ridiculously call contraband, are Goods which can be had no where but in their Plantations in America; and that therefore, if any such Goods be found on board any of our Ships in those Seas, it is a certain Proof that such Ships have been carrying on an unlawful Trade on their Coasts in that Part of the World: But I likewise know, Sir, that this Fact is false. There are no Goods that can be found in the Spanish Settlements, but what may be found, and may be purchased, in our own Settlements; even Spanish Pistoles and Pieces of Eight may be found in our Settlements, without any of our Subjects having been engaged in an unlawful Trade with their Settlements; because, besides the lawful Trade now carried on between our South-Sea Company and their Settlements, the Spanish Governors themselves often send to our Settlements for Provisions; these Provisions they purchase either with the current Coin of Spain, or with the Goods of the Produce of their Settlements in America; nay, I am told, Sir that it would be found impossible for the Spanish Settlements to subsist, for want of the Necessaries of Life, were they not supply’d by our Plantations in this Manner. These Goods, or this Money, being thus lawfully brought to our Settlements surely our Ships may take them on board, and may bring them to Britain, without having ever been engaged in an unlawful Trade with the Spanish Settlements in America.

‘ But supposing, Sir, that some Spanish Gold or Silver, either Barrs, or in Pistoles and Pieces of Eight, or a Parcel of Goods of the Growth of the Spanish Settlements in America, had been originally brought from thence by means of an unlawful Trade; suppose such a Thing could be fully proved, which I think is impossible; yet if those Effects be once landed in any of our Settlements, and there sold to a fair Purchaser, and by him put on board a Ship, in order to be carried to any other Port in the British Dominions, I insist upon it, that the Spaniards have no Right to search that Ship, and much less to seize and make Prize of her, or

of any Part of her Cargo ; for nothing can intitle them to seize, and make Prize of a British Ship, but her being actually found trafficking in the Ports, Havens, or Places possessed by the Subjects of the King of Spain in America. Surely, Sir, an illicit Trade with the Spanish Settlements in America, does not fix such a Vitium reale upon the Goods so brought from thence, that they may be seized or reclaimed by the Spaniards, wherever, and whenever, they can afterwards find them ; and that notwithstanding their having been sold to a fair Purchaser in an open Market. This would be allowing the Spaniards a greater Privilege with respect to Goods purchased from them at an equitable Price, though by means of an illicit Trade, than is usually allowed to an Owner of stolen Goods by any Law in the World. It is a Privilege which was never granted them by any Nation ; and if we should through Fear of a War make them such a Concession, I should expect that they would soon pretend to come and search our Bank, and all our Goldsmiths and other Shops in London, in order to seize and carry off all the Spanish Gold and Silver they found ; for if they can, by the Means they have used, but once obtain one unjust Concession, no Man can tell how far they may afterwards go, or where their Compassion towards us may induce them to stop.

‘ Upon this Point, Sir, I have been the more particular, because I think the Spanish Ministers, and our Ministers together, have by their Memorials quite confounded it. By confounding the Treaty of 1667, with that of 1670, the Spanish Ministers have insisted, and ours seem to have admitted, that there may be such a Thing as contraband Goods on board British Ships, sailing in the Seas of America ; which I have shewn to be impossible : With respect to our South-Sea Company’s Ships, they may I admit carry on a prohibited Trade, because they are by Treaty allow’d to have a Trade under certain Restrictions with the Spanish West-Indies ; but no other Ship of ours being by Treaty allow’d to have any Trade with them ; they never can fall under the Intention of the Treaties made to regulate the South-Sea Trade : Therefore, I am surprized to find, that our Ministers allowed the Word Contraband to be brought into the Dispute ; at least I am surprized, that upon its being first mentioned, they did not explain the Point much more clearly than I find they have done in any of their Memorials ; for this seems to be the principal Point in Dispute between us, and ought therefore to have been explained in the most clear and succinct Manner.

‘ As this has not, in my Opinion, yet been done, and as it is a Matter of great Importance, I think, Sir, it ought to be done by this House ; and for this Purpose, the next Motion

I shall make, shall be for this Committee, to resolve that it is the indisputable Right of the Subjects of Great Britain, to carry in their Ships all Sorts of Goods, Merchandize, or Effects, from one Part of the British Dominions, to any other Part of the British Dominions ; and that no Goods, Merchandize, or Effects so carried, are by the Law of Nations, or any other Treaty subsisting between the two Crowns, to be deemed or taken as contraband Goods, and that the searching of such Ships on the open Seas, under Pretence of finding contraband Goods, is highly injurious to the Trade of this Kingdom ; a Violation of the Law of Nations, and an Infraction of the Treaties subsisting between the two Crowns.

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‘ I must now take Notice, Sir, of the Right which the Subjects of Great Britain have to Possessions in the Province of Jucatan, and to cut Logwood in the Bay of Campechey. This is a Right peculiar to this Nation ; but it is a Right which the Spaniards cannot, with the least Shadow of Reason, controvert, because we were in Possession of Lands in that Province, and were in Use to cut Logwood wherever we pleased in that Bay, long before, and at the Time of the Treaty of 1670 ; and since by the 7th Article of that Treaty it is expressly stipulated, — ‘ That the King of Great Britain, ‘ his Heirs and Successors, shall have, hold, keep, and always possess, in full Right of Sovereignty, Signiory, Possession, and Propriety, all the Lands, Countries, Islands, ‘ Colonies, and other Places, be they what they will, lying ‘ and situate in the West-Indies, or in any Part of America, ‘ which the said King of Great Britain and his Subjects now ‘ hold and possess ; insomuch that they neither can nor ‘ ought hereafter to be contested or called into Question, upon ‘ any Account, or under any Pretence whatsoever ;’ — Therefore it must be granted, we have an uncontestable Right to possess the same Lands in that Province, and to cut Logwood in that Bay ; unless it could be shewn, that we have by some Treaty since that Time given it up. But so far otherwise, that this Treaty, and this very Right, has been confirmed by every Treaty, between the two Crowns, since that Time ; and by the first Article of the Treaty of Commerce at Utrecht, this Right is not only confirmed, but farther explained, by the Addition of these remarkable Words : — ‘ Without Prejudice to any Liberty or Power, which the ‘ Subjects of Great Britain enjoyed, either through Right, Sufferance, or Indulgence.’

‘ But, Sir, to put this Matter beyond all Dispute, I must acquaint you, that as soon as the Spaniards began to contest this Right with us, which was very soon after the Treaty of Utrecht, notwithstanding the Words I have mentioned, his late Majesty referred it to the Board of Trade, and that Board,

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after a strict Enquiry, and full Information, reported,—
 ‘ That the said American Treaty did establish a Right in the
 ‘ Crown of Great Britain to the *Languna de Terminos* in the
 ‘ Province of *Jucatan*, and the Parts adjacent; those Places,
 ‘ at the Time of the Treaty, and for some Years before,
 ‘ being actually in the Possession of the British Sub-
 ‘ jects.’


‘ From what I have said, Sir, it is plain, that this Right is still in the Crown of Great Britain, and therefore the 3d Resolution I am to propose shall be, That it may be resolved, that the Subjects of Great Britain did hold, and possess Lands in the Province of *Jucatan* in America, antecedent to and at the Time of the Treaty of 1670; which Treaty confirmed the Right, to every contracting Party, of such Lands or Places, as either did at the Time hold and possess. And that the Subjects of Great Britain then had, and have at all Times since claim’d a Right of cutting Logwood in the Bay of *Campechey*, and enjoyed the same without Interruption till of late Years: Which Right seems further particularly secur’d to us, by the Manner in which the first Article of the Treaty of Commerce at *Utrecht*, confirms the Treaty of 1670, with these remarkable Words ;—‘ without Prejudice to any Liberty or Power, which
 ‘ the Subjects of Great Britain enjoyed, either through Right,
 ‘ Sufferance, or Indulgence.

‘ I am now come, Sir, to the last Right, which I shall take Notice of upon the present Occasion ; which is that Right our Subjects have to gather Salt on the Island of *Tortugas*, an uninhabited Island in the West-Indies. which the Spaniards say belongs to them ; but by what Right I do not know ; for they have neither Fort, Castle, nor Warehouse, upon the Island, nor any other Sign of Possession that I know of. However, suppose they have the Property, or rather the Dominion of that Island, ’tis certain we were in Use, and claimed a Right, to gather Salt there, before and at the Time of the Treaty in 1670 ; therefore this Right was confirmed to us by that Treaty, and reconfirmed by the Treaty of Commerce at *Utrecht* : But this is not all, Sir, with respect to this Right ; we have an express and a particular Convention between Spain and us to plead in its Favour. By the 3d Article of the Treaty of Commerce between Great Britain and Spain, concluded at *Madrid* in the Year 1715, this Right or Privilege is expressly confirmed in these Words : — ‘ His Catholick Majesty permits the said
 ‘ Subjects (meaning British) to gather Salt in the Isle of *Tortugas*, they having enjoyed this Liberty in the Reign of King
 ‘ Charles II. without Interruption.’

‘ From all these Treaties, and from a Possession almost uninterrupted for above 60 Years, one would have thought, Sir, the Spaniards would never have attempted to disturb us in
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the Possession of a Right, so often, so expressly, and so particularly confirmed ; but no Words, no Treaties, can defend the Rights of a Nation, when their Sword seems to be rusted in its Scabbard. Notwithstanding all these Treaties, the Spaniards, about six Years since, attacked our Fleet of Merchant Ships, that was gathering Salt on that Island, fired several Broad-sides upon one of his Majesty Ships of War, serving as their Convoy, took and made Prize of four of the Merchant Ships, and would have taken a great many more of them, if it had not been for the good Conduct and valiant Behaviour of the Gentleman that commanded the Man of War, then serving as their Convoy ; who, notwithstanding the great Superiority of the Enemy, kept them in Play, till most of the Merchant Ships got off ; and thereby shewed to the Spaniards, that their Impunity was not owing to the Cowardice of our Sea-Captains, but to the Tameness of our Ministers. As that Gentleman then shewed that he had Courage to offend, as well as Conduct to defend, I hope if we do come to a Rupture with Spain, he will be one of the first that shall be commissioned.

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1737-38.



‘ This Outrage, Sir, was not committed by Stealth, or by Persons not properly commissioned : It was not committed by common Guarda Costa’s, who, often, have their Commissions only from the Spanish Governors in America. No, Sir, it was committed openly, avowedly, and by Spanish Men of War, bearing the King of Spain’s Commission, and having express Instructions from his Governors for what they did.

‘ These Instructions, Sir, were not to persuade, but to compel, as all Instructions to Ships of War ought to be ; for Fleets or Armies were never, till of late Years, sent out as Orators or Ambassadors ; they were never sent out but against those that had been found to be obstinate ; and the Obstinate were generally at last obliged to pay the Charges of fitting them out.

‘ For my Part, Sir, I am surprized, that such an open and avowed Insult upon the Flag of the Crown of Great Britain, was not pursued with immediate Vengeance : I am surprized we had the Patience to send to the Court of Spain to demand Satisfaction and Reparation ; and yet, Sir, I don’t find that we have hitherto received any Satisfaction for the Affront, nor any Reparation for the Damage done. Nay, the Spanish Court seems to mind it so little, that they have not so much as once mentioned it in their last Memorial. This Affair, I must say, Sir, puts me in mind of the Story of a Gentleman, who, upon receiving a Box on the Ear, asked him that gave it, if he was in Jest or in Earnest ; and upon the other’s answering, he was in great Earnest, the honest Gentleman replied only,

ANNO H. GEOR. III.
1767-8.

only, I am glad you are, Sir; for I do not like such Jest. Whether we had our Joke upon this Occasion, I do not know; but I hope the Nation will not content itself with returning a Joke for such a serious Blow.


‘ It is not Restitution, Sir, it is not Reparation, that can atone for such an avowed Insult; nothing can satisfy the Honour of the British Flag, but the Inflicting of a condign Punishment upon those Captains that committed the Outrage, or upon the Spanish Governor that gave the Instructions. Either the one or the other must be hung up, and, I think, hung in Chains too, upon the Island where the Outrage and Robbery was committed, as a Monument of British Resentment. If we are negotiating, if we continue to negotiate, this ought to be insisted on as a Preliminary; and if it is not granted as a Preliminary, we ought immediately to break off Negotiations, and revenge ourselves upon the Country, that dares to protect such Criminals; for if we allow such an Affront as this to pass unrevenged, I will take upon me to foretel, that the Spaniards will perform no Promise they make to us, nor observe any Treaty they conclude.

‘ However, Sir, I shall be for leaving it entirely to his Majesty to determine, what Satisfaction or Reparation ought to be deemed sufficient; but as to the Right we have of gathering Salt in that Island, I think it ought to be asserted by a Resolution of this House: Therefore the 4th Proposition I shall make to you, shall be, to resolve, that the attacking of a Fleet of Ships gathering Salt in the Island of Tortugas, then under Convoy of one of his Majesty’s Ships of War, by two Men of War belonging to the King of Spain, firing on the Convoy, and taking four of the said Ships, was a notorious Infraction of the Convention sign’d at Madrid, December 14, 1715, and a high Insult on the Honour due to the Flag of Great Britain.

‘ Having thus, Sir, mentioned and explained the several Rights of this Nation in America, which I take to be of such Consequence, that they ought to be particularly established and asserted, in the most solemn and the most explicit Manner, by the Resolutions of Parliament; I shall next take Notice, that it appears that the Court of Spain, though it does not in direct Terms deny that we are entitled to some of these Rights by the Treaties I have mentioned, yet that it raises so many Difficulties, and claims such Privileges as in the main amount to a total Prohibition of all the British Navigation and Trade in America. It has likewise been proved at our Bar, that the Subjects of this Nation have been disturbed and interrupted in the Exercise of every one of them, by the Spanish Guarda Costas in America. The Spaniards have of late

late Years not only seized and confiscated our Merchants-Ships for carrying on their lawful Trade in the Island of Tortugas and Bay of Campechey¹; but they have stoppt, searched, and plundered them, for sailing upon the open Seas of America; and have even seized and made Prize of them, for transporting some Sorts of Goods from one Part of his Majesty's Dominions to another, in manifest Violation of the known Rights and Privileges of the British Nation.

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1717-8.



'These are Rights, Sir, which are all so firmly established to us by Treaties; they are Rights which we have been so long in Possession of, that I am surprized how the Spaniards could find a Pretence for controverting any one of them; but when I consider the great Superiority of our Naval Force, and the great Expence we have been at of late Years in supporting that Naval Force, and in fitting out almost every Year formidable Squadrons, I am much more surprized to find, that the Spaniards have been so long allowed not only to controvert, but actually to interrupt and disturb us in the Possession and Exercise of those Rights. If they had rested satisfied with denying that we had any such Rights; if they had refused to acknowledge them in direct and explicit Terms, we might, for the Sake of Peace and Conveniency, have submitted for a short Time to such a Piece of Injustice; but their plundering and making Prize of our Merchant-Ships, for exercising any of those Rights, is an Injury which we cannot in Honour submit to; and their pretending to stop, search, or seize, under any Pretence whatsoever, those British Ships, which they find sailing upon the open Seas, either in America or elsewhere, is an Usurping of a Right or Dominion which is inconsistent with that Trade, which is the Life and Soul of this Nation; and therefore claimed our utmost Attention, in the very Beginning. We all know, Sir, how soon Proscription establishes a Right: Usurpations of every Kind gather Strength from their Continuance, and that which was at first a most unjust and a most violent Usurpation, may at last become a settled and an uncontrovertable Right.

'I must confess, Sir, that from our Conduct of late Years, I am apt to suspect, there are some against us, who think the Matters now in Dispute between Spain and us, of so little Consequence, that no one of them is worth our contending for. If there be any such Gentlemen in this House, it would be easy to shew, that they are most egregiously mistaken; it would be easy to demonstrate, that every one of the Rights I have mentioned, is of such Consequence to our Trade (which is the chief Support of our Riches and Power, and the only Support of our naval Power) that we ought to contend for it as if we were contending *pro aris & focis*; but I cannot well suppose there are any such Gentlemen in this House, and therefore I shall not at present enlarge upon this Point; be-
cause

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cause by our being now in a Committee, I have a Privilege of speaking again upon the same Subject; and that Privilege I shall beg Leave to make use of, if I hear any Gentleman pretend to insinuate (for I know it will not be directly asserted) that none of the Rights I have mentioned, are worth the Care of a British Parliament.

‘ For this Reason, I say, Sir, I shall not now insist upon the great Consequence of all or any of the Matters which the Spaniards have been of late tamely allowed to dispute with us; and as I believe no Gentleman will say, but that it has been fully proved at our Bar, that our Merchants have been plundered, our Ships unjustly seized and confiscated, and our Seamen cruelly used; therefore, without making an ungrateful Repetition of the Indignities and Injuries which have been proved at our Bar, I shall mention to you the 5th Motion I design to make; which is, That for many Years last past, the Liberty of Navigation in the American Seas hath been unjustly disturbed by the Spaniards, under Pretence of searching for and finding illicit Trade; the British Ships unlawfully seiz’d upon the open Seas, plundered, and confiscated; the Sailors robb’d, and inhumanly tortur’d, imprison’d, and made Slaves, to the grievous Loss of the Merchants, the Obstruction of the Commerce, and the Dishonour of the Nation.

‘ And the last Proposition I shall make to you, Sir, upon this Occasion, shall be, that notwithstanding the repeated Application to Parliament, the Treaty of Seville, and the Assurances so frequently given to the Merchants, of procuring Reparation for their Losses, and ill Usage, and notwithstanding the Expectation of the Nation of receiving just and ample Satisfaction for the Cruelties exercis’d on its Subjects, and the Insults offer’d to itself, nothing has in so many Years been obtain’d from the Court of Spain, effectually to satisfy the Losses, repair the Injuries, or retrieve the Honour of the Nation, tho’ the said Treaty of Seville, so advantageous to Spain, hath been punctually executed on the Part of Great-Britain,

‘ This likewise, Sir, is a Proposition which I cannot think any Gentleman in this House will pretend to oppose; at least, I cannot suggest to myself any plausible Reason for opposing it. Every Gentleman knows, how many Petitions have been presented to this House by our plundered Merchants and Seamen: For several Years, we have seldom been a Session without having one or more such Petitions presented to us. Upon these Applications we have already twice addressed the Crown: We have already twice declared, that we would support the Crown in any Measures that should seem necessary for vindicating the Rights and the Honour of the Nation; so that if our Fellow Subjects still remain unsatisfied, if those Ravages and Depredations are still continued and multiplied upon us,
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if the Honour of the Nation still lies grovelling in the Dust, the Fault cannot be laid at our Door. Former Ministers have been known, Sir, to excuse themselves, sometimes with Reason, oftner with none, by saying that the Parliament refused to support them in those Measures that were necessary for protecting the Trade, or vindicating the Honour of the Nation; but our Ministers never can plead that Excuse. Indeed I must say, if Negotiations, if Letters, Memorials, and Representations, had been Methods proper or sufficient for obtaining Redress, it appears from the Piles of Papers that have been laid before us, that our Ministers have not been remiss in endeavouring to obtain Satisfaction and Reparation for the Injuries and Insults we have met with; but, in my Opinion, they have very much mistaken the Methods proper to be made use of upon such Occasions.

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1737-38.



‘It is amazing, Sir, to take a View of the Heaps of Letters, Memorials, and Representations, which we have already before us, relating to this Affair. They look more like the Papers belonging to an hereditary Suit in Chancery, than like the Papers belonging to a Negotiation between two sovereign and independent Nations. In a Suit at Law, or in Equity, it is the Business of those who carry on the Suit, to prevent its being speedily brought to a Conclusion, because they get so much by it yearly, and termly, as long as the Suit continues, and those annual Profits must cease as soon as the Suit is at an End; and as they are paid by the Sheet, without any Regard to the Matter, it is their Interest to heap Process upon Process, and in every Paper, to be as verbose and prolix as their Invention can suggest. But Negotiators are never paid by the Sheet, nor ought they to be made to expect their chief Reward till after the Negotiation is brought to a Conclusion; therefore it is not their Interest to be verbose, or to heap Memorial upon Memorial; nor is it their Interest to spin out a Negotiation. I hope Sir that no Negotiation in which we have been lately concerned has been spun out for the sake of continuing Salaries to the Negotiators: I hope that none of those Letters, Memorials, or Representations have been multiplied or extended, for the sake of adding to, or increasing the Salaries of those who were concerned in drawing them up; therefore I cannot avoid being surprized at the Multitude and the Length of those Papers, which seem to belong to the late Negotiations between Spain and us.


‘Besides, Sir, in all Negotiations it is generally the Duty of the Negotiators, of one Side or other, to bring the Negotiation to a speedy Issue; but where a Nation has been injured, and is in a Condition to revenge itself, it is more particularly incumbent upon its Negotiators to bring the Negotiation to an immediate Issue, of one kind or other; and for that Purpose,

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to be short and substantial in every Memorial, Answer, or Reply, they deliver, and peremptory in every Demand they make. When the known Rights of a Nation are invaded, it is ridiculous to enter into a tedious and metaphysical Discussion of the Point of Right; and still more ridiculous to make long Answers to every Quirk, because there would in that Case be no end of Cavilling; for the Councils of Nations are never to be swayed by subtle Arguing, nor is it consistent with the Dignity of Sovereigns to plead their Cause, like Barristers pleading for their Clients before a Court of Justice.

When an independent and a powerful Sovereign has been injured, he that speaks in his Name, Sir, may explain the Nature of the Injury that has been done, and ought to wait a reasonable Time for an Answer: He may even go the Length of a Reply; but if any sophistical Arguments or delusive Evasions have been made use of in the Answer given him, he ought to think it beneath the Character he bears, to take Notice of them in his Reply; and the Conclusion of his Reply ought always to be a peremptory Demand of Justice within a Time limited. This is the utmost Length a Sovereign ought to go, if he be at that Time in any tolerable Condition for doing himself Justice; and if we had made use of this Method of Negotiation with Spain, I am convinced the Insults and Injuries put upon us by that Nation, would have been far less numerous, and less dishonourable for us, than they are at present.

For this Reason, Sir, if our Negotiations must be continued yet a while longer, I hope they will be put upon a different Footing, and carried on in a different Manner, from what they have been; but for my part, I do not see what Security we can expect from any Negotiation or Treaty; for tho' the Treaty of Seville be not such a one as it ought to be, and might have been, if the Squadrons we were at the Expence of fitting out about that Time, had received Orders to compel as well as persuade, yet by that Treaty the Crown of Spain engaged itself, almost as expressly as it can, I believe altogether as expressly as it will, be engaged by any Treaty we can now obtain by peaceable Means, to give Satisfaction for all the Depredations that had been committed before that Time, and to prevent any such for the future. By the very first Article of that Treaty, all former Treaties were renewed and confirmed; and by the first separate Article, most of the Treaties between the two Crowns are particularly mentioned, and again expressly confirmed; from whence we may see, that the Crown of Spain was engaged by that Treaty, as much as it can be by general Words in any Treaty, to prevent any Injuries being done by the Subjects of Spain to the Subjects of Great-Britain. 'Tis true;

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the Treaty of 1670 is not mentioned among the rest in the first separate Article of the Treaty of Seville, nor is it mentioned in the other famous Treaty, made between Spain and us in the Year 1721. Whether this happened by Neglect, or if there was any hidden Design in not mentioning that Treaty among the rest, I shall not pretend to determine ; but I cannot think the Spaniards will from thence pretend to say, we have passed from, or given up that Treaty ; because I do not think it is their Interest to say so : For if it could be supposed, that there is no such Treaty now subsisting between the two Crowns, there is nothing to hinder us from trading with their Subjects in New Spain by open Force ; any Laws or Prohibitions they could make against such a Trade, would be of very little Signification : Even all the Guarda Costa's they could send thither would be far from being able to prevent our carrying on such a Trade ; because we could send sufficient Squadrons of Men of War to protect all our Merchant-Ships employed in that Trade, without a Breach of any Article either in the Treaty of 1721, or in the Treaty of Seville.

‘ Then, Sir, with respect to the Depredations that had been committed upon our Merchants before the Conclusion of that Treaty, we know that by the 6th Article thereof, Commissaries were to be appointed to examine and decide what concerned the Ships and Effects taken at Sea, and also all our Pretensions relating to Abuses committed in Commerce, and also all other Pretensions as well in the Indies as in Europe ; and his Catholick Majesty expressly engages, to cause to be executed punctually and exactly, what should be decided by the said Commissaries, within six Months after the making of their Report. These Commissaries, this Nation has Reason to know, were accordingly appointed ; but as the Spaniards had never, I believe, an Intention to perform this Engagement, they took Care that their Commissaries should never agree to any Report ; and upon this frivolous Pretence, I suppose, among others of the same Kind, they have ever since refused to make us the least Satisfaction for any of the Depredations committed before the Concluding of that Treaty, tho’ it be now above eight Years since the Treaty was concluded, and above five Years since the Commissaries ought to have made their Report, according to the eighth Article of the same Treaty.

‘ From what I have said, Sir, it will appear, I think, that we can have no great Expectations from any future Treaty we can make ; but whatever may be the Success of our present Negotiations, whatever we may expect, whatever Advantage we may reap from any future Treaty, it is certain we have as yet received no Satisfaction or Reparation,

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notwithstanding the express Promises made by the Treaty of Seville, and notwithstanding that Treaty's having been performed by us in the most punctual Manner; nay, in a Manner prejudicial to ourselves, and highly advantageous to Spain: Therefore I hope no Opposition will be made against that Part of the Resolution I am to move for. Then as to the Assurances that have been given our Merchants, of procuring Reparation for their Losses and Ill-usage, they have been so frequent, so express, and are so well known, that I cannot think I have the least Occasion for repeating or explaining them; for which Reason, I shall for the present conclude with begging, that Gentlemen would consider for what Purposes we sit here. We assemble in this House, in order to receive the Petitions, and hear the Complaints of our injured Subjects; but we are not to receive and hear only, we are likewise in Duty bound to provide a Remedy for the Grievances they justly complain of, and to take the most effectual Measures for that Purpose. We have twice already come to general Resolutions upon this Subject: We have twice already found, that such general Resolutions have produced no Effect; therefore it would be unpardonable in us to proceed no farther upon the present Occasion. Perhaps some Gentlemen may think, we ought now to go much farther than I have taken the Liberty to propose; but I cannot think any Gentleman will oppose our going thus far; for the least we can do is, to assert those national Rights which seem of late to have been neglected; because, after such a solemn and publick Declaration of our Rights, I hope no Minister will hereafter dare to give up any of them by Treaty, or to allow them to be any longer incroached on and violated, under the Pretence of a Negotiation.

The Answer to this was by Sir Robert Walpole, to the following Effect:

Sir,

Sir R. Walpole.

‘ I do not rise up to oppose, or in the least to dispute any of the Rights or Privileges which the honourable Gentleman has been pleased to mention. I am fully convinced, that this Nation has an indisputable Title to all those Rights and Privileges, and I shall always be as zealous for defending them as that Gentleman or any other: Nay, I am convinced, that no British Subject will pretend to controvert any one of them; and therefore I shall readily agree with the honourable Gentleman in every Thing he has said in Support of those Rights and Privileges; but I cannot agree with him in thinking, that upon this Occasion they ought to be so particularly vindicated and asserted by the Resolutions of this House. I cannot think there is at present the least Occasion for our coming to any such Resolutions; because, I believe, there is no
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British Subject that will pretend to question any of the Rights he has mentioned, or that will dare to say, that any one of them ought to be given up. It is, to be sure, unnecessary, and I must think inconsistent with the Dignity of this House, to come to any Resolution for determining a Question that is not disputed by any Subject of Great Britain; and with respect to Foreigners, our Resolutions cannot be of any Signification; because Foreigners are no way bound, nor can they be fore-closed by any of our Determinations.

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‘ But this is not all, Sir; our coming to such particular and peremptory Resolutions, is not only unnecessary, but it would be hurtful. It would be pushing the Thing a great deal too far; because it would, in my Opinion, make a War unavoidable. Though every one of the Rights and Privileges the honourable Gentleman has been pleased to mention, be secured to us, either by the Law of Nations, or by solemn Treaties, or by both; yet we all know, that they are now, and always have been, so far disputed, that the Court of Spain has never yet acknowledged them, in explicit Terms, notwithstanding its having been brought often to a very low Pass. In treating between sovereign and independant Powers, there are certain Methods and Forms to be observed, which are absolutely necessary for bringing any Treaty of Peace, Commerce, or Alliance, to a Conclusion. A sovereign Prince or State may often be prevailed on to acknowledge a Right or Privilege, or even to make some new Concessions, by general Words, which may be equivalent to, and as effectual as, the most express and particular Declaration; and yet that Prince or State would perhaps engage in, or continue the most dangerous and destructive War, rather than make such an express and particular Declaration. For this Reason it is usual and frequent in all Treaties, to make use of general Words, in those Cases where either of the contracting Parties think they cannot in Honour agree to acknowledge a Right, or make a Concession, in express and particular Terms.

‘ This, Sir, has often been the Case, particularly between Spain and us. I believe no Gentleman will doubt of our Right to the Island of Jamaica. I believe no British Subject will say, that it is not absolutely surrendered and sufficiently secured to us, by the Treaties now subsisting between the two Crowns; and yet it is a Right which the Spaniards still pretend to dispute. It is a Right which they have never yet acknowledged in express and particular Terms. Even in the Year 1670, when they were suing for a Peace, and for some new Regulations in the West-Indies, and suing for it, Sir, in as humble a Manner as ever a Nation, not absolutely re-

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duced, could submit to, they would not acknowledge our Right to that Island in exprefs Terms, nor did we think it neceffary they should. They thought it was inconsistent with the Honour of their Crown, to make an exprefs and particular Surrender of that Island; and we indulged them fo far as to reft fatisfied with that Surrender and Acknowledgment contained in the general Words of that Treaty, by which it is declared, ‘ That we fhould hold and keep all the ‘ Lands, Countries, Islands, Colonies, and other Places in ‘ the Weft-Indies, or in any Part of America, which we ‘ then held and poffeffed.’ This we then thought a full and fufficient Acknowledgment of our Right to that Island; and it feems our Opinion was the fame at the Time of the Treaty of Utrecht; a Treaty, which, I am fure, fome Gentlemen that hear me will not pretend to find fault with; for though by that Treaty we may in fome Meafure be faid to have given the Kingdoms both of Old and New Spain to that Family, which has fince given us fo much Difurbance, yet we did not then defire by Way of Retribution an exprefs and particular Acknowledgment of our Right to that Island, nor of any other of our Rights or Privileges in America: The Authors of that Treaty, Sir, being of Opinion, it feems, that the Stipulations contained in other Treaties fufficiently fecured them.

‘ From the Practice of all Nations therefore, and from our own Practice in former Treaties, we not only may, but fometimes ought to fatisfy ourfelves with general Words and Exprefions, in Cafes where fuch general Words or Exprefions may be as effectual, and may render what we aim at as fecure and indisputable as if it had been declared or regulated in the moft particular and explicit Terms. But, Sir, if in the prefent Cafe, this Houfe fhould come to fuch Refolutions as have been propofed, it would render it impoffible for us afterwards to accept of, or propofe, any fuch general Acknowledgments or Concefions. The Refolutions prefented by the honourable Gentleman, would cramp our Minifters and Negotiations, who would regard them as Rules from which they could not depart. In fuch a Cafe, I believe no Minifter would take upon him to advife his Majefty to make a Propofition to the Court of Spain, relating to any of the Matters now in Difpute between us, that was lefs explicate or lefs particular than the Refolution this Houfe had come to upon that Head; nor would he take upon him to advife his Majefty to approve of or ratify any one Article in a Treaty, unlefs it was as full and as particularly expreffed as the Refolution we had come to upon the fubject Matter of that Article. Whether this would be an Incroachment upon that Prerogative of the Crown, by which it has the fole Power of

of making Peace or War, I shall leave to others to determine; for my own Part, I must think, that it would not only be a taking from his Majesty the Power of making Peace, but that it would be taking from him the Power of judging what Sort of Instructions would be most proper to be sent to his Ambassadors or Envoys at any foreign Court, or to his Plenipotentiaries at any future Congress. But this is not the only Disadvantage such a Method of Proceeding would be attended with: In my Opinion, it would not only make War unavoidable, but it would likewise make Peace unattainable, till one or other of the Parties engaged, were almost utterly destroyed; for though the Spaniards may probably in the Way of Negotiation be brought to acknowledge and confirm all the Rights and Privileges held in Dispute between them and us, in general Terms, or perhaps in more particular and express Terms than are to be found in any former Treaty between the two Nations, yet I am convinced, they will never agree to Acknowledgments so very explicate and particular, as those contained in the Propositions that have been now laid before us. At least I am convinced, they can never be prevailed on to do so, unless we should have the good Luck, by a long and successful War, to bring them to as low an Ebb, as every any Nation, not absolutely conquered, was brought to. We may with as much Probability of Success propose forcing them to sign a Carte Blanche, as to propose, either by fair or foul Means, to compel them to make such particular Concessions as are mentioned in the Propositions now before us; and I do not think it is our Interest to endeavour to bring that Nation so low, even though we were certain of Success, and that the other Powers of Europe would sit still, and tamely behold our Triumphs, without either Jealousy or Envy.

‘ Now, Sir, as I think every one of the Rights at present in Dispute between Spain and us, may be as fully secured to us by general Words in a future Treaty, as by particular Declarations and Concessions: As I think we may, in Consequence of such a Treaty, continue to enjoy those Rights, with as little Disturbance as we now enjoy the Island of Jamaica; therefore, if our Ministers can obtain such a Treaty, without putting the Nation either to the Hazard or Expence of a War, I must think they will do their Country a Piece of good Service; and consequently, I must think, it would be wrong in this House, to put it out of their Power to negotiate, or to advise his Majesty to approve of a Treaty, that may attain all the good Ends proposed by the honourable Gentleman’s Resolution, and avoid all their Inconveniences. I have, I have always shewed a very great Regard for the Merchants trading to and from our Plantations: I

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have as great a Regard for them, and I think them as useful a Body of Men as any in the Kingdom ; but we must consider, Sir, that we have a great Number of Merchants concerned, and a very considerable Trade, a most beneficial Trade to this Nation, in Spain and the Mediterranean. The former might, perhaps, be no great Losers, they might even be Gainers by a War ; whereas the latter would certainly be undone ; and if the War should be of any Duration, some Branches of our Spanish and Mediterranean Trade might perhaps be irrecoverably lost. I hope I may be allowed to have some Regard for our Spanish, Italian, and Turkey Merchants. Upon their Account I shall always be for avoiding a War with Spain, as long as possible, and shall never give my Consent to any Measure or Resolution, that I think will breed such a Quarrel between the two Nations as must end in the Destruction of one or other.

‘ For this Reason, Sir, I shall be against our coming to any particular and peremptory Resolutions, with respect to any of the particular Rights the Spaniards now pretend to contest ; but I shall most readily agree to any Motion that can be proposed, for shewing it to be our Opinion, that our Merchants have fully proved their Losses, and that the Depredations that have been committed are contrary to the Law of Nations, contrary to the Treaties subsisting between the two Crowns, in short, that they are every Thing bad, and without the least Pretence or Colour of Justice. This, I say, I shall most willingly agree to, because I think the Petitioners have fully proved the Allegations of their Petition ; I think they have fully proved, that the Subjects of this Kingdom have met with such Treatment from the Spanish Guarda Costa’s and Governors in America, as deserves the highest Resentment ; but still, I think, if proper Satisfaction and full Reparation can be obtained by peaceable Means, we ought not to involve the Nation in a War, from the Event of which we have a great deal to fear ; and the utmost we can hope for from the most uninterrupted Success, is a proper Satisfaction for past Injuries, and a proper Security against our meeting with any such hereafter, both which we are bound to think there are still Hopes of obtaining by way of Negotiation ; because, if it had been otherwise, his Majesty would certainly have acquainted us with it, and would have desired us to provide for obtaining by Force, what he saw was not to be obtained by fair Means.

‘ As for the Method, Sir, in which our Negotiations have been hitherto carried on, I do not think an Enquiry into it can, upon the present Occasion, come properly before us ; but if it could, I believe it would be easy to shew, that they have been carried on in that Manner, which was
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the most proper for producing an Accommodation of all the Differences subsisting between the two Nations. I shall grant, that there are certain Periods, and certain Circumstances, which may make it the Interest of a Nation to be peremptory in every Demand they make, and not to be at any great Pains to shew the Reasonableness of their Demands, or to answer the Objections that may be made to them; because, as a Nation may sometimes have a Conquest in View, and may think they have got a seasonable Opportunity for accomplishing their Design, it may be more for their Interest to come to an open Rupture, than to continue in Peace upon the most equitable Terms; but this can seldom or never be the Case of this Nation; I am sure it is not our Case at present, nor has it ever once been our Case for above these twenty Years past; and therefore, it would have been, and still would be, Madness in us, to go to War with any of our Neighbours, if there be any Probability of obtaining Justice in a peaceable Manner.

‘ From this Consideration we may see, Sir, that it would be imprudent in us to be peremptory in the Demands we make upon any of our Neighbours; and for the same Reason, we ought to be at some Pains to explain the Reasonableness of our Demands, and to answer all the Objections that may be made against them. But with respect to Spain, we ought, in my Opinion, to have more Patience, and to treat in a milder Method with them, than with any other Nation in Europe; not only because of the Advantage we reap by our Trade with that Nation, but because his Catholick Majesty is, I am convinced, as much inclined to do Justice, and to preserve Peace, as any Prince in Europe. Our not having obtained Redress before this Time, does not, I believe, proceed from any real Intention in his Catholick Majesty to do this Nation an Injury, or to allow any of his Subjects to injure us, but from the Nature of the Disputes between us, which depends upon Facts, that must be fully enquired into, and certainly known, before it can be determined whether they are injurious or not; and as all those Facts happen at a great Distance, it is impossible to have a particular and distinct Account of them in a short Time, especially as it is very much the Interest of the Spanish Governors in America to misrepresent them. Considering therefore the Justice and the Uprightness of his Catholick Majesty’s Intentions, considering his Friendship and good Inclinations towards us, it would have been wrong in us to make peremptory Demands at first; it would have been wrong in us not to answer every Objection that was made against any of our Demands: On the contrary, our own Interest made

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it incumbent upon us to make a full and particular Answer to every Objection, in order to convince his Majesty of the Justice of our Demands or Pretensions; because, from that Conviction we had, -I hope we still have, great Reason to expect full Satisfaction.

‘ Having thus, Sir, laid my Thoughts before you, upon the Matter now under our Consideration, and having given you my Reasons for not approving of all the Propositions, the honourable Gentleman has told us he is about to make, I shall now beg Leave to offer an Amendment to his Motion, which is, That the first Part of this Motion should stand as it is in these Words: ‘ That it is the natural undoubted Right of ‘ British Subjects to sail with their Ships on any Part of the Seas ‘ of America, to and from any Part of his Majesty’s Domi- ‘ nions.’ So far I entirely agree with him; but in my O- pinion, all that he has proposed to follow after these Words, ought to be left out; and instead thereof, I propose, that these Words or Resolutions ought to be inserted, ‘ That ‘ the Freedom of Navigation and Commerce, which the ‘ Subjects of Great Britain have an undoubted Right to by ‘ the Law of Nations, and which is not in the least re- ‘ strained by Virtue of any of the Treaties subsisting be- ‘ tween the Crowns of Great Britain and Spain, has been ‘ greatly interrupted by the Spaniards, under Pretences altoge- ‘ ther groundless and unjust. That before and since the Execution ‘ of the Treaty of Seville, and the Declaration made by the ‘ Crown of Spain, pursuant thereunto, for the Satisfaction ‘ and Security of the Commerce of Great Britain, many ‘ unjust Seizures and Captures have been made, and great ‘ Depredations committed by the Spaniards, which have ‘ been attended with many Instances of unheard-of Cru- ‘ elty and Barbarity. That the frequent Applications ‘ made to the Court of Spain, for procuring Justice and Sa- ‘ tisfaction to his Majesty’s injured Subjects, for bringing ‘ the Offenders to condign Punishment, and for preventing ‘ the like Abuses for the future, have proved vain and in- ‘ effectual; and the several Orders or Cédulas, granted by ‘ the King of Spain, for Restitution and Reparation of ‘ great Losses sustained, by the unlawful and unwarrantable ‘ Seizures and Captures made by by the Spaniards, have ‘ been disobeyed by the Spanish Governors, or totally e- ‘ vaded and deluded. And that these Violences and Depre- ‘ dations have been carried on to the great Loss and Da- ‘ mage of the Subjects of Great Britain trading to America, ‘ and in direct Violation of the Treaties subsisting between ‘ the two Crowns.’

‘ I do not know, Sir, if I shall have the good Luck to meet with the Approbation of this House; but what I have pro-

proposed will, in my Opinion, be as strong a Vindication of all the Rights and Privileges now in Dispute between Spain and us, as if every one of them had been particularly mentioned: And, I think, it will be a sufficient Testimony of its being the Opinion of this House, that the Facts set forth in the several Petitions now before us, have been fully proved; and that we look upon those Facts to be such as are contrary to the Law of Nations, and to the Treaties subsisting between the two Crowns. It will likewise, I think, testify fully to the World, the Resentment of this House, against the Depredations that have been committed upon our Merchants, and the Cruelties that have been used towards our Seamen; and that we are resolved not to suffer such Practices to be continued in Time to come, nor to allow those that are passed to go unpunished. This, I think, Sir, is the utmost Length we can go at present; it is the utmost Length this House ought to go, because it will answer all the Ends we can propose by the most particular Resolutions; and at the same Time it will leave Room for putting an End to all the Differences between Spain and us, in an amicable Manner, which, I have shewed, would very probably be rendered impossible, in case we should now come to such particular Resolutions, as the honourable Gentleman near me has been pleased to propose: Therefore I hope even the honourable Gentleman himself will approve of the Amendment I have offered, to the end that we may appear to be unanimous in every Resolution we may come to, upon an Affair, which is of so great an Importance to the Trade and Happiness of this Nation, and to the Tranquillity of Europe in general.

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After this, Mr. Pulteney stood up again, and spoke to the following Effect:

Sir,

‘ I find the Debate upon the Affair now before us, is like to take that Turn, which I from the Beginning imagined it would. After I had opened and explained the several Rights and Privileges of this Nation, which ought, in my Opinion, to be established by the Resolutions of this House, I said, I knew it would not be directly asserted, that they were not worth the Care of a British Parliament, but such a Thing I supposed might be insinuated; and now I find it is pretended, they are so little worth our Care, that there is no Occasion for establishing them particularly and distinctly, but that we may satisfy ourselves with general Words and Expressions, which, it is said, will be found as effectual, as if every one of these Rights and Privileges had been distinctly and particularly mentioned and explained.

Mr. Pulteney.

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‘ After the Experience we have had, for many Years past, I am surprized, Sir, to find it even so much as insinuated, that general Words or Expressions, in any future Treaty, can be supposed to be as effectual, as particular and distinct Acknowledgments or Declarations ; and I am equally surprized to find it asserted, that this House may, upon this third Application, content itself with coming to a general Resolution. — Sir, there is not one of the Rights or Privileges, which are asserted in the Propositions I have now offered, but what is collected from the general Words of former Treaties, and have been confirmed to us over and again. These general Words we have, by sad Experience, often found to be ineffectual ; and shall we again put our Trust in that, which we find has so often deceived us ? Shall we allow the Freedom of our Commerce, and the Properties of our Fellow-Subjects, to depend any longer upon that, which has for many Years subjected the former to continual Interruptions, and has often made the latter a Prey to our Enemies ?

‘ Those Rights, Sir, which depend upon the Law of Nations, are certainly confirmed by the general Words of every Treaty of Peace and Friendship, that can be made between two Nations ; and while neither pretends to contest, or to incroach upon, such Rights, both may rest satisfied with such general Confirmations : Because a tacit Acquiescence on one Part is generally, and with Reason, regarded as sufficient Security for the other. But if either of the two begins to contest any one of those Rights, or to usurp a Power, that is inconsistent with any of them, it then becomes necessary for the other Nation to have that Right particularly explained, and of new established, in the most distinct and explicit Terms : They are bound in Duty to Mankind, as well as to themselves, to compel the usurping Nation to pass from that Power, which they have usurped, and to pass it from such Terms as shall leave no Room for setting up any such Pretence in Time to come. Of this Nature are the two first Rights, which I proposed to be established ; I mean, ‘ That of its being the ‘ Right of British Subjects, to sail with their Ships on any ‘ Part of the Seas of America, to and from any Part of his ‘ Majesty’s Dominions ; and, ‘ That of its being the Right ‘ of British Subjects, to carry in their Ships all Sorts of ‘ Goods, Merchandize, or Effects, from one Part of his Majesty’s Dominions, to any other Part of his Majesty’s Dominions ‘ These, Sir, are two Rights, which depend upon the Law of Nations, and therefore, while neither of them was contested or incroached on by Spain, it was sufficient for us to have them confirmed by general Words ; but of late Years, the Spanish Guarda Costa’s have been so arrogant, that they have

have usurped a Power of entering in a forcible Manner, and searching every British Ship they meet with in the open Seas of America ; and they have likewise usurped a Power of determining what sort of Goods, or Merchandize, may be carried in British Ships, from one Part of the British Dominions to another. For this Reason, it is now become absolutely necessary for us to compel them, either by fair or foul Means, to pass from both these Usurpations, and to establish and confirm to us those Rights we are intitled to by the Law of Nations, not by general Words, as formerly, but particularly and distinctly, and in the most express and explicit Terms.

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‘ Then, Sir, as to those Rights which may be peculiar to one Nation, and which it may have acquired, by Occupancy, Purchase, Conquest, or otherwise, the Nation that has made any such Acquisition, may at first rest satisfied with having their Right acknowledged by other Nations in general Terms ; but if any neighbouring Nation should begin to contest their Right, or should begin to interrupt and disturb them in the Possession of a Right they had lawfully acquired, it would then be incumbent upon them to have their Right particularly, distinctly, and expressly acknowledged, by that Nation at least, that had begun to contest their Right, or disturb their Possession. To apply this, Sir, to the two last Rights I proposed to be established : It is well known, that we have long since acquired a Right to make Settlements in the Province of Yucatan, and to cut Logwood in the neighbouring Bay of Campechey ; and it is likewise well known, that we have long since acquired a Right to gather Salt in the Island of Tortugas. Those Rights we not only acquired by a lawful Title at first, but they have since been oftentimes acknowledged and confirmed to us by the Crown of Spain, in as express Terms, as they can be, by general Words or Clauses, in any future Treaty. While Spain did not pretend to controvert them, or to disturb us in the Possession, it was sufficient to have them confirmed by general Words, in those Treaties that were made between the two Nations ; but of late Years, Spain has not only begun to controvert these Rights, but has actually disturbed us in the Possession, by seizing our Ships, and murdering or maltreating our Seamen, for no other Reason, but because they were found in the Exercise of those Rights, which belonged to them as Subjects of the Crown of Great Britain. We cannot therefore now satisfy ourselves with having such Rights acknowledged in general Terms : If we ever come to any Treaty with that Nation, we ought to have both of them particularly and expressly acknowledged. This, I say, Sir, we ought to have ; this we will have, if we treat upon an equal Footing, and shew a
due

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due Regard to the Honour and Trade of our native Country.

‘ Every one must grant, Sir, that we have as good Right to cut Logwood in the Bay of Campechey, and gather Salt on the Island of Tortugas, as we have to the Island of Jamaica : The former has been as often confirmed as the latter, by the general Words of the Treaties subsisting between us and Spain. But the Difference at present is, that the former has been of late not only contested but invaded, whereas our Right to Jamaica has not of late been openly contested, nor our Possession disturbed. I am glad it has not ; for I am convinced, that those who are so fond of Peace, as for its sake to give up our Right to cut Logwood in the Bay of Campechey, and gather Salt in the Island of Tortugas, would likewise for the same Reason have given up the Island of Jamaica, if the Spaniards had revived their Pretensions to that Island, and had insisted upon its being restored, as one of the Preliminaries.

‘ Thus, Sir, I have shewn that, if we judge by Experience, we can put no farther Trust in general Words or Expressions ; and I have also shewn that, from the Nature of Things, we cannot now rest satisfied with general Acknowledgments or Declarations. If we have any Regard for the Honour or Trade of this Nation, if we have any Regard for the Lives, the Liberties, or the Properties of our Fellow-Subjects, we must insist that, in any future Treaty to be made between the two Nations, every one of the Rights or Privileges now in dispute, shall be particularly and distinctly acknowledged : And if this be the Case, what Harm can there be in our coming to a distinct and separate Resolution with respect to every one of the Rights I have mentioned ? But this is not all, Sir : If this had been the first Time any Application had been made to us, against the Insults and Depredations of the Spaniards ; if this had been the first Time we had found it necessary to come to any Resolution upon that Head ; there would be some Pretence for saying, we ought to rest satisfied with a general Resolution : It might perhaps be supposed, that such a general Resolution as the honourable Gentleman near me has been pleased to propose, would be sufficient for procuring a Remedy for those Evils, our injured Countrymen complain of ; but we have twice already come to such a general Resolution ; we have twice already found that such a general Resolution has proved altogether ineffectual ; and therefore we are now both in Honour and Duty bound to think of some other Method, for giving Relief to those who, we find, have so justly complained. Even the Resolutions I have proposed, may prove ineffectual ; I am afraid they will, even though they were

were much more express and strong than they are, unless we alter our Conduct ; but surely, the least we can do, upon this third Application, is, to endeavour to vindicate and establish, by the Resolutions of this House, those Rights, which the Spaniards have so long dared to dispute with us, and which have so long given them a Handle for plundering our Merchants, and cruelly using our Seamen.

‘ These Rights, it is true, Sir, are not disputed by any of our own Subjects ; though I do not know, but there may be some, who, for their own selfish Ends, would be glad to give every one of them up. I shall likewise grant, that we cannot pretend to bind or foreclose Foreigners, at least in a legal Manner, by any of our Determinations or Resolutions ; but if either of these were a good Reason for our not coming to the Resolution I have proposed, there would be no Occasion for our coming to any Resolution at all, relating to the Affair now before us. Is there any Subject in the British Dominions, that says, dares say, that our Merchants have not been plundered, and our Seamen maltreated, by the Spaniards in America ? Does any Subject of Great Britain say that a proper Satisfaction has yet been obtained for the Insults and Injuries, that have been put upon us ? What Occasion can we then have, according to the honourable Gentleman’s Way of Reasoning, for coming to any Resolutions, for ascertaining the Truth of Facts, which none of our own Subjects doubt of ? For, with regard to Foreigners, we can as little pretend to bind or foreclose them, with respect to the Truth of Facts, as we can pretend to bind or foreclose them with respect to the Justice or Validity of any Right we pretend to. Therefore, if this Argument were of any Weight, there would be as little Reason for our coming to the Resolution the honourable Gentleman has been pleased to propose, as for our coming to any one of the Resolutions I have mentioned.

‘ But in the Case now before us, Sir, we are not to come to Resolutions with a Design to determine absolutely any Matter of Right, or to foreclose either our own Countrymen or Foreigners. The Design of our Resolutions ought to be, to shew both to our own Countrymen and Foreigners, that we are resolved to vindicate and assert, to the last Drop of our Blood, those Rights, which we think belong to us ; and that both our own Countrymen and Foreigners may know, what we look upon as the undoubted Rights and Privileges of the Nation, those, at least, which are now contested, ought to be particularly and expressly established by the Resolutions we are to come to upon this Occasion. This, Sir, will have a good Effect upon Foreigners, as well as our own Countrymen. If there be any among the latter, who think they may sacrifice

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crifice the Honour and Interest of the Nation, to their own Ease and Security, by giving up all or any of the Rights now in Dispute between Spain and us, or by allowing them to be any longer incroached on or violated, they will from thence see, that they must expect the utmost Resentment and Indignation of this House ; and if any Foreigners, particularly the Spaniards, have been, by our late pacifick Conduct, led into a Belief, that we dare not vindicate our known Rights and Privileges, such Resolutions will shew them, that, however pacifick, or rather pusillanimous, some People amongst us may be, however much afraid some may be of a War, the Nation itself is neither become pusillanimous, nor is the Parliament of Great Britain afraid of a War, when it becomes necessary for preserving the Trade, or vindicating the Honour of the Nation. This will make the Court of Spain seriously consider the Consequences of an open Rupture with this Nation ; and if they do, I am sure they will give us full Satisfaction and Security, rather than come to an open Rupture, unless they have got a greater Advantage from our late Negotiations and Conduct, than is yet generally seen through.

I shall not pretend, Sir, to know, or even to guess at, the present System of Politicks in Europe : It has been of late so entirely turned topsy-turvy, and so little of our foreign Politicks have been communicated to this House, that no Gentleman can say he has any Knowledge of them, if he knows no more than what he has learned by being a Member of this House ; but this I may venture to say, that if we consider and compare the two Kingdoms of Great Britain and Spain only, and the respective Power of each, even as it stands at present, we can have no Reason to be afraid of a War with Spain, nor can they have Reason to expect any Triumphs over us. Indeed, if the political Affairs of Europe have been negotiated into such a System, that Spain is now provided with powerful Allies, ready to support them in all their Pretensions upon us, and this Nation not provided with any one Ally, whose Assistance we can depend on, even in defending our just Rights and Privileges, we may have some Reason for continuing to submit tamely to the most cruel Indignities, rather than come to an open Rupture ; but if this be our unfortunate Case, which God forbid ! I wish some of those Gentlemen, who know something of the present System of Politicks in Europe, would rise up and make us acquainted with our unlucky Circumstances, before we proceed to do any Thing, that may render them worse. In such a Case, I shall admit, we ought to be extremely cautious of doing any Thing, that may tend towards involving the Nation in a War ; but if
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this be our Case, if we cannot extricate the Nation out of those Difficulties it labours under at present, I am sure we ought to deliver it from the Counsellors who have brought it into those Difficulties ; and for that Purpose, we ought to enter into an Enquiry very different from that we have been upon, and we ought to come to Resolutions very different from any that have been proposed.

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‘ But I have the Pleasure to think, Sir, that this is far from being our Case at present ; because, if the Nation were in such a melancholy Situation, it would be absolutely necessary to reveal it to this House, upon the present Occasion ; and as several Gentlemen amongst us, must be acquainted with it, I am persuaded they have a greater Regard for their native Country, than to conceal what is now so necessary for us to know. I am convinced, some of them would have laid our Circumstances fully before us, whatever might have been the Consequences, either with respect to themselves or Friends. I cannot therefore suggest to myself the least Shadow of Reason, why we ought to be so much afraid of a War, as to accept of, or agree to, any future Treaty, that does not in the most effectual Manner secure to us the Possession of those Rights, which have been lately contested. We have, ’tis true, been told, that Spain may think it inconsistent with the Honour of their Crown, to make any express and particular Declarations. Sir, this Honour can at best be said to be but an imaginary one : But suppose it otherwise, they ought to have considered this, before they began to contest any of those Points with us ; for their very starting that Dispute makes it inconsistent with the Honour of the Crown of Great Britain, to accept of any general Acknowledgments for the future, at least with respect to those Rights they have dared to contest ; and I hope this House will never hesitate upon the Alternative, whether the Imaginary Honour of the Crown of Spain, or the real Honour of the Crown of Britain, should be supported : Nor will this Nation, I hope, ever be in such Circumstances, as to be under a Necessity of wounding its own Honour, in the most sensible Part, for the Sake of avoiding a War with Spain, or with any other Power in Europe.

‘ For this Reason, Sir, we have no Occasion to avoid coming to particular Resolutions, for fear of tying up the Hands of our Negotiators. On the contrary, it is one of the strongest Arguments for our coming to a particular Resolution, with respect to every Right now in Dispute between Spain and us ; for of late Years, our Negotiators seem to have minded the Forms and Ceremonies of treating between sovereign Powers, more than the Substantials ; and

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therefore, if, in the present Case, no particular Directions be given them by this House, I am afraid they will accept of such general Acknowledgments or Declarations, as will make those Rights more disputable and precarious than ever they were heretofore. I am far from thinking, that our coming to particular Resolutions, or our obliging those who may be hereafter employed to negotiate for us, to insist upon having those Rights now in Dispute particularly acknowledged and confirmed, will make a War unavoidable; because, I believe, if the Court of Spain be once fully convinced, that nothing less will satisfy us, they will agree to such particular Acknowledgments, rather than come to an open Rupture: But they will certainly wave and put off agreeing to any such, as long as they think we will bear with it, because, in the mean Time, they will every now and then be getting something by the Plunder of our Merchants; and as our Ministers have, I think, already allowed them to dally with us too long upon this Head, I hope this House will now interpose, in order not only to convince the Spaniards, that nothing will satisfy this Nation, but a particular Acknowledgment of every Right they have taken upon them to dispute, and to convince the Ministry that a British Parliaments are better Negotiators than themselves.

But suppose, Sir, that the Spaniards, by presuming upon our Weakness, Timidity, or bad Conduct, should absolutely refuse to come to any particular Settlements with us; will any Man say, that for the Sake of avoiding a War, we ought to accept of a Treaty or Convention, from which we can expect no Satisfaction for past Injuries, nor Security against future? The Treaty of Seville may convince every Man, that we can expect nothing from general Acknowledgments, or general Promises: From that Treaty, we were told, I believe I have an honourable Gentleman now in my Eye who affirmed it in this House, that the Nation was to reap great Advantages; but I know of no Man in the Kingdom, that has as yet found any Advantages from that Treaty, unless it be the Commissaries and their Attendants; and if our Ministers should now procure, or accept of, such another Treaty, as that of Seville, I hope they will pardon me, if I think, that they will do a notable Injury to their Country, instead of doing it a Piece of good Service. I have as great a Regard as the Honourable Gentleman can have for our Spanish, Italian, and Turkey Merchants; but our suffering our America Trade to be ruin'd, is not the way to protect them. I am afraid Sir, that, if we shall lose our American Trade, the Ballance of Trade to all other Countries will be very much against us; I wish it is not so now.

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‘ Therefore, for the sake of our other Merchants trading to the Mediterranean and Levant, I think, we ought to insist strenuously upon the Protection of our Merchants, and the Freedom of our Navigation, in all Parts of the World ; for if we allow our Merchants to be plundered, and our Navigation interrupted in any one Part of the World, our Fate will soon come to be the same in every other Part of World ; and even in the Mediterranean, as well as the American Seas, the Spaniards have of late begun to make more free with the British Flag, than ever they, or any other Nation, durst do in Times past. Let no Gentleman therefore pretend, that his Regard for our Merchants trading to one Part of the World, ought to prevail with him to allow our Merchants trading to any other Part of the World, to be plundered and abused.

‘ Sir, it is to our Trade and Navigation we owe the Whole of our Riches, Power, and Splendor. Before we had any Trade or Navigation, this Island was little better than a Desert ; and if we should allow both to be destroyed, it will be soon reduced to its former Condition. The extensive Trade and Navigation we now have, is not so much owing to our Situation, which has always been the same, as to the great Care we have taken in these latter Ages, that our Merchants and Seamen should meet with Safety and Respect in all Parts of the World. Our great King Edward III. shewed such a Regard for our Trade and Navigation, that upon a Complaint from our Merchants, of their having been plundered by the Spanish Pyrates or Guarda Costa’s of those Days, he immediately fitted out a Fleet, and went in Person to revenge the Depredations that had been committed upon his Subjects ; by which he restored the Freedom of our Commerce, and added a Naval Triumph, to the many Triumphs he had before obtained at Land. The Protection of Trade and Navigation has always been one of the chief Concerns of all great Kings and all wise Nations. Even the Romans, who could never be said to be a trading People, shewed a great Regard for it, as appears from the Reproof Cicero gave them in his Days, for Neglecting to suppress the Pyrates, and to assert the Honour of their Flag.

His Words, Sir, upon that Occasion, are so applicable to this Nation at present, that I shall beg Leave to repeat them.

In advising his Countrymen to support the Cause of their injured Merchants, in his Oration for the Manilian Law, among many other beautiful Expressions, he makes use of the following: *Majores vestri sæpe, Mercatoribus, ac Naviculatoribus injuriosius tractatis, bella gesserunt.—Quare videte, num dubitandum vobis sit, omni studio ad id Bellum incumbere, in quo Gloria Nominis vestri, Satus Sociorum, Vestigia maxima, Fortunæ plurimorum Civium, cum Republica defenduntur*

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—*Videte ne, ut illius pulcherrimum fuit, tantam vobis Imperii
Gloriam relinquere, sic vobis turpissimum sit, illud, quod accepistis,
tueri & conservare non posse.*

‘ These are Words, Sir, which no true Englishman will ever forget ; and I am sorry to say, that I think there is too much Occasion for enforcing the Remembrance of them at present. We have been negotiating and treating with Spain for these twenty Years, about nothing that I know of, unless it was about Reparation and Security for our Merchants ; and yet, during that whole Time, they have been plundering and abusing our Merchants, almost without Intermision. If a Nation’s being subject to daily Insults and Injuries is not a Circumstance, that ought to make it peremptory in its Demands, I am sure no Circumstance can. This has been our Case for many Years, and will be our Case, till Spain be made to acknowledge, in the most express and particular Terms, every one of those Rights they now pretend to dispute. Ought not this to make us peremptory in our Demands ? Ought not it to have made us peremptory long ago ? — Sir, if we had peremptorily insisted upon full Satisfaction and Reparation, for the very first Injury that was offered us, I may venture to affirm, we should never have been exposed to a second. Nay, if we consider that our Insults and Injuries, were inflicted without any Ceremony, we ought to have used as little Ceremony in the revenging them ; and to have taken Satisfaction, without being at any great Pains to demand it. But I hope Sir, that is not even yet too late.

‘ This was what Oliver Cromwell did in a like Case, that happened during his Government, and in a Case where a more powerful Nation was concerned than ever Spain could pretend to. In the Histories of his Time we are told, that an English Merchant Ship was taken in the Chops of the Channel, carried into St. Maloes, and there confiscated upon some groundless Pretence. As soon as the Master of the Ship, who, we are told, was an honest Quaker, got home, he presented a Petition to the Protector in Council, setting forth his Case, and praying for Redress. Upon hearing the Petition, the Protector told his Council, he would take that Affair upon himself, and ordered the Man to attend him next Morning. He examined him strictly as to all the Circumstances of his Case, and finding by his Answers that he was a plain, honest Man, and that he had been concerned in no unlawful Trade, he asked him, If he could go to Paris with a Letter ? The Man answered, he could. Well then, says the Protector, prepare for your Journey, and come to me to-morrow Morning. Next Morning he gave him a Letter to Cardinal Mazarine, and told him he must stay but three Days for an Answer,

Answer. The Answer I mean, Sir, says he, is, the full Value of what you might have made of your Ship and Cargo ; and tell the Cardinal, that if it is not paid you in three Days, you have express Orders from me to return home. The honest, blunt Quaker, we may suppose, followed his Instructions to a Tittle ; but the Cardinal, according to the Manner of Ministers when they are any way pressed, began to shuffle ; therefore the Quaker returned, as he was bid. As soon as the Protector saw him, he asked, Well, Friend, have you got your Money ? And upon the Man's answering he had not, the Protector told him, Then leave your Direction with my Secretary, and you shall soon hear from me. Upon this Occasion, that great Man did not stay to negotiate, or to explain, by long tedious Memorials, the Reasonableness of his Demand. No, Sir, tho' there was a French Minister residing here, he did not so much as acquaint him with the Story, but immediately sent a Man of War or two to the Channel, with Orders to seize every French Ship they could meet with. Accordingly, they returned in a few Days with two or three French Prizes, which the Protector ordered to be immediately sold, and out of the Produce, he paid the Quaker what he demanded for the Ship and Cargo : Then he sent for the French Minister, gave him an Account of what had happened, and told him there was a Balance, which if he pleased, should be paid in to him, to the end that he might deliver it to those of his Countrymen, who were the Owners of the French Ships, that had been so taken and sold.

' This, Sir, was Oliver Cromwell's Manner of Negotiating ; this was the Method he took for obtaining Reparation : And what was the Consequence ? It produced no War between the two Nations : No, Sir, it made the French Government terribly afraid of giving him the least Offence ; and while he lived, they took special Care that no Injury should be done to any Subjects of Great-Britain. This shews, that Oliver Cromwell had a Genius and a Capacity for Government ; and however unjustly he acquired his Power, it is certain that this Nation was as much respected abroad, and flourished as much at home, under his Government, as it ever did under any Government : But when a Nation has the Misfortune to have a Man set at the Head of her Affairs, who knows nothing of Foreign, who knows nothing but the little low Detail of Offices, and has neither Capacity or Knowledge beyond what can qualify him for being a Clerk in the Treasury, or some other publick Office, it is then no wonder to see that Nation despised and insulted abroad, and dissatisfied, mutinous, and seditious at home.

I wish

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‘ I wish, Sir, those who have now the Direction of our Negotiations abroad, would assume, if possible, a little of the Spirit and Courage of Oliver Cromwell. He had as powerful a Party to struggle with at home, as ever any Minister had ; but he never allowed the Danger he was in from that Party, to deter him from vindicating, upon all Occasions, the Honour and Interest of his Country abroad. He had too much good Sense to manage in such a pusillanimous Manner ; for he knew that such Management would have increased the Party against him, and would have made them more daring, as well as more numerous. If our present Negotiators, or those who have the Direction of our Negotiations, take Example by him, I am sure they will not accept of any general Acknowledgments or Promises ; and therefore there can be no Danger in our agreeing to the particular Resolutions I have proposed. But I am afraid, Sir, they will not. I am afraid they will, for the Sake of patching up a Peace, accept of such Terms as will rather be a new Affront to the Nation, than an Atonement for the Insults and Injuries we have suffered. From the Resolution the honourable Gentleman has been pleased to propose, (for I deny it to be an Amendment to mine, unless we judge of Resolutions or Motions, as we judge of Men of War,) we may see what he thinks will be a sufficient Acknowledgment of the Rights now in Dispute between Spain and us : He has reserved only what I may call one Beam, or one Plank, of what I proposed ; he has reserved only the first two or three Sentences, and this, he has told us, will, in his Opinion, be as strong a Vindication of all the Rights and Privileges, now in Dispute between Spain and us, as if every one of them had been particularly mentioned. I confess, Sir, the Words he proposes to reserve, may be some Sort of general Acknowledgment of the first two Rights I proposed to be established, by the Resolutions of this House ; but but how they can be called an Acknowledgment of the last two, I cannot comprehend. The Words are, ‘ That it is the natural and undoubted Right of British Subjects, to sail with their Ships, on any Part of the Seas of America, to and from any Part of his Majesty’s Dominions.’ For God’s Sake, Sir, how is it possible to imagine, that these Words can any Way relate to our Right of cutting Logwood in the Bay of Campechey, or to our Right of gathering Salt in the Island of Tortugas ? It is impossible to imagine any such Thing ; and therefore, if we agree to what he has offered, it may be supposed, that we have left our Negotiators at Liberty, to make a Sacrifice of those two valuable Rights to their own Ease and Security.

‘ But

‘ But with respect, Sir, even to the first two Rights, which I proposed to be particularly established, what Security can we have from such a general Acknowledgment, more than we have at present? Suppose these Words, which are, by the honourable Gentleman’s Proposition, to be the only Words that relate to any of our Rights in America or elsewhere; I say, Sir, suppose these Words dressed up in the Form of an Article in a future Treaty, they would then stand thus: ‘ His Catholick Majesty acknowledges and declares, that it is the natural and undoubted Right of the ‘ British Subjects, to sail with their Ships on any Part of ‘ the Seas of America, to and from any Part of his Britannick Majesty’s Dominions.’ Now let us compare this new Security for the Freedom of our Commerce, with that which we have already, by Treaties now subsisting between the two Crowns. By the 15th Article of the Treaty of 1670, it is expressly declared, ‘ That the Freedom of Commerce shall not be interrupted by no Manner of Means, ‘ nor under any Pretence of Preheminence, Right, or Signiory, ‘ which either Party claims in the West Indies, or in any ‘ Part of America.’ And by the 6th Article of the Treaty of Utrecht, it is expressly declared, ‘ That as the Subjects ‘ of their Majesties are to enjoy on both Sides an entire, ‘ secure, and unmolested Use and Liberty of Navigation ‘ and Commerce, as long as the Peace and Friendship, entered into by their Majesties, and their Crowns, shall continue; so likewise their Majesties have provided, that the ‘ said Subjects shall not be deprived of that Security, for any ‘ little Difference which may possibly arise; but that they ‘ shall, on the contrary, enjoy all the Benefits of Peace, until ‘ War be declared between the two Crowns.’ From this Comparison, can any Man say, that this new Security, which is all the honourable Gentleman seems to propose for us, will be any Way more extensive, or more explicit, or more effectual, than the Security we have already? Can this House then propose, that the Nation should now content itself with a Renewal only of that Security, which by dear-bought Experience, we have found to be no Security at all.

‘ Sir, I insist upon it, that such a general Acknowledgment or Declaration, would be so far from being a Security, that it would be nothing like a Determination of the principal Affair now in Dispute between Spain and us. His Catholick Majesty never pretended, that British Subjects have not a Right to sail with their Ships on any Part of the open Seas of America; nor do we pretend, that we have a Right to sail to and traffick in the Ports, Havens, or Places possessed by the Spaniards
in

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in America, any farther than is allowed us by the Affiento Contract. But the King of Spain pretends, that, in order to discover whether any of our Ships have been sailing to and trafficking with his Subjects in America, he has a Right to enter and search our Ships upon the open Seas; and that, if upon such a Search it be found, that they have any of those Goods on Board, which he says can be found nowhere but in his Dominions in that Part of the World, it is a full Proof that they have been carrying on an illicit Trade with his Subjects, and that therefore he has a Right to seize and confiscate the Ship and Cargo. On the contrary, we contend, and with Justice contend, that he has no Right to search any British Ship on the open Seas, either in America or elsewhere; but that in all Cases, and in all Seas, if a Spanish Ship of War, or Guarda Costa, meets a British Ship at Sea, the Spanish Ship is by the 14th Article of the Treaty of 1667, 'not to come within Cannon Shot of the British Ship, but shall send their long Boat or Pinnace to the British Ship, with only two or three Men on board, to whom the Master or Owner shall shew his Passports and Sea-Letters, whereby not only the Ship's Lading, but the Place to which she belongs, and as well Master and Owner's Name, as the Name of the Ship, may appear; by which means the Quality of the Ship, and her Master or Owner; will be sufficiently known, as also the Commodities she carries, whether they be contraband or not, to the which Passports and Sea-Letters intire Faith and Credit shall be given.'

'And supposing, Sir, it should appear, by the British Ship's Passports and Sea-Letters, that she is sailing to or from any Spanish Port, and has prohibited Goods on Board; by the 15th Article of the same Treaty, 'Those prohibited Goods only are to be seized or confiscated, and not the other Goods; neither shall the Delinquent incur any other Punishment, except he carry out from the Dominions of Spain any Gold or Silver, wrought or unwrought.' Or, supposing it should appear by the British Ship's Passports and Sea-Letters, that she is bound to a Port belonging to some Power, then at War with the King of Spain, and has contraband Goods; by the 23d Article of the same Treaty, 'Such Goods only shall be taken out and confiscated; but for this Reason the Ship, and the other free and allowed Commodities, which shall be found therein, shall in no wise be either seized or confiscated.'

'I must observe, Sir, that this Treaty of 1667, was a general Treaty, which comprehended America as well as every other Part of the World; therefore the Methods thereby established, for visiting our Ships at Sea, ought to be

he observed in the American Seas, as well as the Mediterranean, Bay of Biscay, or any other open Sea; and I must likewise observe, that tho' by this Treaty we got no Permission to trade with the Spanish Plantations in America or the West Indies, yet we did not, by that Treaty, lay ourselves under any express Obligation not to trade with them: We did not lay ourselves under any such Obligation, till the Year 1670; so that the Spaniards have no Right either to search or seize our Ships, but what they have by the Law of Nations, or what they got by the Treaty of 1670. By the Law of Nations, they have no Right to search or seize any Ship, unless she be found within some Part of their Dominions; therefore they have no Right to search or seize any of our Ships, upon any Part of the open Seas of America. And by the Treaty of 1670, we obliged ourselves only not to navigate or traffick in the Havens and Places, that are in the Possession of the Catholick King in the West-Indies; therefore, as the open Seas of America are not, as we can never allow them, or any Part of them, to be in his Possession, he can have no Right, by that Treaty, to search, much less to seize, any of our Ships, that are sailing upon the open Seas of America.

On the contrary, Sir, by the Articles of the Treaty of 1667; the Spanish Men of War and Guarda Costa's are expressly, and very particularly, obliged not to come within Cannon Shot of any British Ship sailing upon the open Seas; and if they have a Mind to visit or see the Passports or Sea-Letters of any such Ship, they are expressly obliged not to send above two or three Men on Board for that Purpose; and to those Passports and Sea Letters they are expressly obliged to give entire Faith and Credit; which last Words cut off every Pretence, they can have, for making a Search; and by the very Nature of the Thing, they can seize no Goods, even of those that are mentioned in the Bills of Lading, unless the Ship be bound to or from some Port of Spain, or to some Port belonging to the King of Spain's declared Enemies; because she can have no Goods on Board that can, by the Spaniards, be called prohibited, unless she be bound to or from some of their Ports; and she can have no contraband Goods on Board, unless she be bound to a Port possessed by their Enemies. Nay, even in these two Cases, they cannot pretend to make Prize of Ship and Cargo: They can seize and confiscate only those Goods, which are prohibited or contraband.

From what I have said, Sir, the Injustice of the King of Spain's Pretensions must evidently appear. It must appear evident, that he has no Right to search any of our Ships sailing upon the open Seas of America; and much less has he a Right to limit and prescribe, what Sort of Goods they shall carry from one Part of the British Dominions, to another or

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to determine, that their carrying any one Sort of Goods, shall be a Proof of their having been carrying on an illicit Trade with his Subjects in America. These are Usurpations lately set up in direct Opposition to the Law of Nations, and notwithstanding the general Acknowledgment of a free Commerce and Navigation, so often and so solemnly repeated, in the Treaties now subsisting between us; and these, Sir, are Usurpations which they have set up, under the false and frivolous Pretence, that such Practices are not inconsistent with the Freedom of Commerce or Navigation, and therefore not contrary to the general Acknowledgments and Declarations contained in those Treaties. Does not this shew, Sir, that a general Acknowledgment of our Right to sail on any Part of the Seas of America, will not determine the Question in Dispute between us? Does not it shew, that such a general Acknowledgment will leave us as much liable to Insults and Depredations, after it is obtained, as we have been for these twenty Years past? Therefore, we ought, we must insist upon having these Usurpations given up and passed from, in the most particular, express, and explicate Terms; otherwise we must give up our Trade and our Plantations, not only in the Islands, but also upon the Continent of America; and if we are so cowardly as to give up such a valuable Branch of our Commerce, I will foretel, that we must soon give up, not only our Turkey, Italian, and Spanish Trade, but also our Trade to Portugal and the Coasts of Africa; for the same Pretences may be set up for searching and seizing our Ships in the Mediterranean, Bay of Biscay, and African Seas, as are now set up for searching our Ships in the open Seas of America: Nay, I am convinced, Spain, or some other of our Neighbours, will soon set up the same Pretences for ruining our Trade in the East-Indies.

‘ I have been the more particular, Sir, upon this Subject, and have taken up more of your Time, than I would otherwise have done, because I have Reason to suspect, that the honourable Gentleman who made you the second Proposition, which I find he has a Mind should pass as an Amendment to mine, in order to avoid putting the Question upon what I took the Liberty to propose; I say, Sir, I have Reason to suspect, that he may have some Hand in directing our future Negotiations with Spain; and as, by what he has been pleased to propose, he seems not to be so zealous in the Defence of the Rights and Privileges of this Nation, as, I think, he ought, I hope this House will come to the Resolutions I have proposed, in order to prevent, as much as possible, the Effect his Counsels may have upon our future Negotiations with the Court of Spain; for if we are so good-natured, and so pacifick, as to continue our Negotiations

gociations yet a while longer, I believe, most Gentlemen that hear me will admit, that they ought to be carried on with more Vigour, and in a more peremptory Manner than they have been for many Years past; and that whatever may be the Result of this Day's Debate, our Negotiators, at least, ought to insist upon particular Explanations and express Declarations, with respect to every Matter of Right now in Dispute: but more especially with respect to that Right the Spaniards have lately usurped, of searching our Ships upon the open Seas.

For this Reason, Sir, among many others, if the Question is to be put upon the Amendment proposed, I hope Gentlemen will disagree to it, in order that we may come at putting the Question upon the several Resolutions, I have taken the Liberty to lay before you.

The Right honourable Sir Robert Walpole likewise stood up again, and spoke in Substance as follows, viz.

Sir,

I wish, that Gentlemen, in their debating upon the Affair now before us, would take care to keep to the Point really in Dispute; for by so doing, I am sure they would very much shorten the Debate. In what I took the Liberty to trouble you with upon this Subject, I am certain, I did not drop the least Word, that could intimate so much as a Doubt about any of the Rights or Privileges, which the Court of Spain now pretends to contest with us. So far otherwise, I expressly declared that I agreed with every thing the honourable Gentleman had said in Support of them; and I am still convinced, that no Gentleman, either within or without Doors, will so much as insinuate, that our Title to any one of those Rights and Privileges, is in the least doubtful; therefore I must think, that whatever the honourable Gentleman has since been pleased to add, whatever may hereafter be said, in Support of any of those Rights or Privileges, or for explaining or demonstrating the Justice of our Title to all, or any one of them, is a Sort of fighting with the Wind: It is arguing without an Opponent; and consequently, I must beg leave to say, that I think it is taking up a great deal of your Time to no Purpose.

The only Question in Dispute among us, Sir, is, Whether we ought now to come to a particular Resolution, upon every particular Right or Privilege, which the Court of Spain pretends to contest with us; or, if we ought only to come to one general Resolution, which may virtually include them all, and so leave it intirely to his Majesty, and those employed by him, to obtain such farther Explanations, and such particular Acknowledgments, as the present or future


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Circumstances of Affairs may make proper for him to insist on? This, Sir, is the only Point now in Dispute amongst us; and therefore, without taking notice of what the honourable Gentleman has now been pleased to add to what he formerly said, for explaining and enforcing the Justice of our Title to those Rights and Privileges, which the Spaniards have lately taken upon them to contest, I shall only add a few Words for enforcing what I have said before, in favour of the general Resolution I proposed, and then I shall endeavour to answer the few Arguments that have been made use of, for shewing that we ought to come to particular Resolutions upon every particular Right or Privilege, now contested by Spain.

The honourable Gentleman has told us, that not only our Negotiators ought to insist positively and peremptorily upon particular Explanations and express Acknowledgments, with respect to every particular Right or Privilege lately contested, but that this House ought now to come to such Resolutions as may make it absolutely necessary for them to insist upon such. I wish, Sir, with all my Heart, I believe every honest Subject of Great Britain wishes, that it were in our Power to give Laws to every Potentate in Europe, and to prescribe to them how they should behave, in every Case, not only to us, but to one another. But this is at present impossible; and even though we had a Probability of Success in any such Attempt, I do not think it would be prudent in us to attempt making use of our Power in a Manner too positive and haughty, lest by so doing we should provoke the other Powers of Europe to unite together, in order to reduce the Power of this Nation, and to make us submit to such Laws as they might be pleased to prescribe to us, instead of our prescribing to all or any of them. For this Reason, Sir, in all our Negotiations, we must have a Regard to Policy, as well as to what we think Justice, and we must take care, in the Demands we make upon any one of our Neighbours, not to insist so positively and so haughtily, even upon those Terms we may think reasonable, as to excite the Jealousy of the rest. In Contests between Nations, it is the same as in Contests between private Men: Each Party thinks himself right; and as there is no Judge or Judicature, that has a Right to determine finally in those Contests, that happen between two independant Nations, both ought to consult the Sentiments of their Neighbours, and both ought to limit Demands, or extend their Compliances, according to that Opinion, which they find prevails generally among their most impartial Neighbours. This may often be a Reason for a Nation's accepting of general Declarations, in Cases where particular Explanations, and express Concessions, would not

not only be just, but much more to their Honour and Advantage.

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‘ I shall, I believe, Sir, every Gentleman in this House will, readily acknowledge the Justice and Reasonableness of every one of our Demands upon Spain ; but whatever Opinion we may have about the Matters now in Dispute between us, it is certain the Court of Spain does not as yet think our Demands either reasonable or just ; I am persuaded his Catholick Majesty, at least, does not think so, otherwise his natural Propensity to Justice, which is so well known, would certainly have induced him to comply with our Demands. Even the other Courts of Europe cannot perhaps be prevailed on to think of them in the same Way we do ; and if we should too peremptorily insist upon our present Demands against Spain, and should resolve to compel them to agree to such Terms as we had a Mind to propose, and to acknowledge our Rights and Privileges in such a Manner, and by such Words and Expressions, as we should think fit to prescribe, it might stir up some of the other Powers of Europe to join with Spain, who would otherwise have remained neutral ; and it might prevent our best Friends and most natural Allies from giving us their Assistance, in a War which we had unnecessarily and imprudently brought upon ourselves.

‘ What the present System of Politicks in Europe may be, I shall not pretend, Sir, to determine : I do not believe any Gentleman in this House can. It is a System that depends upon the Humour of so many Courts, and upon so many Accidents at every one of these Courts, that it must be altering and changing every Day. Therefore it is impossible to communicate it to this House ; nor can we, if it were now communicated, in common Prudence, allow it to have any great Influence on our Resolutions. It may be at present in such a State, as might make it prudent in us to lay hold of the Opportunity, in order to have all Matters in Dispute between Spain and us settled and determined, in the most particular and explicate Manner ; and yet, before we could possibly take Advantage of the Opportunity, which the then System of Politicks had furnished us with, it might be so much changed to our Disadvantage, as would make it prudent in us to lower our Crest, and accept of any Expedient, for putting off our being obliged to come to an open Rupture with Spain, at such an unseasonable Juncture.

‘ This, Sir, shews the Wisdom and the Excellence of our Constitution, which has trusted intirely to the Crown, the Power of making Peace and War ; and at the same Time it shews how imprudent it would be in us to encroach upon that Prerogative, by laying the Crown under a Necessity to make
War,


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War, however unseasonable, however perverse the Con-
juncture may be. All Matters relating to Peace and War,
besides the Secrecy that is requisite, are liable to so many
Changes, and to such sudden and unlooked-for Alterations,
that nothing but a single Person, or an Assembly that is con-
tinually subsisting, can be exactly informed of every Incident
that occurs, or can have such a thorough Knowledge of fo-
reign Affairs, as to be able to foresee the lucky or the cross
Incidents that may probably occur, so as to take an immedi-
ate Advantage of the former, or so as to take such Measures
as may prevent the dangerous Consequences of the latter.
Therefore, while our happy Constitution remains intire,
while the Parliament meets but once a Year, and does not
continue assembled above three or four Months in the twelve,
it is impossible for either House of Parliament to intermeddle,
much less to prescribe to the Crown, in any Affairs relating
to Peace or War, without exposing the Nation to imminent
Danger.

I shall grant, Sir, that after the Rights of a Nation have
been contested and invaded, or after an unjust Claim has been
actually set up, there is a greater Occasion for particular Ex-
planations, and express Concessions, than there was before ; -
but Nations must chuse proper Times and Seasons for insist-
ing even upon that, which they are most justly intitled to ;
and whether the present be a proper Time for our insisting,
in a peremptory Manner, upon the utmost we are intitled to,
with respect to Spain, is a Consideration which this House can-
not pretend to be a competent Judge of ; because no Man can
judge in such a Case, without knowing thoroughly the Cir-
cumstances and Complexions of all the Courts in Europe,
which is a Knowledge no Man can pretend to, without hav-
ing previously been made fully acquainted with all the Secrets
of the Cabinet ; and I am sure, no Man who wishes well to
his Country, would desire, or can expect, that his Majesty
should communicate all the Secrets of his Cabinet to such a
numerous Assembly. Nay, if he should, it would not ena-
ble us to determine what might be proper to be done a
Month hence ; for that very Communication might probably
occasion a thorough Change in the Face of Affairs all over
Europe ; which Change might make those Measures destruc-
tive to the Nation, which at present may be justly thought
the most salutary and prudent. In my Opinion, there-
fore, the best Thing we can do upon the present Occa-
sion, is, to come to some general Resolution, in order to
shew the Resentment of the Nation against the Insults
and Injuries we have met with, and to leave it entirely to
his Majesty's Care and Wisdom, to get such Satisfac-
tion, and to get our particular Rights as fully acknowledged
as

as Time and future Circumstances will permit. I hope, Sir, that such an Opportunity will soon present; but if it should not, and if the Spaniards should prove more obstinate than we have Reason to expect, his Majesty will, no doubt, take the first proper Opportunity for compelling them to do, what in Justice they ought. Our coming to a general Resolution can no way oblige his Majesty to accept of general Acknowledgments, if he finds that he can, either by fair or foul Means, obtain particular and express Concessions; but our coming to particular and explicit Resolutions, will render it impossible for his Majesty, either to propose or accept of general Acknowledgments, even tho' he should then be convinced, that the Nation could not come to an immediate Rupture, with any Prospect of Advantage; so that our coming to a general Resolution cannot possibly be attended with any bad Consequence, whereas our coming to particular Resolutions, binds up his Majesty's Hands, and may force the Nation into a War at a very unseasonable Juncture, which of course may be attended with the most fatal Consequences.

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I shall likewise admit, Sir, that the first Part of the Resolution offered by the honourable Gentleman, which I propose should stand Part of the Resolution of this House, does not comprehend the Rights or Privileges we have to cut Logwood in the Bay of Campechey, and to gather Salt in the Island of Tortugas; but as our Claim to both has never yet been prescribed, the Disturbance we have met with in the Exercise of these two Rights, will I think, be sufficiently comprehended under the following Words, in the Resolution or Amendment I have proposed, by which we are to declare, ' That before and since the Execution of the Treaty of ' Seville, and the Declaration made by the Crown of Spain, ' pursuant thereunto, for the Satisfaction and Security of ' the Commerce of Great-Britain, many unjust Seizures and ' Captures have been made, and great Depredations committed, by the Spaniards.' For all the British Ships that have been seized and confiscated, for cutting Logwood in the Bay of Campechey, or for gathering Salt in the Island of Tortugas, ought to be reckoned among those unjust Seizures and Captures, which we complain of. But if in the Course of a future Inquiry, our Rights to both these Privileges are thought proper to be particularly ascertained, this general Resolution never can preclude his Majesty from insisting upon a particular Acknowledgment, if the Circumstances of Affairs will permit.

' The Freedom of our Commerce and Navigation, Sir, is the principal Affair in Dispute between the two Nations, and that which, in our Resolution, we ought to shew the greatest
Regard

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1737-38.

11. Regard to. For this Reason, I proposed keeping in the first Part of the Honourable Gentleman's Proposition ; and, I think, the Words I have proposed to be kept in, will be a sufficient Vindication of our Right to a free Commerce and Navigation in the open Seas of America, without adding any Explanations. His Majesty may nevertheless, if he finds it proper, insist upon Explanations ; but I do not think we should, by our Resolution, so limit his Majesty, that he cannot hereafter agree to any Treaty, without such Explanations ; because, if the Spaniards should make Satisfaction to us for what Injuries they have done, and agree, even in general Terms, to a Renewal of all the Treaties now subsisting between the two Crowns, we ought to accept of it, rather than engage in a War ; especially if it appears, that they agree to such a new Treaty with a real Design to observe it ; for if we should afterwards find ourselves deceived ; if they should begin to play the same Game over again, we may, in all Probability find a more favourable Opportunity than the present, for punishing their Breach of Faith, and enforcing the Observance of Treaties.

‘ For my own Part, Sir, I do not pretend to know any Secrets about the present Circumstances of Affairs in Europe ; I do not pretend to know what Allies Spain may expect, or what Assistance we have to depend on, in Case of a War between the two Nations ; but from what is publick and well known, I think every Gentleman ought to conclude, if the Spaniards had not private Encouragement from Powers more considerable than themselves, they would never have ventured upon those Insults, and Injuries, that have been proved at your Bar. Besides, Sir, the present Circumstances of Affairs in Europe, are none of the most favourable for this Nation, and many Accidents may occur, which may render them much more favourable, than they are at present ; therefore, however much some Gentlemen may take upon them to ridicule the Tedioufness of our Negotiations, I think it is much more prudent to protract and draw them out to a Length, than to run the Nation headlong into an unequal War ; or to give up any of our Rights and Privileges by a precipitate Treaty.

‘ I am indeed surprized, Sir, to hear it insinuated, that, because I am not for such particular Resolutions, as I think may force the Nation into an unnecessary or unseasonable War, therefore I do not think the Matters now in Dispute between Spain and us, worth the Care of a British Parliament. Sir, I think every one of them greatly deserves the Care of every Branch of our Legislature ; but, I think, we should not take an improper Opportunity, or improper Methods, for shewing that Care ; we should not, like an over-
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fond Mother, destroy our Child, by taking imprudent or unseasonable Methods for preserving it. While the Dispute remains in the Shape of a Negotiation, the only proper Way we can take for shewing our Care, is, by general Resolutions and Addresses, to assure his Majesty, that we will support him in whatever Measures he may think proper, for asserting the Rights and Privileges of the Nation; and after his Majesty has declared to us, that he finds he can vindicate those Rights and Privileges no other Way but by Force of Arms, which certainly he will not do, till he finds he can engage in a War, at least upon an equal Footing, if not with a more than probable View of Success, we are then to shew our Care and Concern for the Rights and Privileges of our Country, by enabling his Majesty to vindicate them, with that Vigour which becomes such a powerful Nation.

‘ I hope, Sir, I am as zealous in the Defence of the Rights and Privileges of my Country, as any Man in the Kingdom; but I shall never allow my Zeal to carry me beyond the Bounds of Prudence and Discretion. I shall never affect Popularity so much, as to be guided by those popular Prejudices, which, I think, if indulged and followed, might involve the Nation into great, perhaps insuperable Difficulties. Such a Conduct I shall always look on as imprudent in the Authors, as well as pernicious to the Nation; for if, upon the present Occasion, or any such Occasion, we should unnecessarily hurry the Nation into a War, and the Event should not answer the People’s Expectations, I know who would be blamed, I know who would be the first to move for an Enquiry into the Conduct of those who had allowed the Nation to be led into a War, which it could not prosecute with Advantage; and as we cannot judge, whether, upon the present Occasion, the Circumstances of Europe are such as may enable or permit us to prosecute a War against Spain with Advantage, therefore I must be against our coming to such Resolutions as will, in my Opinion, make a War with Spain, not only unavoidable, but imminent.

Walter Plumer Esq; spoke to this Effect, viz.

Sir,


‘ The Resolutions proposed by my honourable Friend over the Way, were so very reasonable in themselves, and so becoming the Dignity of this House to insist upon, that I dare say they would have met with no Opposition, had it not been for what was said by the honourable Gentleman, who spoke last, and who offered to amend the honourable Gentleman’s Resolutions with understanding them; at least I will venture to say that he seems to mistake the Point in Question. This, Sir, we shall be fully sensible of, if we consider the Affair now before us, and how it came before us:

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The Affair now under our Consideration was brought before us by Petitions from our injured and plundered West India Merchants; and the Petitioners, after representing their Sufferings, pray for such a timely and adequate Remedy, as may put an End to their Sufferings, and such Relief for the unhappy Sufferers, as the Nature of their Case, and the Justice of their Cause, may require. The chief Question now before us is, therefore, What we shall do, or what we may be able to do, for answering effectually the Prayer of their Petitions? For the Petitioners have so fully proved their Allegations, to the Regret and Sorrow of almost every Man that heard them, that no Question can be made about the Truth of what they have set forth.

‘ Upon this, Sir, which I take to be the first and chief Question, it seems to be the Opinion of this House, that the only Thing we can do at present, for procuring them any Remedy or Relief, is, to come to some Resolutions, relating to the Rights that are contested, and the Injuries that have been done to our Merchants. My honourable Friend over the Way has proposed a Set of particular Resolutions, which, I think, may in all probability produce some Effect; and the honourable Gentleman near him has proposed a general Resolution, which, from Experience we know, must be altogether ineffectual; so that the real Question now in Dispute is, Whether we shall come to such Resolutions as may probably be effectual, for procuring that Remedy and Relief which the Petitioners pray for; or if we shall come to a Resolution, which, if we judge by Experience, we must conclude to be ineffectual. It is now ten Years since the same Sort of Complaint was made to us; and we then came to such a general Resolution as the honourable Gentleman has, by his Amendment, proposed: It is eight Years since a second Complaint of the same Nature was made to us, and we again came to the same Sort of general Resolution: These general Resolutions have been so far from procuring any Relief for those who had then suffered, that many Insults have been since put upon the Nation, and many new Depredations committed; therefore, from repeated Experience we must conclude, that such a general Resolution will never prove effectual for putting an End to the present) or obtaining Satisfaction for the past Sufferings of our Merchants. Shall we then, upon this third Application, amuse the unhappy Sufferers with such a Resolution as, we know, can have no Effect? Shall we tell all the World that we dare come to no Resolutions, but such as they know can procure them neither Reparation nor Security? What Effect, Sir, might that have upon our Planters and Merchants? Might it not render them desperate? And yet this is the Question, and the

the only Question now before us; and to such a Question I shall be proud of giving a Negative.

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‘ Sir, upon the present Occasion, I could wish it were in almost the Power of this House, to act as well as resolve. I could almost wish it were in our Power to send out Squadrons and Armies, and to give such Orders and Instructions to those Squadrons and Armies, as might be worthy of the British Nation, and sufficient for enabling them to revenge the Injuries their Country has received. This, ’tis true, is not in our Power, but surely we may, and, I think, we ought to come to such Resolutions, as may give our Merchants and Seamen some Hopes of meeting at last with Reparation for what is passed, and Security in Time to come. For this Purpose we must come to Resolutions, stronger and more particular than any of those we have yet come to: If we do not, we must expect, that our Planters, Merchants, and Seamen, will give over having any further Concern in Trade, or fly to foreign Countries for that Protection, which they see they can no longer hope for in their own. The particular Resolutions which my honourable Friend was so good as to move for, may have some Effect: They will administer to our Fellow Subjects the Comfort at least of hoping for Redress; and they may perhaps convince Foreigners that this Nation is not now in a Humour to wait another 10 Years, for that Justice and Satisfaction, which we ought to have had 10 Years ago; whereas, if we should now come to no other Resolution, but such a general one as we have twice already come to without any Effect, our own People will despair of ever meeting with Redress; and I can see no Reason why we should expect it will now have a greater Effect upon the Conduct of Spain, than it had 8 or 10 Years ago.

‘ We have been told, Sir, that such particular Resolutions as were at first proposed, will put it out of the Power of his Majesty’s Ministers, to advise him to accept of general Acknowledgments or Declarations in any future Treaty, and may consequently involve the Nation in a War at a very unseasonable Juncture. What the present Conjunction may be, I must confess I am quite ignorant of; but considering our Situation, and the many Disputes that must necessarily happen, as well as the Jealousy that must continually subsist, between the several Powers upon the Continent, I must think, that, without some very imprudent Sort of Conduct, we can never long want a proper Opportunity for vindicating and asserting our Rights and Privileges, against any Nation that shall dare to invade them; and therefore, while we have the good Fortune to be under an Administration, that knows so well how to take Advantage of the Blunders of their Neighbours, and is so well instructed


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in the most secret Views of the several Powers of Europe ; I must think, we can never be in Danger of being involved in War at an unseasonable Juncture. Indeed, if we were under the Government or Administration of one sole prime Minister, and that Minister quite ignorant of foreign Affairs, or such a one whose Integrity none could trust, whose Faith no foreign State could rely on, whose Ignorance of all the Arts of Government, except one, had appeared from every Step of his Conduct ; I say, if we were so unlucky as to be under the Government of such a prime Minister, there might be some Reason for our avoiding to come to any Resolutions, that might tend towards involving the Nation in War ; because in such a Case, we could expect no Assistance from any of our Allies, nor Success from our own Conduct. But, Sir, if this were our Case, which it neither is, nor can be as long as our Constitution subsists, what would then be the Duty of this House ? Would it not be our Duty, to enquire into the State of the Nation, and deliver our Country from such polluted Hands ? Would not we be in Honour and Conscience obliged, to exert that Power which is placed in this House by our Constitution ? Would not we be obliged to call such a Minister to an Account, and pull him from the Summit of his Power ? For while he continued in the Administration, we could never expect Confidence or Assistance from any of our foreign Neighbours ; and consequently, we could never expect a seasonable Opportunity for doing ourselves Justice, against those that had invaded our Rights or Privileges.

‘ Whatever may be the present Conjuncture of Affairs in Europe, however unfortunate it may be with respect to this Nation, I must think, Sir, we can neither in Prudence nor Honour continue to sit tamely under such Insults and Injuries as we have lately suffered, nor can we now trust to general Acknowledgments, Declarations, or Promises. As we have already been convinced by Experience, that no general Resolution of this House can be effectual, for procuring Satisfaction or Security to our Merchants ; so we have by Experience been convinced, that no general Acknowledgment or Promise, in any Treaty between us and Spain, can be effectual for such a Purpose. There is not a Right or Privilege now contested between us and Spain, but what has been acknowledged by general Words or Clauses, in almost every Treaty that has been concluded between the two Nations ; and by the Treaty of Seville we were promised Satisfaction, in general Terms, for all the Injuries they had done us before that Time. How then can we expect, that general Acknowledgments or Promises, in any future Treaty, can prove of any Effect ? And can we in
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Honour or Prudence accept of that, from which we can expect neither Satisfaction nor Security ?

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‘ The present Circumstances of Europe may, for what I know, be unfavourable: We may perhaps, be reduced to the Necessity of engaging in an unequal War; but the Fortune of War, Sir, does not always attend that Side which appears to be the most powerful; and I hope we have not yet negotiated the Affairs of Europe into such a Sytem, as may have produced a formidable Alliance against us, without any one Ally to assist us; therefore, if we should now be obliged to enter into a War, for the Preservation of our Trade and Plantations, the Event may disappoint our Fears, or do more than answer our Expectations: Whereas, if we wait for a more favourable Opportunity, till our Trade and Plantations be quite undone, I’m afraid, we must wait for that which never will happen. While we remain in our present unsettled Condition, while we continue subject to such Insults and Depredations, our Trade must daily decay; and the more our Trade decays, the less will our Power be to assist ourselves, the less ready will any of our Neighbours be to assist us. It may then be out of the Power of the best and wisest Ministers we can have, to break or prevent any Alliance, that may be formed or forming against us, or to defeat the Design of it, by a counter Alliance; but at present, if any powerful Alliance be formed against us, and we cannot form a sufficient counter Alliance, it must be owing to some late Weakness or Mistake in our Conduct; and I hope we have been guilty of no late Mistake, but what may be rectified by the Wisdom and Power of Parliament, if a Resolution should be taken to enquire seriously and freely into the Affair, in order to take proper Measures for rectifying our Mistakes, and for punishing those that had been the Cause of them.

‘ The honorable Gentleman wishes it were in our Power to give Laws to every Potentate in Europe, and to prescribe to them how they should behave to one another. I wish so, Sir, as well as he; but if it were, it would be ridiculous in us to make use of our Power, in Cases where our own Interest could be no Way concerned; and in Cases where our own Interest is concerned, especially where common Justice is denied us, we ought to make as much Use of our Power as we can, however inconsiderable it may be. There is a very great Difference betwixt prescribing to others, and allowing others to prescribe to us. I am afraid, Sir, we have of late begun to allow a certain neighbouring Power to prescribe to us, particularly with regard to Spain: I am afraid it is to these Prescriptions we must impute the peaceful Behaviour of the many expensive Squadrons, we have lately fitted out; and I am convinced, if we continue long in the same

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same peaceable Disposition, the same Power will become able to prescribe to others, as well as to us.


‘ I shall confess, Sir, I am sorry I must confess, that this Nation is not at present in a very good Condition for entering into an expensive War. Our publick Debts remain yet unsatisfied; our Taxes are, most of them, as high as in Time of War, and more numerous than they ever were during the most heavy War; and what is worst of all, a great Part of them are mortgaged for paying the yearly Interest of our publick Debts; yet nevertheless, when Self-preservation comes to be at Stake, we may find a Fund sufficient for supporting a new War; for I should, and I hope most of my Countrymen would, I am sure every British Subject ought to chuse to live upon Bread and Onions, rather than see the House of Bourbon giving Laws to Europe. This is a Misfortune, which every Nation in Europe is equally obliged to guard against, and therefore in guarding against it, we can never be destitute of a powerful Assistance, if this House do but its Duty, which is, to take care, that our publick Councils may always be directed by Men of known Abilities and unsuspected Integrity.

‘ From what I have said, Sir, I hope Gentlemen will see that it would be both imprudent and pusillanimous in us, to allow the Fear of a War to over-awe us, with respect to the Resolutions we are to come to upon the present Occasion; and I hope it will appear, that no Minister ought to advise his Majesty to agree to any future Treaty, that contains nothing but such general Acknowledgments and Promises, as have already been found ineffectual; therefore, to tell us that we ought not to come to such Resolutions, as may prevent any Minister’s advising his Majesty to agree to such a Treaty, must be the same as to tell us, that we ought not to come to such Resolutions, as may prevent a Minister’s doing what he ought not to do, which cannot surely be an Argument of any Weight in the present, or any other Debate.

‘ Whatever other Gentlemen may think of Popularity, whatever Regard they may have for the Opinion of the People, I must confess, Sir, that I should be not only afraid, but ashamed of being an Object of publick Hatred or Contempt; and I should be extremely doubtful about my own Opinion, if I found it contrary to the Opinion of most of my Countrymen. Upon any sudden Emergency, the People may form a wrong Opinion, or they may upon some Occasions be misled by artful and designing Leaders; but when the People have Time to consider, and when they enquire into any Affair, without Prejudice, the Opinion that prevails among the Generality of them, has in most Cases been found to be right. As to its being a seasonable Opportunity for
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entering into a War, the People may not be sufficiently able to judge; but as to the Causes of a War, the People are always able to judge, whether they are just and reasonable or not; and for this Reason most Nations, when they declare War, endeavour to justify their Conduct by publick Manifesto's. As it is the general Opinion of this Nation, that we have now sufficient Reasons for declaring War against Spain, as most Men think that we ought long since to have revenged, in a hostile Manner, the Affronts that have been put upon us, those amongst us who affirm the contrary, may, for what I know, have some Prudence, but I am sure they are not overburthened with Modesty.

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‘ With respect to the Event of a War, the Case, Sir, is, indeed, very different; for neither the People, nor the most clear-sighted Ministers, can pretend to form any certain Opinion about it; and as the People of all Countries have generally too good an Opinion of their own Courage and Strength, as this is an Opinion which all wise Governments endeavour to promote, therefore the People have for the most Part greater Expectation from the Event of a War, than they can reasonably hope for; so that the Event of almost every War must be such as will not fully answer the People's Expectation; yet when a War becomes necessary, when the Effects of continuing in Peace must be as fatal as the most unfortunate Event of a War, can any Man be so solicitous about his own Safety, and so regardless of that of his Country, as to advise continuing such a destructive Peace, only for fear the People should blame him, and enquire into his Conduct, in case the War he had advised, should happen to prove unsuccessful?

‘ Sir, our late peaceable Conduct, our tame Submission to so many Insults and Injuries, deserves to be enquired into, and may, for what I know, deserve the Censure of Parliament; I am sure it has already met with the Censure of the People; but neither the honourable Gentleman that spoke last, nor any other, I believe, can have the least Reason to apprehend an Enquiry or Censure, for advising us to try the Fate of War, in case we should find that we cannot by peaceable Means obtain full Reparation for all past Injuries, and effectual Security against any such in Time to come; and as Experience has taught us, that we can expect no Reparation or Security from general Acknowledgments, or bare Promises, we ought, by our Resolutions upon this Occasion, to prevent, if possible, its being in the Power of our Ministers, to allow themselves to be amused with such Acknowledgments or Promises, in any future Treaty. This, Sir, is the more necessary, because from this very Debate, I think, we have Reason to suspect, that some of our Ministers are inclined

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inclined to accept of any Thing, rather than run the Risk of a War. What Reasons they may have for being so much afraid of entering into a War, I am no Judge of; but I hope they are peculiar to themselves, I hope they are not such as may affect the Nation, or such as ought to induce us to submit to the most cruel and contemptuous Peace, rather than have recourse to an open and declared War. If they are, I am sure our late Negotiations and Conduct is a Subject highly worthy of the Enquiry and Consideration of Parliament.

‘ In order, therefore, Sir, to put it out of the Power of, or at least to make it unsafe for, any of our Ministers to advise his Majesty to ratify such a future Treaty, as can neither procure Reparation for what is passed, nor Security in Time to come, we ought to agree to the Resolutions first proposed; and if they could be made more particular and explicit, I should be for any Amendment that would make them so; but as they now stand, the agreeing to them is, I think, the least we can do upon the present Occasion. From our agreeing to such Resolutions, our Fellow-Subjects will be convinced that we are serious, and they will from thence begin to conceive Hopes, that their Rights and Privileges will soon be vindicated and asserted, either by a vigorous War, or by an honourable Treaty: Even the Spaniards will be convinced, that they can no longer pretend to amuse us with tedious Negotiations, or general Promises: Whereas if we curtail these Resolutions in the Manner the honourable Gentleman has, by his Amendment, proposed; our Fellow-Subjects will despair of ever meeting with Redress or Security; and the Spaniards will conceive Hopes, they may continue to negotiate and treat with our Ministers, and at the same Time plunder our Merchants, for ten Years to come, as they have done for ten Years past.

‘ I shall conclude, Sir, with observing, that the Resolution, as it will stand by Means of the honourable Gentleman’s Amendment, or rather the new Resolution he has proposed, will, upon Examination, appear to be in the same Terms with the Answer, which our Ministers have sent to the last Spanish Memorial; from whence it will of Course be supposed, that the Resolution of this House was dictated by the same Person that drew up that Answer; and I cannot think it consistent with the Honour and Dignity of this House, to give People without Doors any Shadow of Reason for suspecting, that the Resolutions of this House are dictated by our Ministers of State; for in all our Resolutions, but especially upon the present Occasion, we ought to speak our own Sense, the Sense of those we represent, the Sense of the Nation, and not the Sense of Ministers.’

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The honourable Henry Pelham, Esq; spoke next in Substance as follows, viz.

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Sir,


H. Pelham, Esq;

‘ Gentlemen may give what Turn they please to the Question now before us ; but, in my Opinion, it is plain that the true Question is, Whether we shall come to one general Resolution ; or, if we shall come to a particular Resolution upon every particular Right in Dispute between us and Spain ? If any Reparation or Security is to be procured in a peaceable Way, it is to be procured by Negotiation only ; and no Negotiation can be carried on but by those employed by his Majesty : If it is not to be procured in a peaceable Way, it must be sought for in a hostile Manner, which is not to be governed or directed by the Resolutions of this House, but by his Majesty only ; therefore it is not the Resolutions of this House, that can be supposed effectual for procuring our Merchants either Reparation or Security, but the Measures which his Majesty shall please to take for that Purpose.

‘ Thus, Sir, it appears, that there are but two Methods of obtaining Satisfaction from Spain, one by Way of Negotiation, and the other by Force of Arms ; and of these two, I hope it will be granted, the first ought to be preferred. Now it has been said, and, I think, justly said, that if we should agree to the Resolutions first proposed, we shall put it out of his Majesty’s Power to obtain Satisfaction for our Merchants and Seamen, or Security for our Trade and Plantations, in a peaceable Way ; whereas, if we agree to the Amendment proposed, we shall leave it in his Majesty’s Power to obtain what the Petitioners pray for, by Means of a Negotiation, without laying him under any Obligation, or even a Temptation, to accept of any thing less than what is contained in the particular Resolutions proposed. From whence I must conclude, that the proper Question now before us is, Whether we shall by our Resolutions make an immediate War unavoidable, let the present Conjuncture be what it will ; or, if we shall leave it in his Majesty’s Power to endeavour to obtain Redress by Way of Negotiation ; and I hope there is no Gentleman within these Walls so fond of fighting, as to be for involving the Nation in a dangerous and expensive War, even though every Thing we could ask, should be previously offered in a peaceable Way.

‘ Whatever the honourable Gentleman who spoke last, may be pleased to say upon the present Occasion, with respect to the Power of the Crown, or of the Power of this House, I hope, Sir, that neither he, nor any other Gentleman who has the Honour of sitting here, wishes we had any more Power as Members of this House, than what is vested

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in us by the Constitution: And if Gentlemen would but reflect upon the Confusion and Tyranny that ensued, within the last Century, from this House's having assumed more Power than it ought to have, I am sure they would not desire to see the least Step made towards a Re-assumption of the same Power.

‘ But supposing, Sir, that we should succeed in re-assuming such a Power, why in the Name of Goodness should we make a wanton Use of it, by fitting out Fleets and Armies before we find that no other Arguments will prevail? I believe there are very few in the Nation that question in the least, but that his Majesty has all the Inclination in the World to procure full Satisfaction by way of Negotiation, or that he will take proper Measures for obtaining it by Force of Arms; so that we have no Occasion for coming to any Resolutions, and much less for putting the Nation to any Expence, in order to revive the Hopes of those that are drooping, or to prevent any Man's despairing of ever meeting with Redress; and with Respect to Foreigners, it is certain nothing can in a more forcible Manner influence their Councils, than their perceiving that the Parliament puts an entire Confidence in his Majesty's Conduct, which they will necessarily presume from our coming to a general Resolution only, upon the present Occasion; whereas if we should enter into a Discussion of our several Rights and Privileges, and come to a particular Resolution upon each, it will be of Course supposed at all foreign Courts, especially at that of Spain, that we doubt either of the Abilities or Inclinations of those that are employed by his Majesty in the Administration of our publick Affairs.

‘ I shall with Pleasure grant, Sir, that our being situated in an Island, and in a Manner detached from the rest of the World, furnisheth us with many considerable Advantages, and among the rest, with that of having it often in our Power, to make an Advantage of the Disputes and Jealousies that happen to arise among our Neighbours upon the Continent. This may often furnish us with a proper Opportunity for vindicating or asserting our Rights and Privileges; but it cannot at all Times, and just when we stand in need of it. The Affairs of Europe may take such an unlucky Turn, as to unite two potent Neighbours against us, at a Time when the rest are at Variance among themselves, or so much engaged or entangled, that they cannot give us any Assistance; and therefore we may sometimes be in Danger of being involved in a War at an unreasonable Juncture. Whether the present be such a one, I shall not take upon me to say; but if it is, I am sure the wisest Thing we can do is, to continue


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our Negotiations, or even to accept of a Treaty of Peace, though it should contain nothing but general Acknowledgments and Confirmations, in hopes that a short Time may produce such an Alteration of Affairs in Europe, as will afford us an Opportunity for insisting upon such new Explanations and particular Concessions, as we may then think reasonable; But it would be wrong in us to do any Thing that might bring an immediate War upon the Nation, without knowing whether the present Conjuncture be seasonable or not; which is a Knowledge we can acquire no Way, but by a Declaration from his Majesty; and surely no Gentleman that has a Regard for his Country, would desire his Majesty to declare, before such a publick and numerous Assembly, that we cannot at present propose to enter into a War with any Prospect of Advantage; because, not only the Spaniards, but all those with whom we have now any Dispute, would certainly take Advantage of such a Declaration: They would from thence presume, they might force us to agree to any Terms of Peace they pleased to prescribe, or at least they would become much less tractable than they were before they heard of such a Declaration.

‘ I shall confess, Sir, that some Branches of our Trade, and likewise some of our Plantations, have suffered a little by the late Behaviour of Spain towards us; but their Sufferings are not, I believe, near so considerable as some People seem fond of representing; and had these Sufferings been much more considerable, we ought not to expose the Whole to the Fate of War at an unseasonable Juncture, for the Sake of preserving a Part; especially when we consider, that we can hardly fail of getting an Opportunity in a short Time, for endeavouring to recover our Losses, with a probable View of Success. If the Spaniards were always to behave towards us as they have done of late Years, and we were always to allow them to behave in the same Manner, the Whole of our Trade and Plantations might at last come to be in some Danger; but can it be supposed, Sir, that unless we immediately declare War, the Spaniards will always continue to treat us as they have lately done? By no Means; for there were neither Equity nor Honour at that Court, yet as soon as they become sensible, which they must soon be, of their own Interest, they will certainly court our Friendship, instead of provoking our Repentment.

‘ But, suppose, Sir, the Spaniards should go on in the same Way for some Time longer, then can it be supposed that we shall always bear such Treatment, with the same Patience and Good-nature? Suppose we have as yet some Hopes of obtaining Satisfaction by peaceable Means, or suppose the present an unseasonable Juncture, for us to declare War a-

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gainst Spain; are we from thence to presume, that we shall always entertain the same Hopes, or that the Affairs of Europe will always continue upon the present Footing? No, Sir, it is impossible, but, from the clashing Interests of the several Powers, some new Scene must in six or eight Months happen in the Affairs of Europe. It may then be a proper Season for us to declare War; and if full Satisfaction is not made us before that Time, we may be assured his Majesty will take hold of it, and make the proper Use of it, for glutting the Revenge, as well as repairing the Honour of the Nation. As this Season cannot, from the natural Course of Things, be supposed to be very remote, neither our Trade, nor our Plantations, can suffer much in the mean Time; and therefore we may yet wait a while, in Hopes of obtaining Satisfaction by peaceable Means, or in Hopes that a more favourable Opportunity will soon offer for obtaining it by Force of Arms, without the least Ground for supposing that our Trade and Plantations will thereby be utterly undone.

‘ I shall always be as ready, Sir, as any Man, to sacrifice my All, for preserving the Honour and Independency of my Country; but if the Nation be in such a melancholy Condition as the honourable Gentleman has been pleased to represent, surely we ought at least to be cautious of doing any Thing that may tend to involve the Nation in a War. We ought to avoid doing any Thing that may seem to have such a Tendency, unless it appear absolutely necessary for our immediate Preservation; which I take by no Means to be our Case at present. If it is either necessary or expedient that our Rights should be particularly asserted in any future Negotiation, his Majesty will certainly do so: But I am far from thinking, that it will be necessary for his Majesty to insist upon such particular Acknowledgments, Declarations, or Promises; for the Behaviour of two independent Nations to one another, does not so much depend upon the general or particular Stipulations that are between them, as upon the Necessity they respectively think they have, for cultivating a reciprocal Friendship. If the Spaniards begin to think that they ought, for their own Sakes, to cultivate a Friendship with this Nation, (and, as soon as they begin to think justly, they will think so) they will then perform any general Promises they may make, or any general Engagements they may enter into with us, more strictly and faithfully than they would perform the most express and particular Stipulations, if they should think otherwise.

‘ We have at present, Sir, and must always have, Disputes with other Nations as well as Spain; and, without doubt, it would
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be extremely convenient for us to have all the Rights and Privileges, which any Nation pretends to dispute with us, fully explained, and particularly declared and established: But, I believe, we never made any Treaty, where we could obtain all that was convenient for us; I believe, no Nation ever did; for a Carte Blanche is not properly a Treaty; it is the Law which the Conqueror prescribes to those he has conquered. In every Case where a Treaty is to be made, both the contracting Parties must accommodate themselves to Times and Circumstances; and neither Party can, or will, insist upon all they can ask, lest by so doing they lose what they may have. This must be our Case, if we ever come to any future Treaty with Spain. We must accommodate ourselves to Times and Circumstances, and must insist upon no more than they will then admit of; but if this House should agree to the Resolutions first proposed, it will put it out of the Power of any Minister, to advise his Majesty to accommodate himself to Times and Circumstances, in relation to any future Treaty with Spain; which will of course make a War unavoidable; for it is not to be supposed we can prevail with Spain, to agree to every Thing we propose, unless we force them to it by a successful War. Nay, after we have entered into a War, 'tis great Odds if we meet with such Success, as may intitle his Majesty to insist upon every Thing, that may be supposed to be contained in these Resolutions; so that it would be impossible for his Majesty, or any of his Successors, to put an End to the War by a Treaty of Peace, or to agree to any Preliminaries for that Purpose, without first laying those Preliminaries before this House; and such a Publication might put it in the Power of those that are Enemies to both Nations, to prevent the Negotiation's taking Effect.

'I hope, Sir, I have now made it appear, that there is no Necessity for our coming to such particular Resolutions as were at first proposed; and that our coming to such, might be attended with the most fatal Consequences, because it might not only involve the Nation in a War, but involve it in a War, perhaps, at a very unseasonable and unlucky Juncture. I know I am arguing against that, which seems to be the popular Side of the Question; I know that by some Means or other, a very great Resentment has been stirred up among the People, against the Depredations committed by the Spaniards, and, I confess, they deserve our highest Resentment; but we ought to shew our Resentment by Blows, not by Words; and if we chuse an improper Time for giving the Blow, we may receive a greater than we can give. I shall always have a great Regard for the Esteem, and likewise for the Opinion of the People; but, I shall never

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ver do what I think contrary to the Interest of my Country, for the Sake of an immediate Esteem; because, I know, it can never be lasting; and I should follow any popular Opinion rather than that relating to what Provocations may be sufficient for declaring War. In every such Question, the People may be compared to a Number of Generals assembled in a Council of War, and deliberating, whether or no they ought to attack the Enemy. Many of them may, and often do, give their Opinion for attacking, not because they think it the most prudent, but lest their Courage should be suspected, in case they should give their Vote for the other Side of the Question.

‘Though his Majesty’s Servants may be against this House’s attempting by any of their Resolutions, to tie up his Majesty’s Hands, so as to make an immediate War unavoidable, let the principal Conjunction be never so unfavourable, it is not from thence to be inferred, Sir, nor, do I believe, that they are inclined to accept of any Thing rather than run the Risk of a War; nor do I believe, they have any Reasons against a War, that are peculiar to themselves. Whatever Reasons his Majesty may have, for not resolving upon an immediate Declaration of War, whether they proceed from the Hopes he may yet have of obtaining Redress in a peaceable Manner, or from his being sensible that the State of Affairs in Europe, will in a short Time afford a much more favourable Opportunity for declaring War, they must be such as affect the Nation in general; and, they may be such as ought to induce us to try, for a while longer, the Method of Negotiations, or even to protract and continue our Negotiations, after we are convinced that that Method will at last prove ineffectual, without being such as ought to induce us to accept of a cruel and contemptuous Peace, rather than have recourse to an open and declared War. The Space of half a Year only, may so change the Face of Affairs all over Europe, as to enable us to enter then into a War with great seeming Advantage, and yet the present Conjunction may be such a one, that we cannot immediately enter into a War without apparent Ruin. Suppose, then, this to be the Case at present, would it not be highly imprudent in us to do that, which must immediately involve the Nation in a War? Would it be reasonable in us, to desire his Majesty to communicate to such a numerous Assembly, the present State of Affairs in Europe, or the Alterations which he expected might in half a Year’s Time be brought about? Such a Request, his Majesty could not surely comply with; because, such a Communication would certainly render our present Condition worse, and might probably prevent those Alterations, from whence only we could expect to make it better.

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‘ From the Reasons I have given, Sir, and, I hope, they will appear sufficient Reasons, for our not agreeing to the Resolutions first proposed, I think it is evident, that the only Resolution we can come to upon the present Occasion, must be such a one as my honourable Friend has by his Amendment proposed. By such a Resolution, we shall leave it entirely to his Majesty, to insist upon particular Acknowledgments of all our Rights and Privileges, now contested by Spain, or to accept of general Acknowledgments, in case the present should appear to be an unseasonable Conjunction for our declaring War against that Kingdom. By this we may avoid a War, at least we shall avoid being engaged in an unequal War; for, if we trust to his Majesty’s Wisdom, we may depend on it he will not involve the Nation in War, unless he sees that he has got a proper Opportunity for so doing. At the same Time, we shall, I think, by such a Resolution, sufficiently assert the principal Right, now in Dispute between Spain and us, and we shall sufficiently shew our Resentment against the Usage our Merchants and Seamen have met with. This will convince the Court of Spain, that his Majesty will meet with the Approbation and Assistance of his Parliament, in whatever Measures he may take for obtaining Redress, which may probably make them alter their Conduct towards us; and, from such a Resolution, all those who understand any Thing of our Constitution, will see, that we have, in this House, done as much as was possible for us to do, upon such an Occasion; from whence, every Man, who has not something very dismal in his Constitution, will conclude, that he has no Reason to despair of seeing Justice done to himself and Fellow-Subjects, and the Rights and Privileges of his Country established.

‘ Before I have done, Sir, I must take Notice of the Objection made by the honourable Gentleman that spoke last. He says, the Resolution, as it will stand by Means of my honourable Friend’s Amendment will appear to be in the same Terms with his Majesty’s Answer to the last Spanish Memorial; and, that therefore, we ought not to agree to it, lest it should be thought that the Resolution of this House was dictated by our Ministers of State. I cannot say, Sir, that I have compared the two together, so as to judge whether they be in the same Terms or not. But, suppose they are, is there any Scandal in our agreeing with the Crown, or even with our Ministers of State, when that which they have done appears to be right? Sir, in my Opinion, this is so far from being an Objection to the Resolution my honourable Friend has proposed, that it is a strong Argument for our agreeing to it; for, surely, it must administer Comfort and Encouragement to our own People, to see his Majesty and
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his Parliament agreeing upon the same Measures for their Relief; and, as it will convince the Court of Spain, that there is a good Agreement, and thorough Understanding, between his Majesty and his Parliament, it will be an Argument of the greatest Weight with that Court, for prevailing on them to agree to what his Majesty has proposed, or may propose, towards an Accommodation; therefore, if we have a Mind, that our present Differences with Spain should be settled in an amicable Way, if we have a Mind to incline them to hearken to Reason, or the Voice of Peace, we ought to agree to the Amendment proposed: Nay, unless we have a Mind to encourage or encrease their Obstinacy, by making them and all Europe believe there is a Disunion and Distrust between his Majesty and his Parliament, we must agree to the Amendment proposed.'

The next that spoke was Sir William Windham, whose Speech was to this Effect, viz.

Sir,

Sir W. Windham:

' I am extremely surprized to hear the present Debate so much mistaken, as I find it is, by the honourable Gentleman who spoke last. Is there any Gentleman in this House has supposed, is there any Gentleman can suppose, that the Resolutions of this House can be effectual in the Case now before us, without the Concurrence of the Crown? We may, by our Resolutions, which we offer only by Way of Advice to the Crown, determine indeed, what are the Rights of the Nation, we may determine what are the Injuries we have suffered; we may go farther, we may determine or rather declare, what Methods we think ought to be taken for asserting those Rights, for revenging those Injuries; but, unless they are carried into Execution by the Crown, or by those employed by the Crown, they cannot of themselves be supposed to be effectual.

' In the present Case, Sir, Complaint has been made to us, that our Trade has been interrupted; that many of our Merchant-Ships have been plundered, and many seized and confiscated; that many of our Seamen have been cruelly used; and that some of our most valuable and most undoubted Rights and Privileges have been invaded: The Petitioners pray, that we would procure them Relief, and that we would provide a Remedy for these Evils. What can they mean by such a Prayer? Surely they do not mean, that this House should declare War, or send Ambassadors to Spain to demand Satisfaction. Either they must mean, that, if these Grievances have been occasioned by the Fault or Neglect of any of our own Subjects, we should enquire into it, and punish those that have been to blame; or they must mean, that we should enquire what Injuries they have suffered, and what
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national Rights or Privileges have been invaded, that we should represent to the Crown those Injuries and Invasions, and that we should give such Advice to his Majesty, as, if followed, will be effectual for procuring the Relief and Remedy they pray for. Upon supposing that his Majesty will follow our Advice, it may be said, that one Resolution, or one Set of Resolutions, will be more effectual than another; and, therefore, the Question now under our Consideration is, which of the two Propositions made to us, contains the fullest and truest Representation of the national Rights and Privileges, that have been invaded, and of the Injuries, which our Trade and Merchants have suffered. ¹

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‘ In this Light, Sir, let us compare the two Propositions together, and we shall soon see which ought to be preferred. The first contains a particular Enumeration of the several Grievances we labour under, mentions the Pretences that have been made use of for putting such Grievances upon us, and particularly asserts, as well as sets forth, every Right or Privilege that has been invaded. The second contains only a general Representation of the Injuries we have suffered, without mentioning any one Pretence that has been made use of, or properly asserting, or so much as mentioning, any one Right or Privilege, that has been invaded. The first shews it to be our Sentiments, that the several Rights and Privileges of this Nation, which have been invaded, ought to be particularly acknowledged; that the several Pretences made use of for invading them, ought to be particularly explained, and expressly given up; and that an immediate and specifick Satisfaction ought to be insisted on: The second, if agreed to, will make it be looked on as the Opinion of this House, that a general Acknowledgment of our Rights, and a general Promise of Satisfaction, may be accepted of.

‘ Upon such a Comparison, Sir, can any Gentleman, after the late Experience we have had, think, that such a general Acknowledgment of our Rights, will be effectual for securing our Trade in Time to come, or for redressing our injured Merchants for what is past? Let any Man, Sir, read any of the Treaties, from the Treaty 1667, to the Treaty of Seville, and then think that general Acknowledgments or general Promises are sufficient for our Purpose. His Majesty, ’tis true, may, I hope he will, insist upon particular Acknowledgments of our several Rights, that have been lately contested or invaded; upon a sufficient specifick Sum, by Way of Reparation to his injured Subjects; and upon an exemplary Punishment’s being inflicted upon those Spanish Governors or Commanders, that have injured them: His Majesty, I say, may insist upon such Terms, notwithstanding any Opinion we may now give, or any Resolution we may now come to;

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but certainly, it would be wrong in us to give, as the Opinion of this House, what cannot be the real Opinion of any Man in the Kingdom. To offer such an Opinion by Way of Advice, would be a Misleading of the Crown, or enabling Ministers to do so; therefore, in Duty to our Sovereign, in Justice to our much injured Country and Countrymen, in Honour, in Conscience, with respect to ourselves, we are bound not to give any such Advice.

Peace, Sir, is certainly preferable to War; and every good Man must wish, that his Majesty may be able to procure Satisfaction and Security by Way of Negotiation: But War is preferable to an ignominious Peace; and every Man who has a Regard for the Honour of his Country, or the Safety of his Fellow-Subjects, would chuse to see the Nation involved in War, let the Event be what it will, rather than see it insulted and abused, as it has been by Spain for almost these twenty Years. By agreeing to the Resolutions first proposed, we do not put it out of his Majesty's Power to obtain Satisfaction in a peaceable Way, we only put it out of the Power of, or at least make it hazardous for, Ministers, to advise his Majesty to agree to an ignominious Treaty of Peace; which any Treaty will be, that does not procure ample Satisfaction to our injured Merchants and Seamen, and future Security to our Commerce. For this Purpose, every Man must be sensible from what's passed, that general Acknowledgments or bare Promises will not be effectual: Nay, I am of Opinion, that even the most particular Acknowledgments and Explanations, will not of themselves prove effectual. We must insist upon the punishing of those Spanish Governors or Captains of Guarda Costa's, that have injured us, and upon some signal Atonement's being made to the Nation, for the many Affronts that have been put upon it; for I am afraid the Spaniards have, from our late Behaviour, conceived such an Opinion of our Fondness for Peace, that they will shew but little Regard to the most particular and solemn Engagements they may make with us. Their Attack some Years since upon Gibraltar, at a Time when our harmless Fleets appeared upon their Coasts, without any hostile Intention, I believe, against them, or any of their Allies; and their late Attack upon our Ships at the Island of Tortugas, notwithstanding its being a Time of profound Peace between the two Nations, and notwithstanding one of the most particular, and most explicit Concessions, that could be made by one Nation to another: These two Attacks, I say, with the continual Attacks they make upon our Ships in the Bay of Campechy, give me some Reason for suspecting, that they do not now think themselves under a Necessity of standing upon Ceremonies with regard to us, or of ob-
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serving the most particular and express Stipulations they can make with us.

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‘ I shall not pretend, Sir, to dispute the good natural Disposition of his Catholick Majesty, or his Inclinations to do Justice to this Nation ; but I must say, we have as yet felt none of the Effects, either of the one or the other ; and I am afraid, those who have so good an Opinion of his Inclinations, will at last find, they have trusted to them more than they ought to have done. However, let his Catholick Majesty’s natural Disposition be never so just, let his Inclinations towards us be never so favourable, if his Governors and Captains in the West-Indies are allowed to imagine, that they may plunder, or unjustly seize and confiscate British Ships, without any Fear of Punishment, if they find they have nothing to apprehend, but being simply obliged to restore, they will every now and then be nibbling ; for Restitution is seldom made complete, something will always stick to the Fingers of the Tellers ; and as such Disputes are, we find, extremely tedious, Possession in the mean Time will in every Case be worth something. For this Reason we must, in my Opinion, insist upon condign Punishment, as well as complete Restitution, otherwise our future Security will always be precarious ; and our insisting upon such Terms, or our obliging our Ministers to insist upon such Terms, will not, I hope, make an immediate War necessary. Unless we have, by some very odd Blunder in Politicks, cooked up such a System of Affairs abroad, as has united some of the chief Powers of Europe with Spain, and has at the same Time detached from us, every Ally we formerly had, or at least every Ally that can afford us any Assistance, I am sure the Spaniards will agree to such Terms, rather than come to an open Rupture ; so that our coming to such Resolutions as were first proposed, instead of making War necessary, will make Peace, I mean a real and an honourable Peace, more quickly attainable ; because if Spain has nothing but her own Strength to depend on, and if our Ministers have taken Care that we have such Allies as we ought to have, and always may have, our Resolutions will make Spain think it necessary, to agree immediately to what is just and reasonable, in order to prevent a Rupture ; for tho’ that Court may believe, and may perhaps have found, that they can cajole and amuse a British Minister, I hope they are not so vain as to think, they can cajole or amuse a British Parliament.

‘ Altho’ we have not the Power, Sir, to send out Fleets or Armies, or to give Orders or Instructions to Fleets or Armies ; yet, as Members of this House, we have, by our Constitution, a Power to enquire into the Conduct of those, who, by their Employments, are to give his Majesty their best Advice in such Cases ; and, if upon Enquiry it should

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appear, that they have not advised his Majesty to send out proper Fleets or Armies, or have not advised him to give them proper Instructions, for revenging the Affronts that have been put upon the Nation, we have a Power, and we are in Duty bound, to remove such Counsellors from his Majesty's Councils. But, if it should appear, that such Counsellors advised pacifick Measures, when immediate Vengeance ought to have been taken, if it should appear that the Affronts offered were of such a high Nature, that it was dishonourable for the Nation to submit to a Negociation, we would, in that Case, have a Power, and it would be our Duty, to punish such weak or wicked Counsellors. In publick Life, as well as private, there are some Affronts that cannot, by the Custom of Nations, admit of a peaceful Accommodation, or of any Negociation for that Purpose. If a Gentleman should be caned in the open Streets, and should, instead of making a proper Return, send a Clergyman next Morning to the Aggressor, to beg that the Affair might be made up in an amicable Way, the Aggressor might, perhaps, look upon his Patient as a good Christian, but I am sure he would not look upon him as a Gentleman, or Man of Courage; and therefore he would probably offer no other Satisfaction, but such a one as no Man of Honour could accept of, or perhaps, and most probably too, he would bully and say, the Fellow deserved what he had met with. A Man of true Honour, upon meeting with such an Affront, would immediately take his own Satisfaction, and that too with the very first Opportunity.

In publick Life, and in national Affairs, the Case is the same. There are some Affronts that may be put by one Nation upon another, which ought to be immediately resented in a hostile Manner. All Attacks or Insults ought to be resented in such a Manner, when it appears evident that it was done by publick Authority. When an Insult is committed by the Subjects of any Nation, without an apparent Commission, or other Authority from their Government, the injured Nation may send Ambassadors to demand Satisfaction; and ought not to resent the Injury in a hostile Manner, till the other Nation has made the Act its own, or has taken the Guilt upon itself, by denying or unreasonably delaying to punish or give up the Offenders. But when the Insult or Attack appears, from the very Nature of it, to have been committed by publick Authority, Satisfaction ought not to be sued for by Ambassadors; it ought to be immediately taken by Fleets and Armies, properly instructed for that Purpose. And such, I am of Opinion, we ought to have reckoned several Insults put upon this Nation by Spain, within this last Dozen Years: Nay, I may say, that the Court of Spain seems to have been ingenious enough, to fall upon the most effectual

effectual Method for provoking a national Resentment on our Part, by making every Injury, that has been done us by any of their Subjects, the Act and Deed of the whole Nation; for tho' they have acknowledged some of the Injuries done, to be such, yet I do not hear that they have, in any one Case, made a compleat Restitution of all Costs and Damages, or that they have punished, or given up any one of the Offenders. From hence, Sir, I must think, that those who ought to advise his Majesty, have been to blame, in not advising him to resent some of the Affronts that have been put upon us, by immediate Hostilities, or an immediate Declaration of War; I must think they have been to blame, in not advising his Majesty, in most of the other Cases, to insist more peremptorily upon a speedy and compleat Restitution, and upon a severe Punishment's being inflicted upon all those Spanish Governors or Commanders of Guarda Costa's, that had any Way injured the Subjects of this Kingdom; and, if I am right in my Opinion, we ought upon this Occasion, to go farther than any Thing yet proposed: We ought to enquire into the Conduct of some of those who are, by their Posts or Employments, obliged to give his Majesty their best Advice. This, I think, Sir, is our Duty; and if the Resolutions first proposed be agreed to, I hope, that Agreement will be followed by a proper Motion for this Purpose; which would, I believe, tend more to revive the drooping Spirits of our injured Fellow Subjects, than any other Resolution we can come to.

For this Reason, Sir, were there no other, I hope the Resolutions first proposed will be agreed to: For if they are not agreed to, I am sure no Gentleman can expect to succeed, and therefore no Gentleman will make any Motion for such an Enquiry. The present unlucky State of Affairs in Europe, or the Danger this Nation may be in, of being involved in a heavy War, can be no Argument against such an Enquiry; for it was upon such Occasions that the Roman People, while they retained their Virtue, got their guilty Magistrates punished, and their own Liberties secured. In their Histories, we have many Examples of their insisting obstinately upon a Confirmation, or Enlargement of their Privileges, or upon an Enquiry into the Conduct of their Magistrates, when the Enemy was almost at the Gates of their City. This Obstinacy never did that brave People any Damage; for as soon as they got their Liberties secured, or their guilty Magistrates punished, their Armies went out with Alacrity, and returned with Victory. In this Country, I hope upon the present Occasion, the Case would be the same: Give the People but Satisfaction: Put our Fleets and our Armies under those, in whose Wisdom and Conduct

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Conduct they have a Confidence, and I promise for them, they'll give a good Account of their Enemies. Whereas, if you go to War, while your People are discontented, and consequently dispirited; if your Fleets and your Armies are under the Conduct of those, who by their past Management have forfeited their Character, - both among your Soldiers and Sailors, you can expect no Success, either from your Fleets or your Armies. Therefore, in case a War should become unavoidable, I am afraid it will be necessary for us, to enter into such an Enquiry as I have mentioned, in order to give Satisfaction to our People, either by justifying our late Conduct, in case it should appear to have been prudent and wise; or by removing or punishing those, that have been the chief Advisers of it, in case it should appear to have been pusillanimous and imprudent.

But, Sir, I am of Opinion, that the best Method we could take for preventing a War, would be, to resolve immediately upon enquiring into our late Conduct; because, if the Enemies of this Nation have got any Advantages from our Conduct in Time of Peace, they may reasonably hope for greater in Time of War, and therefore may now refuse to give us a proper Satisfaction or Security, because they are desirous of coming to a Rupture; whereas, if we this Day resolve upon an Enquiry, our Enemies will expect a Change in our Managers, and from thence a Change in our Conduct, which must diminish, if not destroy their Hopes of getting any Thing by a War, and may consequently alter their Inclinations.

To tell us, Sir, that the Court of Spain cannot, in a peaceable Manner, be brought to agree to such particular Acknowledgments, and specifick Promises, as they have, by their own Conduct, made necessary for the Satisfaction and Security of this Nation, is to tell us, that they despise us. If this be the Case, we can expect no real Peace, notwithstanding any new Treaty we can make with them: We must expect, that after the next Treaty, they will continue to treat us as they have done since the last. We can expect nothing but repeated Insults and Depredations, till by a vigorous War we convince them of their Error, and compel them to alter their Behaviour. But this, Sir, is not the Case; they may perhaps despise our Negotiators; but, I am persuaded, they do not, I think they cannot, despise the Nation. They may hope, that our Fleets and Armies will be bound up in Time to come by pacifick Instructions, as they have been upon some former Occasions; but they know too well the Alacrity and Courage both of our Soldiers and Sailors, not to be afraid of their being sent against them with proper Instructions: The best Thing therefore we can do upon the present Occasion, is to lay our Negotiators under a Necessity of treating with

with them, upon a Footing different from what they have done ; and our Ministers under a Necessity of furnishing any Fleets or Armies, they may hereafter put the Nation to the Expence of sending out, with such Instructions as shall make them spread Terror, instead of Laughter, wherever they come. For this Purpose, the Resolutions first proposed, are so far from being too particular or explicite, that, I think they ought to be made more particular and more explicite. If we should add to each of them in exprefs Terms, that it is the Opinion of this House, War ought to be declared against Spain, unless such a Right or Privilege should be particularly acknowledged, or unless such a Violation of the Law of Nations, or such an Insult should be attoned for, by punishing or giving up the Authors, I do not think we would be in the least to blame ; and, with regard to the Damage that has been done to our Merchants and Seamen, if we should appoint a select Committee to take a particular Account of it, and to state the specifick Sum they thought it amounted to, and if we should upon their Report come to a Resolution, that such a specifick Sum ought to be demanded and peremptorily insisted on, for making good that Damage to the Sufferers, I am convinced very few Persons in this Nation would think we had gone a bit too far, nay, that we had done wisely, by avoiding being the Dupes of Spain and the Scoff of all Europe.

‘ However, Sir, I am confident, that as soon as those Resolutions are laid before his Majesty, he will order and empower some proper Persons to examine particularly into the several Depredations that have been committed upon his Subjects, and to state the specifick Sum they amount to. I am likewise confident, that in any future Treaty his Majesty will insist upon this specifick Sum’s being immediately paid, and upon every other Reparation for satisfying the Honour of this Kingdom. These Things, I say, Sir, I am confident his Majesty will insist on ; at least, our Resolutions, in case we agree to those that were first proposed, will, in some Measure, shew that they ought to be insisted on.

‘ I am surpris’d, Sir, to hear his Majesty’s Name mentioned in the Manner it has been in this Debate. His Majesty’s Wisdom and Conduct is so well known, that if it were possible for him to see every Thing with his own Eyes, and to execute every Act of Government or Power by himself, without the Interposition of Ministers or Servants, there would be no Occasion for our entering into any Enquiry, or coming to any Resolutions. We are not, Sir, so much as to doubt of our Sovereign’s Wisdom or Conduct in any Affair whatsoever ; but, the Wisdom and Conduct of his Ministers or Servants we may doubt of, we ought to doubt of it : It is what we ought often to enquire into ; and, I must think there never was greater Occasion for doubting of it, and en-
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quiring into it, than at present. For this Reason, whatever I have said, or may say upon the Subject now under our Consideration, will, I hope, be supposed to be meant only of the Conduct of his Majesty's Ministers ; and that Conduct, I hope, I may freely examine into, and freely censure, without giving any just Offence. I believe there is no Man in the Kingdom questions but that his Majesty would have long since obtained full Satisfaction and Security, either in a peaceable Way, or by Force of Arms, if he had not been misinformed, and misled by Advice, which now, I think, appears to have been none of the most prudent ; and, if Foreigners have begun to presume, which I am afraid they have, that our Ministers are weak and imprudent, and upon that Presumption have begun to treat this Nation in a haughty, unjust, or contemptible Manner, their perceiving that the Parliament continues to put an entire Confidence in the Conduct of such Ministers, will not, I am sure, prevail with them to alter their Conduct, with regard to this Nation, in Time to come.

‘ I am of Opinion, Sir, that our Situation, as an Island, will always furnish us with an Opportunity, if we have the good Luck to be under a prudent and wise Administration, for asserting our Rights, in case of Encroachments from any of our Neighbours ; because, while we hold the Balance of Power in Europe, we shall always be provided with such an Opportunity ; and, we can never lose holding the Balance of Power in Europe, but by a long Series of egregious Blunders. However, supposing that our Situation does not always furnish us with such an Opportunity, if, as the Gentlemen say, it often does, I cannot comprehend how it has happened, that we could find no such Opportunity for these twenty Years past ; for, every one knows that it is more than twenty Years since the Spaniards first began to incroach upon or invade some of our Rights or Privileges ; and, it must be granted, that since they first began, they have continued without any long Intermission. I am therefore very suspicious, we have of late Years neglected several good Opportunities for compelling them to settle all Disputes with us to our own Liking ; and, from thence, there is, I think, great Reason to fear, that those who have neglected past Opportunities, will not make a good Use of any future, unless we lay them under a Sort of Necessity for so doing, by the Resolutions we come to upon this Occasion.

‘ In deliberating what we ought to do upon the present Occasion, we are not, Sir, to consider, whether the present Conjecture be a proper one, for repairing our Wrongs, and vindicating our Rights and Privileges. We are to consider what Rights and Privileges of this Nation have been invaded by Spain, and what Injuries they have done us, in order to declare

declare them to his Majesty, in what Manner the former ought to be asserted, and the latter resentment. This we are to do, that his Majesty may from thence see, the Rights and Privileges of his Kingdom that have been invaded, and the Injuries that have been done to his Subjects; and that he may know what we think ought to be done upon such an Occasion. His Majesty only is to consider whether the present be a seasonable Conjunction, for doing what ought to be done; and if it is not, he will of course consider, how it comes that the present Conjunction of Affairs in Europe happens to be so unfavourable for this Nation. This will naturally make him reflect upon the late Informations and Advices he has received; and if they appear to have been wrong, it will make him change his Measures, and perhaps his Councillors. If his Majesty should, upon Examination, find, that the present is not a proper Season for insisting upon such Terms as we ought to have, he cannot, by the Resolutions proposed, or by any Resolutions of this House, be obliged to insist peremptorily upon such Terms, nor can his Ministers be exposed to any Danger, for advising him to accept of more general Terms, though they may be neither so honourable nor effectual. But it is still to be understood, that they had no Hand in rendering the Conjunction so unfavourable for their Country, nor had neglected to take advantage of any preceding Conjunction that was favourable. With regard to his Majesty, the only Effect our Resolutions can have, will be to give him a full and true Information, and, I hope, a wholesome Advice; and, with regard to his Ministers, the only Effect our Resolutions can have, will be to make it dangerous for them to advise him to accept of, or ratify a dishonourable or ignominious Treaty, at a Time when the Circumstances of our Affairs both at home and abroad, afforded him an Opportunity for insisting upon honourable Terms; and for both these Purposes, I must think the Resolutions first proposed will be much more effectual than the Resolution proposed by the honourable Gentleman's Amendment.

‘ I must grant, Sir, that if a Motion were to be made in this House, for an immediate Declaration of War, I should be against agreeing to such a Motion; because, I really believe the Affairs of Europe are, at present, in a State not very favourable for this Nation; but I must say, I am of Opinion, it is pretty much owing to our own Conduct. I am afraid it will be found, that for many Years our Neighbours, the French, have had the Art to make us fall out with Spain whenever they had a Mind; and after they had set the two Nations by the Ears together, they have had Authority enough, to make us carry on the War in such

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a Manner, and agree to an Accommodation upon such Terms, as they were pleased to prescribe. By this Management the Spaniards have found, that they can expect nothing from our Friendship, nor need fear any Thing from our Enmity ; which has been the chief Cause of their insulting Behaviour towards us, and will always, while it subsists, produce the same Effect ; and by the same Management, I am afraid, our Character has been so much lessened at all the Courts of Europe, that none of them are now fond of an Alliance with us, nor ready to give us their Assistance. If I have been rightly informed, even our good Allies the Dutch begin to look cool upon us ; for I have been told that an Application was lately made to them, to join with us against Spain, and that they answered coolly, ‘ If Spain pretends to do us an Injury, we know how to right ourselves without your Assistance.’ Whether this be true or not, our Ministers know much better than I can pretend to ; but if it is, I must from thence conclude, we have not an Ally in Europe, we could trust to for Assistance, in Case of a War ; and therefore I must conclude, that the present is a very unreasonable Conjunction, for us to declare War against Spain ; because we cannot foresee what Assistance they might, in such a Case, meet with, from some of the other Powers of Europe, especially from those who are naturally no great Friends to this Nation. However, Sir, our agreeing to the Resolutions first proposed, can have no other Effect, than to shew his Majesty what we think ought to be done ; and as our coming to such Resolutions will be an Argument for convincing our old and natural Allies, that the Nation has at last got out of its Leading Strings, as the Resolutions of Parliament will have greater Weight, and will be more confided in, than the Resolutions of any of his Majesty’s other Councils, our coming to such Resolutions, may probably restore our Character at foreign Courts, and enable his Majesty to bring about such an Alteration in the Affairs of Europe, as will furnish us with a good Opportunity for resenting the Injuries we have met with, and for vindicating and asserting every one of the Rights or Privileges of the Nation, that has lately been invaded, or any way incroached on.

‘ I am extremely surprized, Sir, to hear the least Insinuation made, that we ought always to approve of what appears to be the Sentiments of his Majesty’s Ministers, or that we ought, upon all Occasions, to speak their Sense only. To establish this, as a Rule for our Conduct, would be such a Disgrace, as, I hope, this House will never incur. I have to good an Opinion even of this Parliament, that I cannot imagine we will approve of this Maxim ; because, no
Par-

Parliament that establishes or observes such a Maxim, can be of any Use, either to their King or their Country; therefore, I hope, we will, by our Resolutions of this Day, convince the World, that we are no way under the Direction or Influence of our Ministers of State. It is a Maxim, Sir, that we ought not to speak ill of the Dead; but, this Maxim relates to dead Men, not to dead Parliaments: Of Parliaments, we must say nothing amiss, while they are living; but, after they are dead, we are allowed to tell the Truth, and to give our Sentiments of them freely. This Parliament will soon come to die, as others have done before it: It can live but a very few Years longer; therefore, let us consider what People will say of us when we are dead, if we should give the least Reason to suspect, that we approved of such a Maxim. Some former Parliaments have seemed, by their Behaviour, to approve of this Maxim: They seemed to speak, upon all Occasions, the Sense of our Ministers, and their Sense only; but, I am sure, the Character now generally given to those Parliaments, can be no Encouragement for us to follow their Example. If we have a Mind to produce, by our Resolutions, any Change in the Conduct of Spain towards this Nation, we must not, upon this Occasion, shew a thorough Approbation of the Measures or Sentiments of our Ministers. For above this Dozen of Years past, it has appeared, that there was a thorough Understanding and Agreement between our Parliaments and our Ministers: The Resolutions of the former have been nothing but echoing back the Resolutions of the latter, and the Sentiments and Measures of the latter have been all, I shall not say implicitly, approved of by the former; yet, during a Course of so many Years, it has not produced the least Variation in the Conduct of Spain, with regard to their Behaviour towards this Nation. On the contrary, I believe it has encouraged them to continue their Insults and Depredations. It is therefore now high Time for us to alter our Method, in order to convince the Spaniards, that, whatever Hopes they may have of being still able to amuse our Ministers, they can no longer hope for being able, even with the Assistance of British Ministers, to amuse a British Parliament.

‘ Having said thus much, Sir, I shall observe, that, if we consider the last Spanish Memorial, and the Estimates for the Service of the ensuing Year, we shall find, in my Opinion, an irresistible Argument for coming to the most vigorous Resolutions upon the present Occasion. By the last Spanish Memorial it appears, that the Court of Spain are as far from yielding to grant us either Satisfaction or Security in a peace-

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able Way, as they were seven Years ago ; and yet, by the Estimates for the ensuing Year, it appears that we have no Design to seek for it in any other Way. It is an old Maxim in Treaty-making, that the best Method of treating is to treat Sword in Hand. We have been treating for these eight or nine Years, without Sword in Hand, and the Event has shewn the Mistake we have been guilty of ; for, by what I can find, we are not now so near our Purpose, as we were when we first began ; because our Complaints, and consequently our Demands, increase daily, and the more they increase, the more difficult we shall find it to obtain full Satisfaction. It was therefore in my Opinion high Time for us, at the Beginning of this Session, to think of altering our Method of Treating : It was high Time for us to think of putting ourselves in a Condition to treat Sword in Hand ; and for this Reason, I was surpris'd to find, by the Estimates for this ensuing Year, that no more than 10,000 Seamen were demanded for that Service. I expected that 20,000 Seamen at least would have been demanded ; nay, if 30,000 had been demanded, I should have been for agreeing to it ; because, I think even that Number may be usefully employed. But as no greater Number has been demanded, than what is usual in Time of Peace, I am from thence convinced, that our Ministers have no Thoughts of altering their Method of Treating ; which I think it is our Duty to oblige them to do ; but we never can do it by agreeing to the Amendment propos'd by the honourable Gentleman. Therefore, I hope the Amendment will be dis-agreed to, in order that the Question may be put, and agreed to, upon the several Resolutions that were first propos'd.


Edward Wortley Montague, Esq; spoke to the following Effect :

Sir,

‘ As I do not pretend to know the present Views of the Spanish Court, nor the Opinion they have of this Nation, I shall not take upon me to determine which of the two Propositions made to us, will be most effectual for procuring that Remedy and Relief the Petitioners pray for. I am afraid neither of them will prove effectual : Nay, I doubt much, if an Order or Resolution for 20,000 Seamen for the Service of the ensuing Year, or even the fitting out a formidable Squadron, with Fireships, Bomb-ketches, and all other Utensils of War, would procure such a Satisfaction or Security from that Nation, as we ought to insist on ; for they have of late seen us fit out so many expensive and hostile-like Squadrons, without any hostile Intention, that, I believe, they will not now think we are in earnest, till they not only see our Squadrons,

drons, but feel the Effects of the Orders that have been given to such Squadrons. I believe a British Squadron sent into the Mediterranean, and another into the West-Indies, with such Orders as that British Squadron had which was sent into the Mediterranean in the Year 1718, would soon make them feel the Effects of British Resentment; and, would prove more effectual than any Resolution now proposed, or any Resolution we can come to.

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‘ But, Sir, if this Nation should be put to any such Expence, by the Obstinacy of the Spanish Court, I hope that Expence will be added to the other Demands we have upon that Nation; for whatever Man or Nation refuses to satisfy a just Demand, ought to be loaded with the Costs and Charges, which the other Party is necessarily put to, in recovering what is due to him. Therefore I hope I shall never hear any Gentleman in this House pretend to charge that Expence upon this Nation as a new Debt; nor will it, I hope, prevent our paying off any Part of the old.

‘ I must confess, Sir, that I believe the present Conjunction of Affairs in Europe to be a very unfavourable one for this Nation; and, I believe so, because I find the honourable Gentleman, who proposed the Amendment, so much afraid of our doing any thing, that may tend to involve the Nation in a War with Spain. Those Fears must either proceed from a Consciousness of the bad State of Affairs abroad, or, from a Consciousness of the Weakness of this Nation, when compared with the superior Power of the Kingdom of Spain; for, I am sure, no Gentleman that knows him, can suppose them to proceed from any natural Pusillanimity of his own.

‘ Now, Sir, as neither he, nor any Man else, can suppose the Power of Spain any way superior to the Power of this Nation; therefore, his Fears must proceed from his being conscious, that the present Conjunction of Affairs in Europe is not a favourable one for us; and, as I must suppose, from the Situation he is in, that he is fully apprised how Affairs stand abroad; therefore, upon the Credit of his Judgment, I believe they are at present in a Situation very unlucky for this Nation; but this is so far from being a Reason for our not coming to vigorous Resolutions, that I think it a good Reason for our coming to more vigorous Resolutions, and Resolutions of a more domestick Nature, than any yet proposed; for the Affairs of Europe can never be brought into a bad Situation for us, without some Mismanagement of our own; and if we are, by our own Mismanagement, brought into such Difficulties, that we must suffer the most cruel Usage, without daring to shew a proper Resentment, I do not think it would be prudent in us, who are the Representatives of the
People,

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People, I do not think it would be consistent with the Duty we owe to our Sovereign, to trust entirely, for our Deliverance, to those who had, by their Blindness, Ignorance, or Wickedness, led us into the Mire.

What Reasons the Spaniards may have for treating us in such a Manner, or what Reasons we may have for suffering such Treatment, and for suffering it so long, I do not know; but to me, Sir, the two Nations seem to have entirely changed Conditions since the Year 1667. As I have had a particular Opportunity, for making myself acquainted with the Transactions between Spain and us about that Time, I must let you know, Sir, that at the Time of settling the Treaty, which was that Year concluded between the two Nations, and for some Time before, we treated the Spaniards in the same Manner, in which, I believe, they now treat us. Our Ships in the American Seas, under some Pretence or other, plundered or made Prize of almost every Spanish Ship they met with in those Seas. The Spaniards justly complained of this Treatment, and, by their Minister here, presented several Memorials to our Court upon the Subject. Our Court did not pretend to justify such Depredations, but pretended Ignorance, and that they would order Satisfaction as soon as the Complaints could be enquired into. In the mean Time, to keep the Spaniards easy, and to amuse their Court, Orders were issued to our Governors, and to the Commanders of our Ships of War, in the West Indies, expressly enjoining them to forbear all such Depredations or Hostilities for the future. These Orders were shewn to the Spanish Minister here, and were sent to our respective Governors, and Commanders of Ships in the West Indies; but at the same Time private Letters were dispatched to those Governors and Commanders, not to regard the Orders sent them, but to follow such Orders, as they should from Time to Time receive from our Governor of Jamaica; so that the Depredations were continued, notwithstanding the Orders of our Court to the contrary. I believe, if the Court of Spain now sends any Orders to the West Indies, they play the same Game upon us; but the Difference is, that our treating them in this Manner, continued but a very short while, and they were in no Condition to resent the Injury; whereas their treating of us in this Manner, has continued ten Times as long, notwithstanding our being, the whole Time, in a Condition to revenge ourselves.

This, Sir, is a Circumstance which very much alters the Case; and, since we have so long made use of our persuasive Power in vain, I think it is high Time for us to begin to think of making use of our compulsive Power, and to
take

take proper Measures for that Purpose; for, let the present Conjunction of Affairs in Europe be never so unfavourable, I am certain, that, by Prudence and good Conduct, we may very soon bring about such an Alteration in the Affairs of Europe, as will furnish us with a favourable one. As to the two Propositions now before us, if you proceed no farther, I am easy, Sir, about which of them may be agreed to; but, as the Resolution the honourable Gentleman has by his Amendment proposed, contains nothing more than what was in the Resolutions this House has formerly come to upon the same Subject; and, as neither of those Resolutions has had any Effect, I am sure the Resolution he has proposed can have none; and therefore, I cannot agree to it. Then, Sir, with regard to the Resolutions first proposed, as I do not know, but they may have some Effect, and especially, as I hope they will be followed by some other Resolutions of a different Nature, I am therefore for agreeing to them; and for this Reason, shall give my Negative to the Amendment.'

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1717 18.

Several other Members spoke upon this Question, but having given the most material Arguments, we shall omit their Speeches; but the Question upon the Amendment being put, it was carried.

March 30, 1738. Mr. Alderman Perry reported the said Resolution, as it passed amended in the Committee, to the House; upon which Sir John Barnard, Mr. Pulteney, Sir William Windham, and several other Members were for recommitting it; and a Debate ensued, in which the same Arguments on both Sides, with very little Alteration, were advanced: We shall not, therefore, trouble the Reader with repeating them. But the Question for recommitting the Resolution being put, the same was carried in the Negative.

Sir John Barnard, Mr. Pulteney, and Sir Will. Windham for recommitting the Resolutions as amended.

The same Day, upon a Motion of Mr. Alderman Perry from the said Committee, it was resolved,

That an humble Address be presented to his Majesty, humbly beseeching his Majesty, to use his Royal Endeavours with his Catholick Majesty, to obtain effectual Relief for his injured Subjects, and to convince the Court of Spain, that, how desirous soever his Majesty may be to preserve a good Correspondence and Amity betwixt the two Crowns (which can only subsist by a strict Observance of their mutual Treaties, and a just Regard to the Rights and Privileges belonging to each other) his Majesty can no longer suffer such constant and repeated Insults and Injuries to be carried on, to the Dishonour of his Crown, and to the Ruin of his trading Subjects; and to assure his Majesty, that, in case his Royal and Friendly Instances, for procuring Justice, and for the

Mr. Alderman Perry moves for an Address to his Majesty.

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Resolution for
prosecuting the
Address.

the future Security of that Navigation and Commerce, which his People have an undoubted Right to by Treaties and the Law of Nations, shall not be able to procure, from the Equity and Friendship of the King of Spain, such Satisfaction, as his Majesty may reasonably expect from a good and faithful Ally, this House will effectually support his Majesty in taking such Measures, as Honour and Justice shall make it necessary for his Majesty to pursue.

Resolved, That the said Address be presented to his Majesty by the whole House.

Ordered, That the aforesaid Resolution of the House, be humbly laid before his Majesty at the said Time with their said Address.

April 7th. Mr. Speaker reported that the House attended his Majesty yesterday with their Resolution and Address of the 30th of March last; to which his Majesty was pleased to give this most gracious Answer, viz.

Gentlemen,

His Majesty's
Answer to the said
Address.

" I Am fully sensible of the many and unwarrantable Depredations committed by the Spaniards; and you may be assured, I will make use of the most proper and effectual Means, that are in my Power, to procure Justice and Satisfaction to my injured Subjects, and for the future Security of their Trade and Navigation. I can make no Doubt, but you will support me, with Chearfulness, in all such Measures, as, in Pursuance of your Advice, I may be necessitated to take, for the Honour of my Crown and Kingdoms, and the Rights of my People."

Debate upon the
Petition of the
Needle Button
Makers.

The next Debate we shall give an Account of, is that upon the Petition of the Manufacturers of Raw Silk and Mohair, and of Needle-work Buttons, which was presented to the House, March 3, and set forth,

That Raw Silk and Mohair, employed in making Button-holes, being Commodities that are purchased in Turkey, and other foreign Parts, in Exchange for the Woollen and other Manufactures in the Kingdom; the Parliament, for the greater Encouragement of the Consumption of the said Commodities, had passed an Act, in the Seventh of his late Majesty, intituled, *An Act for employing the Manufacturers, and encouraging the Consumption of Raw Silk and Mohair, by prohibiting the wearing of Buttons and Button-holes made of Cloth, Serge, and other Stuffs.* In Consequence of which, and other Acts of the like Tendency, many Thousands of Families were preparing Silk, Mohair, Yarn, and Thread employed in making of Buttons and Button-holes with the Needle. But that in Evaluation,

‘ fion, and contrary to the Intention of the said Act, great
 ‘ Quantities of Stuffs made of Horse-hair, or mixed there-
 ‘ with, have been lately wove in narrow Breadths or Slips,
 ‘ and used only for making and binding of Buttons and
 ‘ Button-holes, to the great Detriment and Impoverishing
 ‘ of many Thousands, who had no other Way of subsisting
 ‘ but by working of Buttons and Button-holes with the
 ‘ Needle, and Prejudice of the Woollen Manufactures of
 ‘ the Kingdom. And therefore the Petitioners prayed that
 ‘ the House would give Leave that a Bill be brought in, to
 ‘ explain the said Act, and that the Petitioners be relieved
 ‘ in such Manner as to the House shall seem meet.’

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Tho’ this Debate was not of so public a Nature as those we have already given; yet, as it shewed the Sense of the House upon a very important Point, we shall give the Reader a connected View of the whole Arguments and Proceedings upon this Bill.

This Petition being referred to the Consideration of a Committee, March 19, Mr. Cholmondley made the Report from the said Committee, and Leave was given to bring in a Bill according to the Desire of the Petition. The Bill was accordingly presented, and read for the first Time on the 24th of March, and ordered a second Reading; but before it came to a second Reading, several Petitions were presented from the Manufacturers and Dealers in Woven Buttons, praying to be heard by Counsel against the Bill; the Desires of which Petitioners were granted, and the Petitions ordered to lie upon the Table until the Bill was read a second Time; as were also Petitions from the Manufacturers and Traders in the Needle-work Buttons in the several Towns in England, expressing their Apprehensions that the general Trade of the Kingdom would be affected, and the Exports of the Woollen and other Manufactures to Turkey greatly decreased, and many Thousands of themselves reduced to great Indigence, if the said Bill did not pass into a Law.

Progress of the
 Petition.

Bill brought in upon
 the same.

Petition against it.

April 10, The Bill was read a second Time, and Counsel being heard both for the Bill and against it, and several Witnesses examined, the Bill was committed, and all who came to the Committee were to have Votes.

April 18. Mr. Cholmondley reported from the Committee, that they had found the Allegations in the Bill true; upon which the Bill, with the Amendments made in the Committee were ordered to be engrossed.

April 25. The Bill was read a third Time, and the Question being put if it should pass,

Debate upon the
 same.

Henry Fox, Esq; spoke as follows:

Sir,

‘ I don’t stand up to oppose this Bill from any Consideration how far particular Persons may be affected by its Fate,

Henry Fox, Esq;

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but from a Conviction that, instead of its being of real Service to the Commerce or Manufactures of the Kingdom, if it passes into a Law, it may do hurt to both. I have heard the Witnesses both for and against the Bill examined; I was likewise present when the Counsel on both Sides was heard at the Bar of the House; and by what I could gather from the Evidence of the one and the Pleadings of the other, the Practice of weaving Buttons can never prevent any of the good Consequences that were intended by the several Acts of Parliament, in favour of the Consumption of Raw Silk and Mohair, from being effectual; and that the Manufacture which the Bill is intended to destroy, ought to receive the greatest Encouragement from the Legislature. Therefore, Sir, till I hear better Reasons in Support of this Bill than any I have yet heard, I must be against our passing it into a Law.'

He was answered by Mr. Cholmondley, as follows:

Sir,

Charles Cholmond-
ley, Esq;

' I have the Misfortune to differ so much from the honourable Gentleman who spoke last, that I think, if ever any Bill of this Kind deserved the Encouragement of the Legislature, the present does. I think it is generally allowed that one of the Characters of a beneficial Trade, is, when a Nation exports of its Manufactures and native Commodities for such Goods as receive a further Manufacturing in that Nation. Former Parliaments seem to have been so sensible, that the Importation of Raw Silk and Mohair was of the greatest Advantage to the Nation, by increasing the Export of our Woollen and other Manufactures, that few Branches of Trade have met with greater Encouragement from the Legislature, than the making of Buttons and Button-holes with the Needle. So far back as the 14th Year of Charles the Second, this House thought a Petition from the Manufacturers of wrought Buttons and Button-holes so worthy their Consideration, that an Act was passed, Prohibiting the Importation of foreign Buttons and Needle-work, under the Penalty of fifty Pounds, and Forfeiture of the Goods so prohibited. The Petition, Sir, that gave Rise to that Act, was presented to the House, on the very Motive, that gave Occasion to the Bill now before us; which was the Relief of great Numbers of the Inhabitants of this Kingdom, who gained their Living, and had been able to relieve their indigent Neighbours, and set on work many poor Children, by their Skill and Dexterity in this Manufacture; and who were in Danger to have been all ruined by the Practice, then introduced, of importing foreign Buttons and Button-holes into the Nation. ,

In

‘ In the tenth Year of King William, the Intention of the former Acts in favour of this Manufacture, had been so much frustrated by the making and wearing Buttons made of Shreds of Cloth, Camblet, and other Stuffs, that Numbers of poor People employed in manufacturing Buttons with the Needle were thrown upon their respective Parishes : This induced the Legislature to pass an Act just of the same Nature with that now under our Consideration ; by which, Buttons made of Cloth, or any of the Stuffs of which wearing Apparel was usually made, were prohibited. But as this Act did not extend to Button-holes, in the Eighth Year of Queen Anne an Act passed, which took notice, that the Intention of the last Act had been of late, in a great Measure, rendered ineffectual by an artificial and unforeseen Practice of making and binding Button-holes with Cloth, Serge, and other Stuffs, to the utter Ruin of Numbers of Families. Therefore, Button-holes as well as Buttons, made of, or bound with such Stuffs, were prohibited under the Penalty of five Pounds per Dozen on the Taylor, Seller, or Maker of any such Buttons or Button-holes so prohibited. But this Act, Sir, proving no more effectual than the former Acts I have mentioned, for answering the good Intentions of Parliament, an Act was made in the fourth Year of his late Majesty, by which all Clothes and wearing Garments made with Buttons and Button-holes, prohibited by the former Acts, were liable to be forfeited and seized, except where the Clothes were made of Velvet. It might have been reasonably hoped, Sir, after such Precautions taken by Parliament, that the good Ends proposed by the several Acts I have mentioned would have been no longer eluded ; but in the seventh Year of his late Majesty some further Regulations on this Head were found absolutely necessary. Some Gentlemen who are present may remember, that at that Time the only Method that could be thought of for that Purpose, was to extend the Penalty to the Wearer of such prohibited Buttons and Button-holes, as well as to the Maker and Taylor. This gave Occasion for passing the Act intituled, An Act for employing the Manufacturers, and encouraging the Consumption of Raw Silk and Mohair Yarn, by prohibiting Buttons and Button-holes made of Cloth, Serge, or other Stuffs. And by this Act a Penalty was laid upon the Person who wore such prohibited Buttons and Button-holes. This Act, for some Time, had a very good Effect, and the Manufacturers, from the Encouragement which the Parliament has given them from Time to Time, have made a great many Improvements in their Trade, and brought it to such a Perfection, that they are able not only to supply this Nation, but export considerable Quantities of them to foreign Parts.

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So that, Sir, another Character of a good Trade is answered by this Manufacture, which is, the manufacturing and improving, in order for a Re-exportation, a Commodity that is imported. Therefore, Sir, this Act deserves the Countenance of the Legislature as much, if not more, than any Act relating to our Manufactures, that has passed this House for some Years: First, as it tends to take off large Quantities of a staple Commodity of this Nation; and, secondly, as it adds to our Exports: Both which in a Nation that subsists by Commerce are of the greatest Consequence.


But, Sir, besides the Advantages I have already mentioned, it is easy to make it appear that the Encouragement given to this Manufacture is a considerable Ease to the landed Interest. I could name, Sir, many Places of the Kingdom, where the Poor, if not employed in this Manufacture, must be either thrown upon their respective Parishes, or obliged to beg their Bread. I dare say, Sir, that in the several Towns and Cities from which Petitions have come before this House in favour of the Bill, there are no fewer than 140,000 Inhabitants who are incapable to get their Bread in any other way than by applying to this Business. For, give me leave to observe, that in this Manufacture, there is one thing peculiar, which is, that there are few Infirmities either of Age or Sicknes, that disable the Manufacturers from applying themselves to some Branch of it, either in twisting the Yarn, making the Molds, or sewing the Buttons; besides many other smaller Arts that are absolutely necessary for carrying it on. This, Sir, may be the Reason why so great Numbers are employed in this Manufacture, and why some Traders have found their Account in employing all their Stocks, which often are very considerable, that Way.

Having thus laid before you, Sir, the Advantages arising to this Kingdom from the carrying on and improving this Manufacture, I shall beg leave to trouble the House with a few Words more, with regard to the Discouragement which it must meet with, if this Act should not pass. The late Practice of weaving Silk and Mohair in Looms, for the making of Buttons and Button-holes, is but in a very few Hands, when compared with the Numbers who get their Bread by the Needle-work Manufacture, and, if encouraged, may, in a short Time, quite frustrate the Intentions of the former Acts relating to this Affair. Those Buttons that are covered with Slips wrought in the Loom, not being distinguishable from those covered with Shreds of Camblet or other Stuffs, cannot fail of encouraging that Practice, which, as the Act of the 7th Year of his late Majesty is still in Force, may put the Subjects to very great Inconveniencies.

For

For Instance, if a Gentleman should employ a roguish Taylor to make him a Sute of Cloaths, and the Taylor, instead of giving him Buttons either made with the Needle, or woven in the Loom, shall give him those covered with Shreds of Camblet or other Stuffs: In such a Case, the Gentleman, Sir, is liable to a Penalty, tho' quite innocent of any Intention to break this Act of Parliament; so that, Sir, this Practice of weaving Buttons is not only subject to the Inconvenience I speak of, but gives a Handle to intolerable Impositions and Frauds that may be practised by Tradesmen. We had a remarkable Instance, Sir, how easily this Fraud may be practised, in the Evidence given in at the Bar of this House, by some of the principal Witnesses brought to support the Arguments of the Counsel against the Bill. When a Parcel of Buttons was laid before them, some woven in the Loom, others made of Shreds of Camblet and other such Stuffs, tho' it was pretended that the one might be easily distinguished from the other, yet none of the Evidences could possibly say which was the one or which was the other, till they had looked to that Part of the Button that is sewed to the Coat; and not even then without great Difficulty; for some of them were obliged to go to the Light, in order to view them more narrowly, and after all some of them were mistaken, and others could not positively distinguish them. If it was so hard, Sir, for these Evidences, who are themselves Manufacturers and Dealers in woven Buttons, how hard must it be to me, or another Man who knows nothing of the Matter! But, Sir, besides this Inconvenience to particular Persons, such a Practice must soon very much affect the Trade of the Nation. The Practice of making Buttons of Shreds of Stuff will in a short Time become common amongst our lower and midling Sort of People, and do great Prejudice both to the Exportation of Woollen Manufactures, and to the numerous Dealers in Needle-work Buttons at Home: By diminishing the Demand for raw Silk and Mohair, we diminish the Exports of our Woollen Goods; and by encourageing woven Buttons, we endanger the Sale of the Commodities in foreign Markets; and thereby we may diminish another Branch of our Exports. For, Sir, let us suppose that a foreign Dealer gives Commission to his Factor here for a Parcel of Buttons; the Factor, either through Ignorance or Design, sends him Buttons covered with Shreds of Camblet or other Stuff, instead of Buttons woven in the Loom. Is it not plain, Sir, that such a Practice must soon prove the Ruin of this Branch of Trade, and intirely sink the Credit of those who deal in it in foreign Markets? But this, Sir, is not the only bad Consequence that will attend our not passing this Bill into a Law.

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Law. It will be evident to any Gentleman, who shall take the Trouble of reading former Acts that have passed on this Head, that in passing them, the Legislature had an Eye not only to the Encouragement of the Consumption of Raw Silk and Mohair, and the Exportation of our Staple Commodities, but likewise to the Employment and Subsistence of many thousands of Men, Women and Children, who must have been very burdensome to the Publick, had it not been for the Needle-work Manufacture. And give me leave to say, Sir, that if the common Maxim is true, that, that Manufacture is most profitable for a Nation which employs the greatest Number of Hands; the Manufacture of Needle-work Buttons deserves the Attention and Encouragement of Parliament perhaps better than any other in the Kingdom. For in the Preamble of the Act of the 10th of King William, no less than five different kinds of Workers are mentioned to be employed in preparing the Materials for making the Buttons. Therefore, Sir, I think by all the Rules of good Policy, we are obliged to second the Intentions of former Parliaments in favour of this Manufacture, by passing the Bill now before us. It has already employed great Part of our Time this Session, and every Step made in it has been taken upon the most mature Deliberation, and after weighing all the Consequences that can attend it of every Kind. By passing this Act, we do no more than former Parliaments would have done, had the Inconveniency complained of been foreseen at the Time of passing the several Acts, I have mentioned; and in not passing it, I am afraid all their Intentions, in favour of this Manufacture, may be rendered ineffectual.

He was answered to the following Effect, by Henry Archer, Esq;

Sir,

Mr. Archer.

‘ I shall readily agree with the honourable Gentleman who spoke last, that the Manufacture now under our Consideration is of very great Consequence to the Trade of this Kingdom, and that it has from Time to Time met with great Encouragement from the Legislature. Therefore, Sir, if I thought that the good Ends proposed by former Parliaments had been rendered ineffectual, and that our passing the present Bill could render them more effectual, I should be far from opposing it. But, on the other Hand, as I am persuaded that it can no way answer that Purpose, and at the same time, that it tends to do a manifest Injustice to many of his Majesty’s Subjects in their private Properties, I shall beg Leave to give my Reasons why I think myself obliged to oppose it.

The

'The Design of the Encouragement, which the Manufacturing of Raw Silk and Mohair into Buttons and Button-holes has met with, was principally, as the honourable Gentleman who spoke last seemed to allow, to increase the Exportation of our Woollen Manufactures: Therefore, Sir, I think it undeniably follows, that if the Manufacturing of Buttons by weaving them in the Loom, consumes as much Raw Silk and Mohair as working them Needleways, it effectually answers the chief End proposed by former Acts of Parliament that relate to this Manufacture. But by the Manner in which the honourable Gentleman reasons on this Head, one should be apt to think that these Acts restrained this Manufacture to be carried on by the Needle alone, and laid a Prohibition upon all other Methods of improving it. But this, Sir, is a Consequence that can never be admitted by any one who either looks into these particular Acts, or understands the Nature of our Laws in general. If these Words Needle and Needle-work occur in these Acts, it can be for no other Reason but because no other Words were known at that Time to express the Manner of manufacturing of Raw Silk and Mohair into Buttons. Had the Practice of weaving them in the Loom been at that Time known, I think we have not the least Reason to doubt that the same Acts would have regarded that Manner of exercising this Art, as well as the other by the Needle. So that, Sir, I humbly conceive, if it can be proved, First, That not a less, but rather a greater Quantity of Raw Silk and Mohair is consumed by the Loom Manufacturers, than by the Needle-workers: Secondly, That there is no Weight in the honourable Gentleman's Argument drawn from the great Numbers of Hands employed in the Needle-work Manufacture: And lastly, That the Dealers in the Loom Manufacture have in Proportion exported greater Quantities of their Goods than the Needle-workers have done; I say, Sir, if these three Points can be made appear, as I shall undertake to do, than the Arguments advanced in favour of this Bill must fall to the Ground.

The Gentlemen who were present when the Witnesses against the Bill were examined at the Bar of this House, may remember, that it appeared by some of them who had weighed the Materials employed in covering a Dozen of Needle-work Buttons with the same Quantity of woven Buttons, that the latter exceeded the former in Weight; and that, after the woven Buttons were made, the Manufacturers were obliged to cut off some Part of the Lint from each Button, where it was sewed to the Coat, which Waste still increases the Consumption of the Materials. Nor could the Evidence

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for the Bill, Sir, deny, that there was at least an equal Consumption of the Materials in the one Manufacture as in the other. From hence, Sir, it is evident, that the carrying on this Manufacture by the Loom effectually answers the Intention of the Acts passed in its Favour. As to the honourable Gentleman's other Arguments, drawn from the Number of Hands employed in the Needle-work Manufacture, which was the second Point I proposed to speak to, it is, in my humble Opinion, a very good Argument for dismissing this Bill; because, as the Manufacture may be carried on by a much fewer Number of Hands, with equal Advantage to our Trade in general, those who are employed in the Needle-work Way, are so many Hands taken from other Arts and other Manufactures, in which they might be employed to much better Purpose. I believe, Sir, it is not unknown to some Gentlemen in this House, that many of our Manufactures, very beneficial to the Nation, labour under great Disadvantages from the Dearness of Wages, occasioned by the Scarcity of Hands employed in them. But that Inconveniency would be soon removed, if the useless People employed in this and other Manufactures were turned over to the Manufactures that absolutely require them. Thus the honourable Gentleman's Objections arising from his Tenderness for these poor People, deprived of this Way of earning their Bread, will be removed to the Advantage both of the Kingdom, and perhaps of themselves. But to convince Gentlemen how unreasonable this very Argument is, I shall beg leave to apply it to other Cases, where a Manufacture or an Art has received farther Improvements by carrying it on with fewer Hands. There was a Time, Sir, when all the Learning of this Kingdom, and the rest of Europe, was contained in Manuscripts, the writing of which employed great Numbers of Hands, and took up a vast deal of Time in re-copying. But, Sir, how ridiculous would it have been, if on the Discovery of the Art of Printing, the Transcribers and Copyers of those Manuscripts had joined in a Petition to the Legislature, that it would be pleased to prohibit the Art of Printing, for the same Reason which the honourable Gentleman now uses, because great Numbers would thereby be deprived of Bread! But admitting, Sir, this Instance should be thought a little foreign to the present Purpose, I shall beg leave to mention another, which, I think, exactly answers the Case of the Petitioners for this Bill: The Manufacturing of Wooll, Silk, and Thread into Stockings, when that Manufacture was carried on by Knitting, gave Bread to, I believe, as great Numbers of People, as the Manufacture of Needle-work Buttons now does. But, Sir, I never heard that, when the Invention of working
Stock-

Stockings in the Loom was introduced, great Numbers of the Subjects were reduced to Want, and in Danger of starving; or that any Application was made to Parliament in their Behalf. In all civilized Countries, Sir, Inventions for the Improvement of Arts and Manufactures have been encouraged; sometimes Rewards, and sometimes exclusive Rights to exercise them, have been assigned to the Inventors, who are always looked upon as Benefactors to their Country.

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‘ Not only his Majesty, and the general Approbation of the Nation, gave a Sanction to a late Invention for improving one Branch of the Manufacture of Raw Silk, but this very House rewarded the ingenious Inventor with a Present of 14,000 Pounds. This excellent Invention enabled us to carry on the Manufacture with fewer Hands than it required before, and was therefore justly looked upon as a publick Advantage. Now, Sir, I should be glad to know, if Gentlemen would not have thought it a very ridiculous Step in the former Manufacturers, if they had presented a Petition to this House, setting forth, ‘ That if the Use of the Engine invented by Sir Thomas Lombe, was not prohibited by the Parliament, many Thousands of the Petitioners would be ‘ in Danger of wanting Bread.’ I believe no Gentleman can shew me wherein a Petition of this Kind is different from the Petition that gave Rise to the Bill now under our Consideration. Nor can I imagine that any Argument can be advanced in favour of this Bill, that does not equally serve against the Improvement, nay the Invention of any Manufacture. The Longitude, Sir, is a Discovery that would consequently be a great Improvement of Navigation, by rendering it more safe, and Voyages performed in a shorter Time, and so make less Employ for Mariners. Were an ingenious Man to discover the Longitude, would not our Sailors have as good Reason to petition this House against that Improvement of their Art, as the Needleworkers have to petition us against the Improvement of theirs? and would they not have the same Right to Redress? Having therefore, I hope, shewn that this Argument, drawn from the greater Number of Hands employed in the one Manufacture than are employed in the other, is unreasonable in itself, and attended with the grossest Absurdities, I shall now proceed to consider what Effect this Improvement can have upon our Exports.

‘ I believe, Sir, it cannot be disputed that the cheaper a Manufacture is carried on by a Nation, the greater Quantities of that Manufacture will that Nation be able to export. This Truth, I am afraid, appears but too plain in the present State of the British Manufactures; in which our Neighbours, the French, being able to furnish the same Commodities at a cheaper Rate, undersell us at most of the

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Markets in Europe. Therefore, I think, Sir, it is undeniable that every Improvement, which, by diminishing the Number of Hands required in a Manufacture, reduces the Price of the Commodity, ought to meet with Encouragement from this House. That the Method of weaving Buttons is more expeditious than that of Needle-working, has I think in effect been owned by the honourable Gentleman, and the Counsel who have spoke for the Bill. Now, Sir, the more expeditious the Method, the greater is the Reduction of Hands employed: Because, if a Man who now deals to the Value of six thousand Pounds a Year in Buttons, is obliged to employ eight Hands every Day; if four Hands, Sir, can do the same Work that these eight Hands can do; and in as short a Time, he can discharge four of his Hands, and thereby save half his Expences; consequently he will be able to serve a foreign Market at a cheaper Rate than he could before have done. The good Effect of the Reduction of Hands employed in this Manufacture appears from the Examination of the Witnesses against the Bill: For it has been proved, Sir, that, notwithstanding the Obstructions they have met with from the Petitioners for the Bill, the Loom Manufacturers have exported larger Quantities in proportion to the Number of Dealers, than the Needle-workers have ever yet done; and there is, Sir, an obvious Reason for it, which is, that the Loom Manufacturers not only can afford their Commodities much cheaper than the Needle-workers can, but their Commodities are much better in their Kind, much neater, and more lasting, as has been fully proved at the Bar of this House. There is, I think, only one Objection more, which I shall beg leave to answer: The Petitioners for the Bill alledged, that in the Loom Manufacture many Materials are used which are not Mohair, and that therefore the Loom-workers in some Measure elude the Intent of the Acts of Parliament, made for encouraging the Consumption of that Commodity. This Allegation might have had some Weight; but unfortunately for the Petitioners, it is not grounded on Fact. For the Loom-Manufacture does not elude the Intention of these Acts of Parliament, because, though the Manufacturers indeed, make use of some Materials besides Mohair and Raw Silk, yet when the Mohair and Raw Silk of an equal Number of Buttons are weighed, the Materials employed in the Loom exceed those of the Needle-workers; and the other Materials employed in each Buton, are not so heavy as the Waste of the Raw Silk and Mohair which the Loom Manufacturers are obliged to make. But, Sir, besides this Answer drawn from a plain Fact, that appeared at the Bar of your House; give me leave to say, that

that this Objection against the Loom Manufacture is a very strong Reason that we ought to support it; for, as the Intention of these Acts was to encrease the Consumption of our Commodities, therefore, whatever best answers that Intention, best deserves our Encouragement. Now, Sir, it appears that the Materials, besides those of Raw Silk and Mohair, made use of by the Loom Manufacturers, are the Produce of this Kingdom; it appears that their using them does not diminish the Consumption of the other Commodities; and therefore it undeniably follows, that the Loom Manufacture is best calculated for answering the Intentions of the Legislature.

‘ Having thus, Sir, I think, obviated the principal Arguments in favour of the Bill, I shall now beg leave to put Gentlemen in Mind, that, by passing it, we shall do a Thing which I am sure every Gentleman in this House would willingly avoid. We make an Encroachment, Sir, upon the private Property of our Fellow Subjects. We deprive them of the natural Right which every Man, in a Land of Liberty ought to enjoy, of gaining Bread in an honest and lawful Way. Nay more, Sir, we give a total Discouragement to any future Improvement of Arts and Manufactures. How will it sound, to After-Times, that in a Reign remarkable for the Encouragement of all the Arts, especially those of Commerce, a British Parliament, by one Act, prevented all future Improvement of any of these Arts: Let us not, Sir, draw upon us the Imputation of so much Barbarism, let us not give our Neighbours so just a Handle of Reproach; but let us remember, that not only the present but future Ages are concerned in every Step of this Nature we shall make. Had our Ancestors, Sir, discouraged the Improvers of Arts and Manufactures, they could have had no Title to the Gratitude of their Posterity. And, Sir, give me leave to add, that in England the Advancement of the liberal, is but the Consequence of the Encouragement given by the Legislature to the Improvement of the commercial Arts. In all Ages and Countries they have gone Hand in Hand, they have risen and fallen with one another, and whatever has affected the latter, has always proved fatal to the former. Therefore, Sir, I am against our passing this Bill.’

The Question being put, the Bill was rejected. Yeas 85, Noes 111.

April 13. Several Persons were examined at the Bar of the House upon the counterfeiting the Hands of some of the Members in Franks; and they owning the Offence, some of them were committed to the Custody of the Serjeant at Arms, and others of them to Newgate.

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The Chair.
Debate upon print-
ing the Proceedings
of the House.

After which Mr. Speaker informed the House, that it was with some Concern he saw a Practice prevailing, which a little reflected upon the Dignity of that House: What he meant was the inserting an Account of their Proceedings in the printed News Papers, by which Means the Proceedings of the House were liable to very great Misrepresentations. That he had in his Hands a printed News Paper, which contained his Majesty's Answer to their late Address, before the same had been reported from the Chair, the only Way of communicating it to the Public. That he thought it his Duty to inform the House of these Practices, the rather because he had observed them of late to have run into very great Abuses; and therefore he hoped that Gentlemen would propose some Method of stopping it.

Sir William Yonge.

Sir,

Sir William Yonge.

‘ I am very glad you have mentioned this Affair. I have long looked upon it as a Practice very inconsistent with the Forms and Dignity which this House ought always to support; but since you have been pleased to mention this from the Chair, I must beg Leave to carry my Observations a little farther. I have observed, Sir, that not only an Account of what you do, but of what you say, is regularly printed and circulated through all Parts, both of the Town and Country. At the same Time, Sir, there are very often gross Misrepresentations, both of the Sense and Language of Gentlemen. This is very liable to give the Publick false Impressions both of Gentlemens Conduct and Abilities. Therefore, Sir, in my Opinion, it is now high Time to put a Stop to it. Not that I should be for attacking the Liberty of the Press; that is a Point I would be as tender of as any Gentleman in this House. Perhaps some Gentlemen may think it indeed a Hardship, not to be able to find their Names in Print, at the Head of a great many fine Things, in the monthly Magazines; but this, Sir, can never prevent Gentlemen from sending their Speeches, if they please; it only prevents other Gentlemen from being misrepresented, as to what they say, which, Sir, I am sure is what every Gentleman in this House will wish for. Therefore, I hope Gentlemen will consider of some Method of putting a Stop to this Abuse, more effectual than we have fallen upon yet. There is, indeed, a Resolution on our Journals, against printing or publishing any of the Proceedings of this House, but by Authority of the Chair; but People had generally run away with the Notion, that this Prohibition is in Force only during the Time we are sitting, and that as soon as the Session ends, they are at Liberty to print and publish what they please; Therefore, I hope Gentlemen will come into a Resolution,

lution, for explaining that Matter; and if they do, I am very sure that if it is broke through, I myself will move the House, with the very first Opportunity, next Session. But the Printers of the Papers, Sir, which you have in your Hands, cannot even plead the Excuse of the Recess of Parliament; therefore deserve to be punished; and if you do not either punish them, or take some effectual Method of checking them, you may soon expect to see your Votes, your Proceedings, and your Speeches, printed and hawked about the Streets, while we are sitting in this House.'

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Sir William Windham spoke next to the following Effect:

Sir,

'No Gentleman can be more jealous and tender than I Sir Will. Windham have always been of the Rights and Privileges of this House, nor more ready to concur with any Measure for putting a Stop to any Abuses which may affect either of them. But at the same Time, Sir, I own, I think we ought to be very cautious how we form a Resolution upon this Head; and yet I think it is absolutely necessary that some Question should be formed. I say, Sir, we ought to be very cautious in what Manner we form a Resolution; for it is a Question so nearly connected with the Liberty of the Press, that it will require a great deal of Tendernefs to form a Resolution which may preserve Gentlemen from having their Sense misrepresented to the Publick, and at the same Time guard against all Encroachments upon the Liberty of the Press. On the other Hand, Sir, I am sensible that there is a Necessity of putting a Stop to this Practice of printing, what are called the Speeches of this House, because I know that Gentlemen's Words in this House have been mistaken and misrepresented: I don't know, Sir, but I have some Reason of Complaint myself upon that Head. I have, indeed, seen many Speeches of Gentlemen in this House that were fairly and accurately taken; and no Gentleman, when that is the Case, ought to be ashamed that the World should know every Word he speaks in this House: For my own Part, I never shall, for I hope never to act or speak in this House, any Thing that I shall be ashamed to own to all the World. But of late, Sir, I have seen such monstrous Mistakes in some Gentlemen's Speeches, as they have been printed in our News Papers, that it is no Wonder if Gentlemen think it high Time to have a Stop put to such a Practice.

'Yet still, Sir, there are two Considerations, which I own weigh very much with me upon this Occasion. That this House has a Right to prohibit the Publication of any of its Proceedings during the Time we are sitting, is past all Doubt, and there is no Question, but that, by the Resolutions

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tions that now stand upon our Votes, and are renewed every Session, the Printers of the Papers you have in your Hand are liable to the Censure of this House. But I am not at all so clear as to the Right we may have of preventing any of our Proceedings from being printed during our Recess; at least, Sir, I am pretty sure that People without Doors are strongly possessed with that Notion, and therefore I should be against our inflicting any Censure at present, for what is past of that Kind. If Gentlemen are of Opinion, which I do own I am not, that we have a Power to prevent any Account of our Proceedings and Debates from being communicated to the Publick, even during our Recess, then, as this Affair has been mentioned, they will no doubt think it very proper to come to a Resolution against that Practice, and to punish it with a very severe Penalty; but if we have no such Power, Sir, I own I don't see how you can form any Resolution upon this Head, that will not be liable to very great Censure.

' The other Consideration, that weighs very much, Sir, with me upon this Occasion, is the Prejudice which the Publick will think they sustain, by being deprived of all Knowledge of what passes in this House, otherwise than by the printed Votes, which are very lame and imperfect, for satisfying their Curiosity of knowing in what Manner their Representatives act within Doors. They have been long used to be indulged in this, and they may possibly think it a Hardship to be deprived of it now. Nay, Sir, I must go farther: I don't know but they may have a Right to know somewhat more of the Proceedings of this House than what appears upon your Votes; and if I were sure that the Sentiments of Gentlemen were not misrepresented, I should be against our coming to any Resolution that could deprive them of a Knowledge that is so necessary for their being able to judge of the Merits of their Representatives within Doors. If Gentlemen, however, are of Opinion that they can frame a Resolution, which will put a Stop to all Impositions, and yet leave the Publick some Room for having just Information of what passes within these Walls, I shall be extremely glad to give it my Concurrence. But I am absolutely against our stretching our Power farther than it will go consistently with the just Rights of Parliament; such Stretches rather weaken than give any Strength to the Constitution; and I am sure no Gentleman will care to do what may not only look like our claiming Powers unknown to our Constitution, but what, in its Consequences, may greatly affect the Liberty of the Press. If we shall extend this Resolution to the Recess of Parliament, all political Writing, if the Authors shall touch upon any Thing that past in the preceding Session,

may

may be affected by it ; for I don't know that any body would venture to publish any Thing that might bring upon them the Censure of this House.

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' In the mean Time, Sir, I am as willing as any Gentleman in this House, that a Stop should be put to the Practice you have taken notice of from the Chair. It has grown to such a Pitch, that I remember some Time ago there was a publick Dispute in the News Papers, betwixt two Printers or Booksellers of two Pamphlets, which of them contained the true Copy of a certain honourable Gentleman's Speech in this House. It is therefore high Time for Gentlemen to think of somewhat to be done for that Purpose, and I make no doubt but that any Resolution this House shall think fit to come to, will put an effectual Stop to it.'

Thomas Winnington, Esq; spoke next.

Sir,

' I do not pretend to know the Forms and the Powers of this House so well as the honourable Gentleman over the Way, who has much more Experience in both than I can pretend to ; but it is very surprizing to me, that any Gentleman should seem to make a Doubt of the Power which this House has during the Recess of Parliament. It is true, we have no Power, but as a House, to make any Commitment, or to pass any Censure ; but then it is as true, that the Orders and Resolutions of this House are, or ought to be, as binding during our Recess, as during our Sitting. The Reason, Sir, of this is plain ; because we are still the same House, and we have the same Authority during our Adjournment or Prorogation, as when we sit ; our Privileges are the same, and for the same Reason our Acts ought to have the same Force too. Can any Gentleman doubt, that if this House shall come to a Resolution, that if any Person should, during our Recess, presume to print any of our Proceedings, that we would not have a Right to punish him next Time we met together as a House ? I dare say, Gentlemen will not pretend that we have not ; therefore, Sir, I hope you will come to some very strong Resolution upon this Occasion. I hope ye will declare, that whoever shall presume to print any Part of the Proceedings of this House, during the Recess of Parliament, will be equally liable to the Censure of this House as if it were during the Session.

Thomas Winnington, Esq;

' As to what the honourable Gentleman insinuated about the Liberty of the Press being in Danger, it is a Consideration I am in no Manner of Pain about. Our coming to a Resolution, that we will not have what we say misrepresented, can never affect the Liberty of the Press. It is what every private Gentleman has a Right to require, tho' he were out of Parliament ; for I believe no Gentleman would

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would wish to see his Sentiments misrepresented in Print, even tho' they regarded a private Affair; but when such a Thing happens in a Debate, to fix a Gentleman's publick Character, the Consequences are much worse. For my own Part, Sir, I am not afraid of speaking my Mind in this House; but I should be very sorry to see any Thing I say in this House misrepresented in a publick News-Paper; and I should think I had a very good Title to Redress, even tho' I were not a Member of this House.

' But, Sir, setting aside the Case of these Gentlemen's being misrepresented in what they say in these publick Papers, I think it is a very great Injury done us, as a House of Parliament. I don't see why we ought to be less jealous of our Rights and Privileges, than the other House is. I know of no Right we have given up, with regard to our Power to regulate our own Proceedings that the other House enjoys: and I am sure there have been some late Instances, wherein they have, I believe, pretty severely punished some Printers for presuming to publish their Protests. They did this, Sir, not because their Words or Meaning were misrepresented, but because they conceived it to be an Indignity done to them as a House of Parliament, to print any Proceeding of theirs whatsoever, without their Consent and Authority. That of itself, Sir, is a Reason why we ought to put a Stop to this scandalous Practice of printing our Proceedings; because if we should appear less jealous of our Rights and Privileges, than the other House are of theirs, it may be afterwards told us, that we do not enjoy such Rights and Privileges, because at such a Time, when we had the same Reason as the other House had, we did not exercise them. Therefore, if we do not put a speedy Stop to this Practice, it will be look'd upon without Doors, that we have no Power to do it, for the publick will very justly think that if we had such a Power, we would exercise it. And then, Sir, what will be the Consequence; why Sir, you will have every Word that is spoken here by Gentlemen, misrepresented by Fellows who thrust themselves into our Gallery. You will have the Speeches of this House every Day printed, even during your Session. And we shall be looked upon as the most contemptible Assembly, on the Face of the Earth. I agree with the honourable Gentleman over the Way, that it may not be quite so right, to punish those Printers for what they have done already; for really, Sir, we have been so very remiss in putting a Stop to this Practice, that by this Time they may think they are in the Right in what they do. But I can see no Manner of Difficulty we can be under, to come to some very vigorous Resolution to prevent the like for the future. I would have
this

this Resolution, Sir, extended not only to comprehend the Time of our sitting, but of our Recess. If the Printers of the Monthly Magazines, and the other News Papers, are not more cautious for the future, I think we shall be wanting to that Regard, which we owe ourselves as a House of Parliament, if we do not proceed against them with Severity. Therefore, Sir, I hope Gentlemen will think of a proper Resolution with regard to this Matter of Complaint.

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The next who spoke was William Pulteney Esq;

Sir,

‘ I agree entirely with the Gentleman who has already spoken, that it is absolutely necessary a Stop should be put to the Practice which has been so justly complained of: I think no Appeals should be made to the Publick with regard to what is said in this Assembly, and to print or publish the Speeches of Gentlemen in this House, even tho’ they were not misrepresented, looks very like making them accountable without Doors for what they say within. Besides, Sir, we know very well that no Man can be so guarded in his Expressions, as to wish to see every Thing he says in this House in Print. I remember the Time when this House was so jealous, so cautious of doing any thing that might look an Appeal to their Constituents, that not even the Votes were printed without Leave. A Gentleman every Day rose in his Place, and desired the Chair to ask Leave of the House, that their Votes for that Day should be printed. How this Custom came to be dropp’d I cannot so well account for, but I think it high Time for us to prevent any farther Encroachment upon our Privileges; and I hope Gentlemen will enter into a proper Resolution for the Purpose.

‘ But, tho’ I am as much as any Gentleman can be for putting a Stop to this scandalous Practice, I should be very tender of doing it in such a Manner, as may either affect the Liberty of the Press, or make it seem as if we claim a Privilege to which we have no Title. An honourable Gentleman near me was pleased to mention the Powers which the other House had of calling Printers to an Account for printing their Protests. It is very true, Sir, they have such a Power, and they have exercised it very lately; but we have no such Power: They may punish a Printer for printing any Part of the Proceedings of their House, for twenty, thirty, or forty Years back; but then, Gentlemen are to consider that the House of Peers is a Court of Record, and as such, its Rights and Privileges never die: Whereas, this House never pretended to be a Court of Record; our Privileges expire at the End of every Parliament; and the

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next House of Commons is quite different from the last. As to the Question whether we have a Right to punish any Printer, who shall publish our Proceedings, or any Part of them, during our Recess, which I take to be the only Question at present, it may be worthy Consideration: For my own Part, I am apt to think that we may; because our Privileges as a House of Parliament exist during the whole Continuance of Parliament; and our not sitting never makes any Violation of these Privileges committed during a Recess less liable to Censure, the next Time we meet as a House. However, Sir, as it has been long the Practice to print some Account of our Proceedings during our Recess, I am against punishing any Person for what is past, because very possibly they did not know they were doing amiss; and if Gentlemen think fit to enter into any Resolution for the Time to come, I dare say it will be sufficient to deter all Offenders in that Way. But that Resolution, Sir, cannot affect any Person, who shall print an Account of your Proceedings when this Parliament shall be dissolved. There is an * Honourable Gentleman near me, who knows that the History of a whole Parliament was once published in a Six-penny Pamphlet, and their Transactions set in no very favourable Light, for the Gentlemen who composed it. I never heard, Sir, that any succeeding House of Commons took that amiss, nor that the honourable Gentleman, who was generally look'd upon as the Author of it, was ever called to Account by either House of Parliament. Parliaments Sir, when they do amiss, will be talk'd of with the same Freedom, as any other Set of Men whatsoever. This Parliament, I hope, will never deserve it; but, if it did, I should be very sorry, that any Resolutions were entered into in order to prevent its being represented, in the present or the next Age, in its proper Colours. I am sure the honourable Gentleman who sits near me, will agree with me in this; and whatever the other House may do, Sir, I hope we never shall stretch our Privilege, so as to cramp the Freedom of writing on publick Affairs.

‘ But this Consideration, Sir, can never affect the Resolutions which Gentlemen propose to come to now. We have rather been too remiss in not putting a Stop to this scandalous Practice that has been complained of. I always thought that these Pamphlets containing our Debates were circulated by the Government's Encouragement, and at their Expence; for till the honourable Gentleman who spoke last save one

* Meaning Sir Robert Walpole, who, it was said, in the Year 1713, wrote a Pamphlet entitled, *a short History of the last Parliament*,

in the Debate, mentioned the Magazines in the Manner he did, I have been still used to look on the publishing them as a ministerial Project; for I imagined that it being found unpracticable to make the People buy and read the Gazetteer by itself, it was contrived so as that the Writings of the other Party, being printed in the same Pamphlet, it might be some Invitation to the Publick to look into the Gazetteer, and I dare say, Sir, the great Run which the Magazines have had has been entirely owing to this Stratagem. The Good and the Bad are printed together, and People are by that Means drawn in to read both. But I think it is now high Time, to put a Stop to the Effects they may have, by coming to a Resolution that may at least prevent any Thing being published, during the Time of our sitting as a House, which may be imposed upon the World as the Language and Words of Gentlemen who perhaps never spoke them.'

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Sir Robert Walpole spoke next :

Sir,

' You have with great Justice punished some Persons, Sir Robert Walpole for forging the Names of Gentlemen upon the Backs of Letters; but the Abuse now, complained of is, I conceive, a Forgery of a worse Kind; for it tends to misrepresent the Sense of Parliament, and impose upon the Understanding of the whole Nation. It is but a petty Damage that can arise from a forg'd Frank, when compared to the infinite Mischiefs that may come from this Practice. I have read some Debates of this House, Sir, in which I have been made to speak the very reverse of what I meant. I have read others of them wherein all the Wit, the Learning, and the Argument has been thrown into one Side, and on the other nothing but what was low, mean, and ridiculous; and yet when it comes to the Question, the Division has gone against the Side, which upon the Face of the Debate had Reason and Justice to support it. So that, Sir, had I been a Stranger to the Proceedings and to the Nature of the Arguments themselves, I must have thought this to have been one of the most contemptible Assemblies on the Face of the Earth. What Notion then, Sir, can the Publick, who have no other Means of being inform'd of the Debates of this House, than what they have from these Papers, entertain of the Wisdom, and Abilities of an Assembly, who are represented therein to carry almost every Point against the strongest and the plainest Argument and Appearances. However, Sir, as I believe Gentlemen are by this Time pretty sensible of the Necessity of putting a Stop to this Practice, it will be quite unnecessary for me to argue a Point wherein we are all agreed. But I cannot help taking Notice of one Thing mentioned by the ho-

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nourable Gentleman who spoke last, since I was the Person to whom he was pleased to appeal. He mentioned, that the History of a whole Parliament had been printed, and seemed to insinuate from this, that People might make very free with Parliaments. Really, Sir, I will be so free as to own that I do know of such a Pamphlet being printed; nay, I believe, I know a little of the Author, and the Publication. But at the same Time I know Sir, that, that was one of the worst Houses of Commons that ever this Nation saw; that they had a Design to introduce the Pretender; that they had approved of a scandalous Peace, after the most glorious War that was ever carried on; and had it not been for some very favourable Circumstances that fell out, they would have set aside the present happy Establishment in his Majesty's Person and Family. I hope, Sir, no Gentleman will find Fault with any Reflections, that could be thrown out against such a House of Commons: I hope likewise, that no Gentleman will pretend to draw any Parallels betwixt their Conduct and ours. But, Sir, besides these Considerations, Gentlemen are to reflect, that the Parliament which was described in that History, had been dissolv'd before the History itself was published. And not only so, Sir, but there is a noble Lord in the other House, who can, if he pleases, inform Gentlemen, that the Author of that History was so apprehensive of the Consequence of printing it, that the Press was carried to his House, and the Copies printed off there.

' This, I think, Sir, will be sufficient to shew, that the Author did not think himself quite out of Danger, even tho' the Parliament was dissolv'd. But, I am not at all for carrying Things to such a Length at present: It may be sufficient, if we come to a Resolution to prevent the Publication of any Part of our Proceedings during the Recess, as well as the Sitting of the Parliament. As to what the honourable Gentleman said, with regard to the Magazines being published and distributed by Order, and at the Expence of the Government, I don't know if he was serious or not. If he was serious, he must have a very contemptible Opinion of the Understanding of those Gentlemen, who have the Honour to serve his Majesty, if he imagines that they would be so weak as to propagate Papers, every Page almost of which hath a direct Tendency against their own Interest. If any Gentleman will take the Trouble, which I own I very seldom do, to look into one of these Magazines, he will find four Pages wrote against the Government for one that is in its Favour; and generally the Subject is of such a Nature, as would be severely punished under any other

other Government than our own. If the honourable Gentleman was not serious, I think a more proper Time might have been chosen for shewing his Wit, than while we are considering of the Means of putting a Stop to a Practice, which he himself, and every Gentleman who spoke in this Debate, allows so nearly to affect the Dignity and Privileges of this House. For my own Part, Sir, I am extremely indifferent, what Opinion some Gentlemen may form of the Writers in favour of the Government: But, Sir, I shall never have the worse Opinion of them for that: There is nothing more easy than to raise a Laugh; it has been the common Practice of all Minorities when they were driven out of every other Argument. I never shall be afraid, Sir, to do what I think right, and for the Service of his Majesty and my Country, because I may be laughed at. But really, Sir, I will be so free as to say, that if the Want of Wit, Learning, Good-manners, and Truth, is a proper Object of Contempt and Ridicule, the Writers in the Opposition seem to me to have a much better Title to both than those for the Government. No Government, I will venture to say, ever punished so few Libels, and no Government ever had Provocation to punish so many. I could name a Government in this Country, Sir, under which those Writings, which are now cry'd up, as founded upon the Laws, and in the Constitution, would have been punish'd as Libels, even by Gentlemen who are now the warmest Advocates for the Liberty of the Press, and for suffering the Authors of those daily Libels that appear in Print to pass with Impunity. But I ask Pardon for what I have said that may appear foreign to the present Consideration; I was led to it by what had been thrown out by the Gentleman, who spoke before.'

Then Mr. Speaker having drawn up the Question, it was unanimously resolved,

That it is a high Indignity to, and a notorious Breach of the Privilege of this House, for any News-Writer, in Letters or other Papers, (as Minutes, or under any other Denomination) or for any Printer or Publisher, of any printed News Paper of any Denomination, to presume to insert in the said Letters or Papers, or to give therein any Account of the Debates, or other Proceedings of this House, or any Committee thereof, as well during the Recess, as the Sitting of Parliament; and that this House will proceed with the utmost Severity against such Offenders.

Friday, May 5th. Mr. Pulteney rose and spoke as follows:

Sir,

'The advanced Season of the Year, together with the Apprehensions of a Rupture happening betwixt Spain
and

Mr. Pulteney.

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and Great-Britain, before our next Meeting, makes it necessary for us to enter into such Measures as may render the War, should any happen, successful on our Part. By the Resolutions which we have already come to this Session, we have enabled his Majesty to provide for War; we have declared our Readiness to stand by him, in whatever Measures he may find necessary for vindicating the Honour of his Crown, and for procuring Reparation to his injured Subjects, and Satisfaction for the Insults that have been put upon the Nation. At the same Time, Sir, these Resolutions are upon the clearest Proofs of an insolent unjustifiable Conduct on the Part of Spain, and which, without a very ample Satisfaction on their Part, must unavoidably occasion a War betwixt the two Nations before next Session of Parliament.

In the Event of a War, I believe, no Gentleman doubts but that it must on our Part be a Sea War; and if it is a Sea War, we ought to consider of the proper Measures for annoying the Enemy as effectually as possible. In order to do this, we ought to consult the Conduct of that wise Administration, which carried on the last great War in Europe. These great Men, Sir, found by Experience, that the Prize Offices, notwithstanding all the Precautions taken to regulate them, were Discouragements to the brave Seamen who had ventured their Lives in their Country's Service: For when a Prize was brought in, the Commissioners of the Prize Offices, their Clerks, and the other Offices attending them fell upon so many low Shifts to defraud the poor Sailors, first by deducting so much clear of the Prize for the Crown, then so much for their own Perquisites, that I have many Times known a Prize bring the Captains into Debt to the Crown. For this Reason it was necessary in the 6th of Queen Anne, to pass an Act for better settling the Trade of the Kingdom by Cruisers and Convoys. By this Law, which was made only to continue during the War we were then engaged in, it was enacted, that if any Vessel should be taken by any Ship of War, or Privateer, and condemn'd as Prize, the Officers and Seamen concerned in taking her should have the sole Interest and Property in the Ship and Cargo so taken. By the same Act proper Methods were laid down for managing and disposing of the Prize, and for dividing the Money arising from the Sale thereof among those that had, and ought only to have a Right to it, without subjecting our brave and honest Seamen to the Fees and Perquisites, and usual Purloinings of a publick Office. And as a farther Encouragement for our Seamen to weaken and distress the Enemy, by seizing and taking their Ships, a Reward of five Pounds to be paid out of the publick Revenue was given to every Man that was on board such Ships of War, or Privateer.

teer, at the Beginning of the Engagement ; so that every Seaman had the Comfort to think, that if he was killed in the Action, his Wife and Children, or his Executors, would be sure of getting something by his Death.

‘ But this Affair having been once brought under the Consideration of Parliament, even this Law was not thought sufficient for the Encouragement of our Seamen, and for preventing the Abuses that had been put upon them ; and therefore, Sir, another Act was passed the same Year, for encouraging our Trade to America, by which it was expressly enacted, That all Prize Offices should be suppressed, and that the Officers and Seamen of every Ship of War should have the sole Interest in all Ships and Goods, being first condemned by the proper Court as lawful Prize. By the same Act it was likewise enacted, that during the War, the Lord Admiral, or Commissioners of the Admiralty, should, at the Request of any British Owner of any Ship, giving Security as usual, except for Payment of the Tenth to the Lord-Admiral, grant Commissions to the Commanders of such Ships, for seizing Ships and Goods belonging to his Majesty’s Enemies in any of the Seas or Rivers in America : And that the Ships and Goods so taken, after being adjudged Prize, should be divided amongst the Owners of, and Persons on board the Ships that took them, according to the Agreement that had been made between the Owners and the Ships Crew. And in order to encourage private Men or Societies, to be at the Expence of attacking and making War on the Enemies of their Country, it was by the same Law enacted, that her Majesty, during the War, might grant Commissions or Charters to any Persons or Societies, for taking any Ships, Goods, Harbours, Lands, or Fortifications of her Majesty’s Enemies in America, and for holding and enjoying the same as their own Property and Estate for ever.

‘ But all these Regulations, Sir, being determinable at the End of the War, they can at present be of no Manner of Use to the Nation. However it is evident, that if we would do any Thing effectual against Spain, these Regulations must be reviv’d ; it is evident that if they are not revived, our Sailors, upon the Commencement of Hostilities, will be subjected to all the Inconveniencies which rendered the passing the two Laws, I have now mentioned, necessary. The Officers who must be concerned in the Prize-Offices, would, I believe, have as clammy Fingers as any of their Predecessors, and the brave Sailors be as much imposed upon. A Bill for remedying these Inconveniencies cannot be objected to, but by those who wish this Nation no Success in any Thing undertaken for the common Good. I am indeed sorry, that the
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Regulations contained in the two Acts I have mentioned, were not made perpetual ; which might then easily have been done, because it might have been enacted, that they should at the Beginning of every future War be revived by his Majesty's Proclamation, and that they should then continue in Force, till his Majesty put a Stop to them by a new Proclamation : This, I think, Sir, was a Fault ; and as we are now in Danger of being involv'd in a War before next Session of Parliament, we ought therefore, in this Session, to repair that Fault or Oversight, by enacting, that in case of a War with Spain, these several Regulations should be revived. The Bill, Sir, which I intend to move for, is calculated for this and no other Purpose ; for as it introduces no new Law, nor proposes the establishing any Regulations, of which we have had no Experience ; as its only Intention is to revive some former temporary Regulations, that were found to be of great Advantage during the last War ; it can occasion no Jealousy or Suspicion in any British Subject, nor can it give Uneasiness to any Man that wishes well to Great Britain. It may indeed give some Uneasiness and Concern to the Court of Spain, because it will convince them we are resolved not to be put off any longer with tedious Negotiations or sham Treaties : That nothing will now prevail but granting us immediate and full Satisfaction : And that if we send out any more Squadrons, it will not be to pay them a Compliment, but to pour down the Vengeance of Great Britain upon them. This will be more effectual for preventing a War than all the Treaties which we have been puzzling out for these eighteen or twenty Years, and at the same Time be an Encouragement for our People at home, to contribute with Cheerfulness their Proportion of the great Expences which the present Situation of Affairs requires.

The other Arguments, Sir, which may be advanced to support the Bill, which I intend to move for, will perhaps come more properly in another Time. At present I humbly move, that the sixth and eighth Sections of an Act made in the sixth Year of the Reign of Queen Anne, intituled *An Act for the better securing the Trade of this Kingdom by Cruizers and Convoys* ; and also the second Section of an Act made the same Year, intituled, *An Act for the Encouragement of the Trade to America*, may be read.

The Question being put, the same were read accordingly.

Sir Robert Walpole spoke next :

Sir,

Sir Robert Walpole.

I believe Gentlemen will be pretty much disappointed, when I assure them that I do not rise up to oppose this Bill, hinted at by the honourable Gentleman who spoke last.

I

I am for my own Part persuaded, when it comes before the House, that it will appear a very improper Bill at this Juncture, and I will undertake to prove it so. I cannot however avoid taking notice how different the Time and the Manner in which the two Bills mentioned were brought in, is from the Time and Manner in which the honourable Gentleman proposes to bring in his Bill.

‘ As to the Time Sir, the two former Bills were passed, after the Nation had been five or six Years in actual War; therefore neither we nor our Allies could suffer by any precipitate Declaration of such a Measure as this is. By these Bills, Sir, we did not make one Nation in Europe our Enemy; we gave no Jealousy to our Allies; we put the Crown under no Difficulties: But I shall submit it to Gentlemen’s Consideration, how far it is possible to avoid these Inconveniences, should such a Bill pass at present. It would perhaps, Sir, be looked upon as anticipating the Debate, should I enter upon any Discussion of our present Situation at home and abroad. That is a Consideration which will be much more proper when the Bill is brought before us. Thus much only I will venture to say, that I shall never be either afraid or ashamed of opposing any Bill, which may tend to plunge this Nation into a ruinous and perhaps doubtful War.

‘ Having said thus much, Sir, with regard to the Timing of this Bill, give me leave just to touch upon the Manner in which it was brought in. I am old enough, Sir, to remember, that when the two Bills passed in the sixth Year of Queen Anne for the Purposes mentioned by the honourable Gentleman, were brought in, the Crown had previously given up its Title to the Share which it claimed in the Prizes. We had likewise some Regard to the Rights of the Lord High Admiral. Gentlemen will consider if we can properly bring in any Bill of this Nature, without some previous Steps of that Kind: However, as I am intirely ignorant of the Shape in which the Bill may appear, I shall not oppose its being brought in.

Sir William Windham spoke next :

Sir,

‘ The honourable Gentleman who spoke last, did not indeed oppose the Motion for bringing in this Bill, but he took care to let Gentlemen know that he thought it a very wrong Thing to bring it in at all. But I hope Gentlemen will not for all that be so far prepossessed against it as to think it a bad Bill, because one Gentleman does not think it fit for his Purpose. As to what the honourable Gentleman said about the Time in which this Bill is moved for; instead of being sorry with him that it is too precipitate, I am sorry we are so late in moving it. We are not indeed in actual War at present with the Spaniards, but I am very sure they

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are at War with us, and have been so these twenty Years; therefore it is now high Time for us to shew them that we dare make War upon them.

' The honourable Gentleman's other Objection was to the Manner in which this Bill is to be brought in. I believe, Sir, it is as regularly moved for as any other Bill of the same or a like Nature ever was. We have indeed had no previous Notice from the Crown of a Cession of its Right in the Prizes; but I apprehend there is no Occasion for it, as will appear when the Bill is brought in. As to what the honourable Gentleman said about the Crown's previously giving up its Share in the Prizes, if it is Fact, it discovered great Wisdom and Honesty in the then Ministry, in advising the Crown to such a Cession; but I apprehend the Cession which the honourable Gentleman means, was no other than a Paragraph in a Speech from the Throne, three or four Years before the Acts from which you have heard the Paragraphs read were passed, and which I believe had no Weight with the House of Commons which passed these Acts. The honourable Gentleman mentioned the Rights of the Lord High Admiral. If the Lord High Admiral has any Claim against this Bill, I dare say the Gentleman, in whom that great Office is now vested, will take care that no future Lord High Admiral shall suffer for Want of an Opposition to any Invasions upon his Rights: So I hope Gentlemen will not be amused by any Assertions or Insinuations, as if this Bill were disrespectful to the Crown, or prejudicial to any of the great Officers; it can be of Prejudice to none but to those who are so to the Nation.'

Motion by Mr. Pulteney for the Bill.

Mr. Pulteney then made a Motion, seconded by Mr. Sandys, that Leave be given to bring in a Bill for the more effectual securing and encouraging the Trade of his Majesty's Subjects to America; which was ordered accordingly, and Order'd, That Mr. Pulteney, Mr. Sandys, and the Lord Mayor of London do prepare and bring in the same.

The Bill presented.

Monday, May 8. Mr. Pulteney presented to the House according to Order the said Bill, and it was read a first Time.

Committed.

Tuesday, May 9. It was according to Order read a second Time, and committed to a Committee of the whole House for May 11.

Thursday May 11. The Orders of the Day being read, it was resolved,

Resolution to commit it.

That this House will To-morrow Morning resolve itself into a Committee of the whole House upon the Bill for the more effectual securing and encouraging the Trade of his Majesty's British Subjects to America.

The Commitment moved for by Mr. Pulteney.

Friday May 12. About 12 o'Clock Mr. Pulteney moved for the Order of the Day, and was seconded by Mr. Sandys:
But

But the Bill to empower the Lord-Mayor and Aldermen of the City of London to set the Price upon all Coals commonly called Sea-Coals, imported into the Port of London from Newcastle and the Ports adjacent thereunto, for one Year, having taken up a great deal of the House's Time that Session, Mr. Winnington, who was Chairman of the Committee, to which it was committed, opposed the same; upon which the Speaker said:

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Mr Winnington
opposes it

' Gentlemen,

' A Motion so unexpected as the present makes it difficult for me to determine in what Manner to behave: It has never been the Custom in this House to call for the Order of the Day till two o'Clock at soonest, because by that Hour Gentlemen are all present in the House, and thereby have the fairer Opportunity of knowing the Sense of the House upon the Business of the Day: But as this Motion has been made by an honourable Gentleman, and regularly seconded by another, it is my Duty, if the Motion is not retracted, to take the Sense of the House upon it. And Gentlemen I hope won't be offended, if previous thereto I acquaint them with my Thoughts of the Matter. It is always my Custom, Gentlemen, before I take the Chair, to digest in my own Mind the Manner in which the Affairs of the Day may be best carried on, both for the Ease of Gentlemen, and the Dispatch of Business. Gentlemen know very well that this Day they are to have a Conference with the Lords about some Amendments to the Bill for the more effectual securing the Payment of Rents to Landlords, and preventing Frauds in Tenants. As I believe the Conference will not continue very long, perhaps not half an Hour, and very little of our Time will be spent in the reporting it, I thought the most proper Way of proceeding on the Business of the Day, was first to consider the Amendments of the Coal-Bill, then go to the Conference, and when Gentlemen are returned from the Conference, which may be about half an Hour after two o'Clock, to call in the Order of the Day, for which the present Motion is made. This, Gentlemen, is the Scheme which I had digested with myself, and I wish it may be agreeable to the House.'

Debate upon Order
The Chair.

Mr. Pulteney.

Sir,

' When I made the Motion, it was not with a Design to put the House to any Inconveniences, or to interrupt the other Business of the Day. But since the Session of the Parliament is now so far advanced, that, if I am rightly informed, it will continue but three Days longer; and since this Bill is of the greatest Consequence to the Trade and Welfare of the Nation; and if we do not go through it to-day in the

Mr Pulteney

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Committee, it is in Danger of being dropped intirely, I thought it necessary to press the Consideration of it. The Coal Bill, I know, though of less Importance, will, when we enter upon it, engross much of our Time, of which Part may be saved, by putting off the Report for a Day, because Gentlemen will have Leisure to concert the Amendments among themselves, and the House will perhaps escape the Trouble of a Debate. But the Bill in my Hands is of a different Nature ; it is a Bill in which we are all equally concerned, a Bill for which the Publick is anxious, and which claims all the Attention we can give : Gentlemen can never be more usefully employed than in seriously examining how it may be amended or altered, so as best to answer the Ends for which it is calculated. For these Reasons, Sir, I shall beg Leave to insist upon my Motion, -

Mr. Winnington.

Sir,

Thomas Winning-
ton, Esq;

‘ I do not believe that there is a Gentleman in this House who remembers a single Instance of the Order of the Day being called for before two o’ Clock. It has always been the Method of this House to receive Reports before any other Business was engaged in ; and I have now, Sir, in my Hand ; the Report of a Committee upon the Amendments to a Bill, on which this House has bestowed more Time and Consideration than upon any Bill that has been before it this Session. I shall not dispute the Importance of the Bill which the honourable Gentleman has in his Hand ; but surely, Sir, Gentlemen have no Reason to complain of the Reception it hath yet met with from the House. It has been twice read, and ordered to be committed in as short a Time as any Bill could be, at the End of a Session, and amidst such a Multiplicity of Business ; it is therefore, Sir, I think, but reasonable, that the Report I have in my Hand be now received, and that the Bill for which the honourable Gentleman interests himself, take its Turn in a regular Way.’

Upon this Mr. Speaker intimating as if it would be agreeable to him if the Motion was dropt, Mr. Pulteney said,

Sir,

Mr Pulteney

‘ Tho’ I might very well be excused from retracting the Motion I have made, yet your Judgment, Sir, shall always have great Influence with me. If therefore Gentlemen will be pleased to agree to your Proposal, I am content that the Report which the honourable Gentleman has to make be now received.

No Reply being made to this, Mr. Winnington read the Report from the Committee on the Coal Bill, and the House went thro’ the first Amendment ; which occasioning some Debate, employed them till two o’ Clock, the Hour appointed

ed for the Conference. In the mean Time, Sir Robert Walpole and many other Members coming into the House, Mr. Winnington moved that the farther Consideration of the Amendments should be resumed when the Conference was over. Upon this Mr. Pulteney rose, up and spoke in Substance as follows :

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Sir,

‘ If there is either Faith, Honour, or common Justice Mr. Pulteney.
amongst Gentlemen, this Motion ought not be agreed to. I appeal, Sir, to every Gentleman who was in the House, when I moved for the Order of the Day ; if I did not retract my Motion, from a Deference to your Judgment, which influenced me to agree to what was contrary to my own. You was pleased, Sir, to inform us how you had digested the Business of the Day in your own Mind ; and in consequence of your Proposal, we were, immediately after the Conference, to enter upon the Order of the Day. This Sir, I agreed to, and not one Gentleman expressed his Dissent. With what Face then can Gentlemen make a Motion so contrary to what they agreed to scarce an Hour ago ! This, Sir, is, I must own, a very extraordinary Manner of proceeding amongst Gentlemen ; and for that Reason, Sir, were it for no other, I hope this House will never agree to so pernicious a Precedent.’

Mr. Winnington spoke next :

Sir,

I do not know how just a Construction the honourable Mr. Winnington.
Gentleman who spoke last has put upon your Words, but I am sure I understood them in a Manner quite different from what he seems to have done. It never enter’d, Sir, into my Head, to think that we were to leave the Coal Bill abruptly, and not proceed again in it, when the House comes from the Conference. I could wish indeed that Gentlemen had met with no Difficulties in the Amendments, that we might have gone into a Committee upon the honourable Gentleman’s Motion, when we returned from the Conference. But, Sir, as this is a Bill of very great Consequence to the Cities of London and Westminster, I hope Gentlemen will be pleased to consider, that if they should postpone it now, it perhaps may not be ready for the Royal Assent this Session ; and that before the next, Extortion may proceed to greater Enormities, and the Grievance become too heavy to be borne. A Man, Sir, must always be the best Judge of his own Intentions, and I declare I never had Intention of leaving this Bill unfinished, in order to proceed upon another, which, however fond some Gentlemen are of it, may perhaps, when carefully examined, not be found of such Importance as they imagine.’

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Several Gentlemen then declared that they apprehended the House was to proceed upon the Coal Bill till the Time appointed for the Conference, and that when the Conference was over, they were immediately to resolve into a Committee upon the Bill mov'd to be considered. At the same Time they called loudly upon the Chair to inform the House, if that was not his Meaning? if he did not understand that it was upon that Assurance that the Motion made by Mr. Pulteney was retracted?

Mr. Speaker seeming unwilling to give any positive Decision, Sir Robert Walpole rose, and spoke to the following Purpose:

Sir,

I own myself a little unfit to speak in this Debate, because I was not present when the honourable Gentleman made the Motion that gave Rise to it. But, I think, Sir, neither the honourable Gentleman himself who made the Motion, nor any of his Friends who have since given the House their Sense of the Matter, have affirmed, that the honourable Gentleman who opposed the Motion dropt one Word, from which it could be inferred that he should be willing that the House should leave the Bill upon which we now are, without completing it, in order to examine another Bill, only because it is so much a Favourite of the honourable Gentleman who made the Motion, that rather than omit any Thing that could tend to promote it, he chose to act in a Way somewhat dark, artful, and suspicious, by moving for the Order of the Day at a very unusual Time, when by the well-known Form of the House, the Preference was to be given to other Business.

This, among Gentlemen, is an uncommon Way of acting, and like gaining a stolen March upon a dreaded Adversary.

If, Sir, one Gentleman has a Fondness for a Bill which has, perhaps, cost him some Trouble in preparing and bringing into the House, sure it is very reasonable to indulge another Gentleman in the same Partiality for one that has cost the House so much Time and Trouble in examining, canvassing, and amending, as the Bill now under our Consideration has done.

For this Reason, Sir, I am for resuming the Consideration of this Bill, and when we have gone thro' it, I shall, with all my Heart, agree to our examining the other Bill, if the House shall think proper. In the mean Time, Sir, I cannot see with what Reason the honourable Gentleman who made the Motion should accuse Gentlemen of Breach of Faith, Honour, and common Justice, for not understanding your Words in the very same Manner with himself: Nor indeed do I think a Matter of this Importance ought to have taken up so much of our Time: Nobody opposes our going into a Committee upon this Bill; only let us
do

do it at a convenient Time, without postponing other Business that ought to have the Preference. Therefore, Sir, I am entirely of Opinion, that we ought to resume the further Consideration of the Bill now before us.'

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Mr. Pulteney.

Sir,

' From what was last spoken, I can easily foresee the Fate of the Bill I have now in my Hand: I can discern thro' all these thin Disguises, that some Gentlemen have Recourse to a mean Expedient to hinder us from considering a Bill against which no Shew of Reason or Argument can be advanced. I hate, Sir, all Expedients, and I disdain all Ministers who use them. Some Ministers, Sir, there are, who live upon Expedients, and who cannot do their dirty Work without them. Expedients, Sir, in the Hands of weak Ministers, are the Instruments of defeating the most beneficial and of promoting the most destructive Measures. Some Ministers know, Sir, that the Bill for which I now stand up, is a Bill that leaves no room for cobweb Negotiations, inconsistent Treaties, or mock Expeditions for the future; and that, Sir, is the Reason why this Method is made use of to undermine it. If I had been capable of acting as the honourable Gentleman who spoke last has suggested, I might have had many Opportunities of taking the Advantage of a thin House, either to bring in or throw out Bills of the greatest Consequence. I appeal to every Gentleman who hears me, if it has not been many times in my Power to have dropt in, even upon a Land-Tax Bill, with half a Dozen of my Friends, and to have thrown it out. But, Sir, I have always disdained these Arts. The Bill, Sir, for which I have laboured, will I hope, recommend itself to every Gentleman who has a just Sense of his Country's Honour; and if it is decreed that it must fall to the Ground, I shall at least have the Satisfaction of doing my Duty honestly as an Englishman and a Member of this House. One good Consequence I am persuaded will attend it: My Countrymen will learn, by the Fate of it, what they are to expect; they will learn, Sir, whether we are tamely to submit to Insolence and Oppressions, or to seize the Means of redressing them.'

This Speech put the House into some Confusion, and being personally levelled against Sir Robert Walpole, he thought proper to make the following Answer:

Sir,

' Tho' the Manner in which the honourable Gentleman who spoke last delivered himself — may well excuse me from saying any Thing in answer to a Speech so very unparliamentary, and so very inconsistent with all the Rules of common Decency; yet I think I ought to shew so much Regard to the House as to declare, that I abhor dirty Expe-

Sir Robert Walpole.

Anno 18 Geo. II.
1738.

Expedients as much as the honourable Gentleman would be thought to do. As for his common-place Railing against Ministers, it gives me very little Trouble, so long as I am conscious I do not deserve to have it apply'd to me. Were I ambitious of shewing my Wit, I might have a fair Opportunity of doing it by raising against Mock-Patriots as much as the honourable Gentleman has been pleased to do against corrupt Ministers, and both perhaps might be equally instructive to the House. But, Railing of all Kinds, Sir, has always been look'd upon as the last Expedient of disappointed Ambition, and a poor Expedient it is. Were I one who for many Years had unsuccessfully endeavoured, by all the Arts that Malice and Falshood could suggest, to work myself into those Posts and Dignities that I outwardly affected to despise; I know not how far, Sir, my Temper might be lowered, as to make Use of such an Expedient; but really, Sir, if I did, I should make but a very poor Figure in the World. Why the honourable Gentleman should suppose there was any premeditated Design in the Ministry to throw out his favourite Bill, I cannot comprehend. I believe every Gentleman here will in his own Mind acquit the Ministry of any such Design, when he reflects upon the Circumstance that gave Rise to this Debate. For my Part, Sir, I doubt not but I shall be able, without having Recourse to any other Expedient than Reason and Argument, to shew that the Bill for which the honourable Gentleman so earnestly pleads is a very bad Bill; that it is a Bill with a specious Title, but of a destructive Tendency. But, Sir, as it depends principally upon you to clear up the Facts that gave Rise to this Debate, I shall take the Liberty to beg that you would inform the House how the Matter stands, and for my own Part I shall very chearfully acquiesce in your Decision.

When Sir Robert sat down, the House almost unanimously cry'd out the, The Chair! the Chair! Upon which Mr. Speaker spoke to the following Effect:

Gentlemen,

' I am extremely sorry that any Thing which fell from me should have given Occasion to a Debate of this Kind, and it is a very disagreeable Business to be obliged to declare my Opinion in the present Case: However, Gentlemen, as you call upon me so loudly, and so unanimously to do it, I will, without Regard to any Persons, or to any Distinctions, inform the House of my real Sentiments. When I made this controverted Proposal, I thought there was but very little to do in the Coal Bill, and that it might have been easily over before the Hour appointed for the Conference; and indeed I must, in justice to the honourable Gentleman who made the

The Chair,

the first Motion, declare, that as I understood it, he retracted his Motion upon the Supposition that the House complied with the Terms which I proposed. These Terms were, that we should, after the Conference was over, immediately go into a Committee upon the hon. Gentleman's Bill. As no Objection was made to what I suggested, either by the hon. Gentleman who made the last Motion, or any of his Friends, I did, indeed, take it for granted that the Terms of my Proposal were actually agreed to. However, I shall be very proud, if what I am now going to suggest can contribute to make up this Breach. The Conference will probably be over in half an Hour, during which Time all Proceedings on Business in this House are at a Stand, and Gentlemen may thereby have an Opportunity of preparing Matters so as to render it easy for the House to dispatch the Coal Bill in a very short Time. I shall therefore take the Liberty to propose, that after Gentlemen are returned from the Conference, the House shall proceed for half an Hour upon the Coal-Bill, and then resolve into a Committee on the other. If the Coal-Bill cannot be dispatched in half an Hour, I hope Gentlemen will be pleased to agree with our meeting To-morrow; and if they will come early, I believe we shall have Time enough for going through the Coal-Bill, and receiving the Report of the other Bill.

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1738.

Upon this Mr. Pulteney rose and spoke to the following Purpose'.

Sir,

' I own the Warmth of my Temper transported me, when I spoke last, into some Expressions, for which I am now very sorry. But what Man, treated as I was, could have avoided some Excess. As you, Sir, have been so candid as to inform the House of the Truth of the Matter, and so kind as to propose the Method of our Proceeding, I entirely agree with your Proposal. I hope it is fully understood by Gentlemen, and that there will be no Mistakes about it when the proper Time comes.'

There being no Objection made to this Proposal, the Names of the Gentlemen appointed to manage the Conference were called over, and after they had been gone about half an Hour, they returned; upon which every Thing was carried on according to what Mr. Speaker had said.

After the first reading the Bill, Sir Robert Walpole spoke as follows.

Sir,

' I don't rise up now to give my Negative to the Bill before us; I only intend at present to throw out a few Inconveniencies that to me appear to lie against

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1718.



against it, which, upon our farther Progress, may be worthy Consideration. At the same Time I own myself to be under great Difficulties. On the one Hand, should I vote for Measures, that must either inevitably plunge us into an expensive and an uncertain War, or make the Conclusion of a safe and honourable Peace more difficult, I shall act contrary to my own private Opinion, contrary to the Duty I owe to his Majesty from the Station I have the Honour to possess in his Councils, and contrary to what I owe my Country from the Seat I have in this House. On the other Hand, I am too sensible of the many Violences committed, and Seizures made by the Spaniards, to oppose any Thing that carries a Probability of contributing to the Satisfaction which is due to our injured Merchants, to the Honour of the Nation, and the Dignity of the Crown of Britain. I shall therefore take the Liberty to state some Difficulties that in my Apprehension lie against passing the Bill now before us. And that I may do it the more distinctly, I shall consider this Bill as consisting of three different Parts, and give the House my Thoughts, such as they are, with regard to each of them.

‘ The Bill, Sir, has, I must acknowledge, a very popular Title : It is called, *A Bill for the more effectual securing the Trade of his Majesty's Subjects in America* ; but to me it seems to have a direct Tendency to destroy it. By the first Clause, Sir, the Property of all Captures made when we come to an open Rupture with Spain, is to be vested in the Persons of the Captors. The second Clause gives five Pounds to every Sailor in his Majesty's Navy, who shall be on Board a Ship of ours, that shall take an Enemy's Ship on the open Seas : And by a third Clause his Majesty is to be empowered to grant his Letters Patent, for incorporating Societies for making Conquests of any City, Town, Fort, Lands, Settlements, Factories, &c. of the Spanish Dominions, and for assuring the Property of any Place taken to the Societies that may be concerned therein.

‘ By the first Clause I have mentioned, if all the Spanish Plate-Ships should be taken by our Fleet on their Return from, or in the Harbours of America, that immense Treasure becomes the Property of our Officers and Seamen. I believe, Gentlemen need not to be told that the Spaniards have not the Property of one fifth Part of the Riches which are yearly brought home in their Plate-Ships ; the far greatest Part of the Cargo belongs to other Nations, who are in Friendship and Alliance with us. These Riches, Sir, were put on Board the Spanish Ships, in full Faith and Confidence of our Friendship. The Owners of them are no ways engaged in our Quarrel, nor have we ever received from them
any

any Provocation. Now, Sir, I shall be glad to know how it would sound, if upon a Rupture with Spain, the Fleet of Britain should seize upon the Wealth of her Friends and Allies, who had shipped it on Board the Spanish Ships in the full Faith and Assurance of Friendship; and what must be the Consequence of such Seizure, should it, by our passing this Bill, be put out of our Power to make them any Restitution.

‘ Sir, when I have said all this, I am far from thinking that we are not a sufficient Match for the Spaniards, or if the present Differences should come to an open Rupture, that we should not be able to force them soon to do us Justice. But give me leave, Sir, to say, that I think we are not a Match for the Spaniards and French too. Every Body knows that the Share which the French have in the Spanish Plate Ships is very considerable, and this being so, there is no Room to doubt but as soon as it is known at the Court of France, that we have a pass’d a Bill to give to our Officers and Seamen, that Treasure which she thought so well secured by her Friendship with us, she will immediately determine herself with regard to the Part she is to take in this Quarrel; but it is presumed, that the Determination will not be in our Favour. The Manner in which she will naturally reason on our passing this Bill, will be thus: ‘ I had resolv’d to stand Neuter in this Quarrel betwixt Spain and Britain, as their Differences did not affect my Interest. ‘ But now the Case is altered. I have a very great Property at Stake, and I must take effectual Care to secure it. ‘ This I can only do, either by infesting the Coast of Britain, and thereby forcing her to accept of what Terms I shall please to impose, or by sending out a Squadron of Men of War to protect the Spanish Plate Ships.’ In this Manner, Sir, we may be assured, the Court of France will reason; in one or both of these Ways will she naturally act, if we should pass the present Bill into a Law; and in that Case I should not at all be surprized to see the next Spanish Plate Fleet come Home under a French Convoy. This, Sir, I think, is a prudential Consideration, why we ought not, but after maturely weighing the Consequences, to agree to the passing this Bill. But there are other Reasons of a different and a more domestick Nature, that ought to make us still more cautious in every Step we take in this Affair. As the Law already stands, Sir, his Majesty may dispose of Captures made in the Time of War in what manner he thinks fit; and there are many Instances of this House addressing the Prince on the Throne to grant them to the Officers and Seamen concerned in the Captures. Such Grants, Sir, have never been refused, when so apply’d for, and Captures were scarce ever otherwise disposed of. An honourable Gentleman in this

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House, I believe, if he pleases, can inform you that while he commanded a Squadron of our Ships during the last War with Spain, a Letter came from a Duke, the then Secretary of State, by which Letter his Majesty gave up all his Right to several Spanish Ships taken as Prizes in the Mediterranean, in favour of the Officers and Sailors who took them. And, Sir, we have not the least Reason to suspect that our Seamen would meet with less Encouragement under his present Majesty, than they have done under his Royal Predecessors. I think therefore it would be very unadvisable to engage in such Measures, as would, perhaps, put it out of his Majesty's Power to obtain Reparation of our past Injuries, or Security for our future Commerce. Nor can I see, Sir, the least Reason why you should put that in your Statute Book, which you before had upon your Journals.

' I shall proceed, Sir, to the second Consideration, and I hope I may, without Offence, be allowed to become an Advocate for our injured Merchants. I repeat it, Sir, — an Advocate for the Merchants! of whose Interest, however, I have been misrepresented, I am as tender as the warmest Friend they have. My Concern for them, Sir, is lest they should suffer more from us, if we pass this Bill, than they have suffered from the Spanish Guarda Costa's. I dare say the Honourable Gentleman who brought in the Bill, did not consider the Loss our Merchants may sustain by the Share they have in the Assurance made on the Cargoes of these Plate Ships. There is scarce any Nation in Europe whose Merchants have not Effects on board the Plate Ships, and which they do not take care to insure either with our Merchants or the Dutch. Hence it is, Sir, that they become accountable for the Damages these Ships shall receive by Storms, by Enemies, or by other Accidents.

' I will suppose, Sir, all Commerce to be already broken off with the French, by the Measures I have demonstrated they must naturally take on our passing this Bill: But will our Insurers be thereby free from indemnifying their Losses on our taking the Spanish Plate Ships? I believe not Sir; but if they were, I may venture to say, that the Merchants of other neighbouring Nations, will have a Claim upon our Insurers for greater Sums, than Their Losses by the Spanish Depredations can amount to. Besides, Sir, can we suppose the States General will be well pleased to find such large Demands made on their Insurers? The Dutch have certainly suffered much by the Spaniards, tho' perhaps they have not had so many Ships seized as we have; they can claim the same Right to Redress as we do, and if they please may pursue the same Measures for obtaining it; but, we find, they wait the Result of our Councils. If the Measures we shall

shall take carry a Probability of procuring Satisfaction for the past, and Security for the future, we need not doubt of their Concurrence and Assistance ; but if we pursue Measures which may render the Remedy worse than the Disease, we must never imagine that any Nation will determine themselves against their own Interest.

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1738.



‘ I shall next proceed to another Argument, drawn, Sir, from a Consideration of the Treatment which our Merchants now residing in Spain, and other Places under that Crown, may receive, and of what will be the Fate of all our Ships which shall be found in any of its Ports, when it comes to be known that this Parliament has passed the Bill now before us. What may be the Value of our Merchants or Ships in their Ports, I do not pretend to know ; but I believe I may safely say, that the trading Part of this Nation would have Reason to regret our taking a Step, that would be no sooner known at the Court of *Spain* (who would no doubt have more early Information of it than the Merchants themselves) than every Shilling of their Effects would be sequester’d, and every Ship they have in those Parts seized on. I know, Sir, it may and probably will be objected by some Gentlemen, that as this Affair has been long in Agitation, the Merchants by this Time are prepared for the worst, and have found means to secure their Effects so well in those Parts, as to render it impossible for the Government to discover them. But, Sir, though this might be done in a free Country like ours, where the Laws admit of no Racks or Wheels to extort a Discovery of that Kind, yet who can tell what Methods may be used in a Country where Liberty is not so well understood, and whose Prince is absolute ? There is no Gentleman more zealous for the Honour of this Nation than I am, or more ready to concur with every Measure for asserting it : But, Sir, we are to reflect, that other Nations may be as tender in that Point as we are. Those who have Occasion to be much about the Persons of Princes know very well how jealous they are on this Head, and apt to take Fire at every Thing that seems to affect their Honour ; should we, at the very Time when his Majesty has renew’d his pressing Instances with the Court of Spain, pass this Bill into a Law, before we can have any Answer from that Court, there is great Reason to believe, that his Catholic Majesty will look upon it as the highest Indignity that can be offered him, and may proceed to such Extremities as must render it impossible for us to obtain Satisfaction for our injured Merchants any otherwise than by War, the Event of which is always doubtful. We have already strengthened the Hands of his Majesty by promising to stand by him in every Measure

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1728.

sure he shall take for obtaining a full Satisfaction for the Losses of our Merchants. His Majesty, in Consequence of that Address, has given Orders to his Ministers at the Court of Madrid, to make the strongest Instances for obtaining that Satisfaction; and there are very good Grounds to believe, that when his Catholic Majesty sees with how much Zeal and Unanimity we have already acted in this Affair, it will be the strongest Motive to him for granting it. On the contrary, should we pass the present Bill into a Law, we must make one half of Europe either open Enemies or but very cold Friends. What will be the Consequence of this, but playing the Court of Spain's Game? This is the Thing in the World she most wants; and though she were otherwise disposed to give us the desired Satisfaction, she will at least insist upon her Right of searching our Ships in those Seas; she will insist upon a fuller or clearer Proof of the Justice of our Merchants Complaints than she can have from this Place: After they are proved sufficiently to satisfy all the rest of the World, she will insist upon our Ships being lawful Prizes, by having on board contraband Goods. This, Sir, no doubt will be her Language, when she finds that she is to be supported by other Powers. And then what Prospect can we have of being redress'd? But now, Sir, she stands by her self, she finds that we are in earnest, that we are no longer to be trifled with, and that we are prepared to use other Arguments besides Remonstrances. In this Situation, Sir, she will be glad to treat on reasonable Terms; but in the other she will pretend to dictate. •

• I know very well, Sir, that Bills have passed with Clauses of this Nature. One, I think, passed in the sixth of Queen Anne, and I believe that I myself voted for it. But, Sir, that Bill was brought in after the War was begun, when it was impossible that any of our Friends or Allies should suffer by its passing, and when no Treaty of Accommodation was on Foot: But, Sir, the very Reverse happens to be the Case at present


• By this Bill, Sir, all Prizes taken from the Spaniards after the Declaration of War, are to be given to the Officers and Seamen present in the Action. Now, Sir, I think it will be proper to observe, that of late most Wars have been declar'd from the Mouths of Cannons, before any formal Declaration; and, Sir, it is very probable, that if we are obliged to come to an open Rupture with Spain, the first Declaration of War made on our Parts will be from the Mouth of our Cannon. In this Event, Sir, I should be glad to know of any Gentleman, what Time our Allies can have to withdraw their Effects? or where the Justice will be of our seizing them, and putting it out of our own Power when seized, to make any Restitution?

Restitution? while at the same Time they depend on the Friendship and Alliance subsisting between them and us. By the Bill in its present Shape, Sir, only fourteen Days are allowed, and if our Ships should after that Time meet with a Spanish Ship it is Prize. For this Reason, Sir, I think, in common Justice, we ought at least to give our Allies fair Warning. This Bill, therefore should not take Effect till a reasonable Time after an open Rupture betwixt us and Spain, that our Allies may know what to expect, in case any of their Goods are found on Spanish Bottoms. For, Sir, there is no Doubt, when we enter into an actual War with Spain, the French and all other Nations will be very cautious in what Manner they trust their Effects on board the Plate Ships. Besides, Sir, there is another very material Difference betwixt this Juncture, and those wherein Bills have passed with Clauses of the like Nature with that under our Consideration. When the Bill I have last mentioned was brought in, both the Dutch and we were in actual War with France, and with the present King of Spain, in whose Hands the Spanish America then was; so that we made no more Enemies than before, nor had we any fewer Friends. The Wealth of the Spanish West-Indies was at that Time the Sinews of the French Power: We knew, if we could once cut off that Communication, we should disable him from carrying on the War. It was therefore a prudent and necessary Step in us to animate our Seamen by all the Encouragement we could possibly give them. But I believe, Sir, no Gentleman will affirm that Juncture and the present to be parallel.

As to the Clause for granting Head Money to our Sailors, I look upon it in a very different Light from the former. I think it is extremely proper and reasonable, that our Sailors, in case of a War, should have such an Encouragement, and shall be very glad to concur with any Motion for that Purpose. It cannot be expected, Sir, that Men should encounter Danger without a Prospect of Reward, or so boldly face Death for common Wages. I think Frugality in this Case is very improper, and am in this Point intirely of the Opinion with the honourable Gentleman who brought in the Bill.

I shall proceed therefore to the third and last Head I propose to speak to; namely, the vesting the Property of the Places which shall be taken from the Spaniards, in the Persons of those who shall take them. To this Clause, Sir, I cannot assent, because I am equally against whatever may obstruct the Conclusion of a safe and an honourable Peace, as against what may plunge us into an unequal War. I believe, Sir, there are very few Instances of any Peace
being

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1738.



being concluded of late between the Powers of Europe, by which all Conquests of the Territories of either Party made during the Time of the War, were not mutually given up. Should we enact such a Clause in favour of private Persons, and if in Consequence of that Clause any Conquests were made, we must be reduced, when a Treaty is set on Foot, to the Dilemma either of throwing in an insuperable Obstacle to the Conclusion of a Peace, or of committing an Injustice to private Persons by depriving them of their Property.— 'Tis true,—it is possible that these Persons may be satisfied with an Equivalent, and it is as true that possibly they may not: But suppose they should be satisfied, it is to be presumed they will make the best Bargain for themselves they can, and insist upon Terms which may greatly disconcert the Measures that the treating Powers might otherwise concur in. This, I say, must very much perplex, if not utterly break off, any Negotiation. It is not to be expected that those Proprietors are to be indemnified by the King of Spain; that Prince's Ministers will insist upon a Restitution, without having any Regard to the Right of Conquest, which our Subjects may plead, or the Difficulties our Crown will have to recover these Conquests to herself before she can restore them. So that, Sir, should we enact this Clause, we do a Thing that must at least very much embarrass all future Negotiations for Peace, or put the Crown to a very great Expence. The Difficulties Sir, that lie against this Clause, are greater, with regard to Spain, than any other Country in Europe; since it is provided by several solemn Treaties, that no Part of the Spanish Dominions, as then possessed by that Crown, shall be alienated or dismembered from her Monarchy; and we know what Uneasiness she has given us in our Possession of what we paid so dearly for, and which has been so often confirmed to us. For these Reasons, Sir, I think that our passing this Clause would be putting his Majesty to a future Inconvenience, and in some Measure bind up his Hands from making that safe and honourable Peace which we all so much desire. The Crown of Britain has an indisputable Right to make Peace and War, and in my Opinion it is a just Right, and advantageous to the Subject. But, Sir, we ought to throw no Obstacles nor Difficulties in the Way, that may distress the Crown in the Execution of this Right, or prevent the Conclusion of a Peace consistent with the Safety of the Subject and the Honour of his Majesty.

' I have now, Sir, gone thro' a few of the many Objections to this Bill: I have stated my Difficulties, and shall be glad to have them removed. I know, Sir, under what Disadvantages I speak, and how ready some are, in the present Case,

Cafe, to interpret the least Caution, however reasonable, as Coldness and Indifference.

Anno 11 Geo. 1.
1738.

‘ I know how unpopular every Argument is on the Side of Peace; and I likewise know, that every thing that comes from a Minister that has a Tendency that Way, is looked upon as proceeding from his Fear of a War. I have been long used to bear these Reflections; but I have always disregarded a Popularity that was not acquired by a hearty Zeal for the publick Interest; and I have been long enough in this House to see that the most steady Opposers of Popularity, founded upon any other Views, have lived to receive the Thanks of their Country for that Opposition. The Experience, Sir, of this, has often encouraged me to oppose popular Measures when they were wrong, and sometimes to promote unpopular ones, if they were right. The Experience of this, Sir, has made me lay before you my Objections with regard to the passing the present Bill. But at the same Time, Sir, I am as much against throwing cold Water upon the Zeal which this House has shewn with regard to the Insults offered to our Country, as any Gentleman here: Nay, Sir, give me leave to say, that my own Interest is concerned, and, had I no other, is a strong Motive for our doing every Thing that can procure us just Satisfaction. I know, Sir, how far Ministers are accountable for the Counsels they give their Sovereigns, and how far this House in former Times looked upon them as answerable for the Conduct of the Sovereign, and I think, Sir, they should be answerable.—’Tis but a mean Excuse for a Minister, when any wrong Step is made in Government, that he is not accountable for the Events of Measures that never were advised by him, and in which he was over-ruled by his Superiors. I have always disdained these mean Subterfuges; and with what Face can I again appear in this House, if full and ample Satisfaction is not made us, or at least, if we don’t do our utmost to obtain it; either by fair and peaceable Means, or by exerting all our Strength in case a War becomes necessary. If my Country should call me to an Account, I would very willingly take upon me the Blame of every Step that has been made by the Government, since I had the Honour to enter into the Administration. As to the common Notion of a Minister’s being afraid to enter into a War, I do not understand upon what it can be grounded. For my Part, I never could see any Cause, either from Reason or my own Experience, to imagine that a Minister is not as safe in Time of War, as in Time of Peace. Nay, Sir, if we are to judge by Reason alone, it is the Interest of a Minister, conscious of any Mismanagement, that there should be a War; because

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1738.



by a War the Eyes of the publick are diverted from examining into his Conduct ; nor is he accountable for the bad Success of a War, as he is for that of an Administration.

I remember, Sir, when I was a young Man, nothing gave me a greater Pleasure than voting for a War with France ; I thought that it sounded well, that it was heroic, and for the Glory of my Country. But, Sir, how fatal in some Respects have the Consequences of that War, just and necessary as it was, been to Britain ? I little dreamt that at this Day we should by Means of that War be groaning under such a Load of Debts. I little dreamt, Sir, that the noble Resolution the Parliament then made was to cost us so dear, or that we were to purchase our Glory at an Expence, which after so many Years, would render it extremely inconvenient for us to enter into any, even the most necessary, War. For which Reason, Sir, tho' I am as absolutely bent upon a War as any Gentleman, if Satisfaction cannot be obtained by other Means ; yet I think it would be very imprudent for this House to take any Steps that may prevent the Conclusion of a safe and honourable Peace. This Bill, in the Views I now have of it, must be attended with that Effect ; and tho', as I said before, I shall not give it my absolute Negative, yet Gentlemen must excuse me, if it does not meet with my Concurrence till I hear the Reasons answered which I have advanced against it.

Several other Speeches were made on this Occasion, particularly one by Sir Robert Walpole : But as we have already given the Substance of it (see Page 283) we shall proceed to that delivered by Mr. Pulteney.


Sir,

Mr. Pulteney.

' This Bill is in every Part so evidently calculated for the Ends proposed by it, that I am greatly surprized that the honourable Gentleman who first spoke against it, and who, by his single Disapprobation, has raised all the Opposition it has met with, can see the Clauses he objects to in so disadvantageous a Light. I am persuaded, if Gentlemen had seriously reflected on the Design and natural Consequences of such a Bill, they would have spared their Objections. The principal End, Sir, proposed by it, is to prevent a War ; and the Way to obtain this End, is by a public Act of the Legislature to make it known to all the World, that we have raised the Ardour, and encouraged the Hopes of our Seamen ; that we have animated all our Fellow-Subjects (in case a Peace is refused) to distress the Enemy by seizing their Wealth and Possessions, and consequently diminishing their Power. All the Arguments therefore brought against the Bill, on the Supposition that it will tend to plunge us into
a War,

a War, are drawn from wrong Conclusions. Instead Sir, of precipitating us into a War, this Bill must hasten on a Peace. By it we are assisting the Ministry; we are strengthening their Hands; we are giving Weight to their Negotiations; we are letting Spain see that we are in earnest to secure our Rights by a safe and an honourable Peace, or to vindicate them by a vigorous War. In a Word, Sir, if the warmest Friend of the Ministry, — if the honourable Gentleman who sits near me, had himself been forming Measures to procure a Peace, they could not have thought on a more ready and a more effectual Expedient than this Bill.'

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1738.



When the Bill was committed, they received a few Alterations, particularly the 14 Days, the Time limited for the Commitment of the Bill from the Declaration of War, was prolonged for two Months after such a Declaration, if any should happen: This being the only material Objection in the Committee to the Bill, the Question was put upon the Bill, as it stood amended, and was carried in the Affirmative, with only one Negative, which was that of Sir Robert Walpole. The Bill being engrossed, it was read for a third Time, on the 15th of May: The Question being put, a long Debate arose; in which the principal Speakers, and their Arguments, were as follow.

Henry Fox Esq;

Sir,

The Bill now under our Consideration, is in my Opinion of the greatest Importance; greater perhaps than Gentlemen commonly apprehend. The Question with me, is not whether such or such Clauses of the Bill are proper for our Assent; but, whether this is a proper Time for passing such a Bill. Were we in an actual War with Spain, I don't deny but that there are several Clauses in this Bill, which might very much conduce towards rendering it successful on our Parts. But, Sir, as his Majesty has not thought fit to declare that Matters are come to such an Extremity, as to render it impossible to make up Matters without our entering into a War, I should think it extremely imprudent in us, to usurp that Part of the Royal Prerogative, which in Effect we do, should we pass this Bill into a Law. An honourable Gentleman near me the other Day, I think, prov'd to Demonstration, that the passing of this Bill in any Shape, at this Juncture, must greatly alarm, not only the Spaniards and the French, but even our most favoured Allies. Nay, more than that, Sir, our own Merchants, I am afraid, would in Case of an immediate Rupture with Spain be the greatest Sufferers. This, Sir, must happen, not only by the great

Henry Fox Esq ;

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1738.

Insurance, which has in this Country been made upon those Effects, which possibly may fall into the Hands of our Privateers and Ships of War; but by the Concerns they have with the Dutch, the French, and all other European Nations. Commerce is of a very delicate Nature, and whatever affects too sensibly one part of the trading Interest, must necessarily affect the whole. Therefore, Sir, I think it would be highly improper for us to pass a Bill, that must give such a Shock, as our passing this Bill, at this Juncture must certainly do. If the Instances of his Majesty for a fair and honourable Peace should be ineffectual, it is very probable that such a Bill will be then thought of. But we ought by no means to anticipate the Rupture, by doing any Thing that may render it unavoidable. I shall not trouble the House farther at present; other Gentlemen, I dare say, will speak more fully upon the Question; but, I thought my bare Negative was not sufficient upon this Occasion, without my shewing publickly how heartily I am against our passing this Bill.

George Wright Esq;

George Wright Esq; Member for Leicester, took notice among several other Things, that Gentlemen were very apt to attribute the Spanish Depredations in America, to the whole Nation of Spain; that they talk'd as if these Depredations had been authorized, or at least approv'd of by the Government of that Kingdom. Whereas, it did not yet appear, that the Government had so much as conniv'd at any of them. Nor had the Court of Spain, as yet, refused to order Restitution in any one Case, where the Seizure had been made appear to be unjust. That there was therefore Room still left for Negotiation; and that if we could obtain by peaceable Means, the utmost we could expect by Force of Arms, he was sure no Man of common Prudence, unless he had some other View than that of the Good of his Country, would advise us to provoke the Kingdom of Spain to a War. He said, he hoped he had always shewn himself as jealous for the Honour of his Country, and as zealous for asserting it upon all Occasions, as any Man ought to be; but that, on the present Occasion, he must needs think, that the House had already sufficiently testified its Zeal for the Honour of the Nation, and our Concern for the Sufferings of our Merchants and Seamen. That they had already addressed his Majesty, to use his utmost Endeavours for obtaining Reparation to our Merchants, and Satisfaction to the Nation. That they had promised to support his Majesty, in whatever Measures he should find necessary for that Purpose. That they had even made some Provision for a War, in Case it should be found necessary: And that, in Consequence of what they had done, they could make no Doubt, but

but that his Majesty had sent Orders to his Minister at the Court of Spain, to insist upon a full and speedy Satisfaction. That their Zeal and Unanimity in the Resolutions they had already come to, would probably open the Eyes of the Court of Spain, and produce a lasting and firm Peace.

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1733.

* John Talbot Esq; Member for Brecon, said,

‘ That, supposing neither the French nor Dutch had any Share in the Spanish Plate-Fleets; yet it was certain, that our own Subjects had always a very considerable Share, and that he believed the English Merchants trading to Spain, did return yearly large Sums in Bullion and Spanish Coin to their Native Country.

‘ That as the Law now stood, if any other Ships in which they had a Concern, should be taken after the Declaration of War, his Majesty could separate their Share from the Rest, and return it to them. But that, if that Bill should pass into a Law they must be ruin’d: And for what? For being concern’d in a Trade, by which they acquired great Riches to their Country, as well as themselves; which he thought would be a most extraordinary Piece of Injustice, as well as bad Policy; unless we had given them timely Warning not to be any farther concerned in that Trade.’

These Arguments were answered by Thomas Coster Esq; one of the Representatives for the City of Bristol, as follows:

Sir,


‘ When Gentlemen speak of a War between Spain and Great-Britain, they are apt to imagine that we shall do great Damage to our Allies, and our Merchants, and violate the Treaties betwixt the two Crowns, in case we should pass this Bill into a Law. As I have had some Opportunities, Sir, of knowing a little of the Trade between Spain and us; I cannot help observing, that Gentlemen are mistaken, if they imagine that it would do either the one or the other. Our Merchants, it is true, generally had some Share in the Plate-Fleets; but I believe at present they have very little. This is owing to the long Dependence of the Negotiations betwixt us and Spain, and the Backwardness of the Court of Madrid to give us the least Satisfaction. This Backwardness, Sir, notwithstanding all that has been said in Favour of that Court, was no Secret among our Merchants; and I will venture to say, Sir, that there is not a Man among them who knows what he is doing, who has not foreseen a Rupture, these two or three Years back, and taken Care to provide for the worst. As to our Merchants residing in Spain, Sir, can

Thomas Coster Esq;

* Since made a Welsh Judge.

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any Gentleman imagine that when they saw how our Merchants and Sailors, who in Consequence of the Treaty of Seville apply'd to the Court of Madrid for Redress, were treated at that Court, they would have expos'd their Effects upon Presumption that no Rupture would ensue? It is now, Sir, some Time since we enter'd upon the Affairs betwixt Spain and us; and I dare say, as soon as it was but whisper'd in Spain, that the Parliament of England had resolv'd to look into the Complaints of our Merchants, there is not a Man there, who had any Effects that were not secured before, who has not taken Care to secure them since. If any neglected to do this, we may conclude that they are Spaniards, that is, they are naturalized there, and don't intend to return.

The other Objection that Gentlemen seem to have to this Bill, is, that if we should, after a Declaration of War, attack any of the Spanish Ships which have the Treasures on board, we shall violate the Treaties subsisting betwixt us and our Allies. It is very true, Sir, that the French, the Dutch, and several Nations in Europe, have a good deal of Property on board the Spanish Plate-Fleet; and perhaps, if we should take it, it might do them a good deal of Damage. But then, Sir, it is as true that if we did take it, there is no Nation in Europe that could say, 'You have injur'd us.' There is no Nation I say in Europe which could complain that we had broken our Faith, or our Treaties with them. The Reason of this, Sir, is very plain: All the Trade we, or any other Nation carry on with the Spanish Settlements in America, is entirely collusive: It is no less certain, that all the Property which we have in the Plate-Fleet, is registered in Spanish Names; and therefore, no other Nation besides the Spaniards themselves, can claim a Shilling's Worth of it. This is positively stipulated by Treaties; so that, if in case of a War, the Spanish-Plate Fleet were to fall into our Hands, neither the French nor the Dutch could come to us, and say; 'These Goods, or that Money, is ours; and you break the Law of Nations, you break your Treaties with us, if you shall pretend to detain them.' Should any Nation, Sir, talk to us in that Manner, we might fairly put them to Defiance to prove their Property: I am sure they could not do it by any Thing, that should appear in the Hands of the Masters or Sailors, or Owners of the Ships taken; because, it is Death, by the Laws of Spain, for them to take a Shilling's Worth of Effects on board, belonging to the Subjects of any other Crown, or State besides Spain. Therefore, Sir, no Nation could prove their Property in the Plate Fleet; and tho' they could, yet we could have no Reason to regard their Claim, since it must be founded upon a Breach of Treaties, among almost all the Powers in Europe.

Colonel

Colonel Bladen spoke next :

Sir,

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Colonel Bladen.

‘ There is no Manner of Doubt, but that every Thing, which the Honourable Gentleman who spoke last said, is true : But yet, it is a Matter highly worthy of this House to consider, whether we ought at present, by obstinately adhering to the Words of Treaties, which I will venture to say no Nation has ever yet done in this Case, to make all the Rest of Europe our Enemies. The Benefits which this Nation, in particular, receives from that collusive Trade mentioned by the honourable Gentleman, is so great, that the Parliament of Great-Britain has always very cautiously avoided doing any Thing, that might in the least affect it. The Spaniards, on the other Hand, for very good Reasons, have always wink’d at our carrying on that Commerce : They find that they are obliged to have recourse to the European Nations, for many Commodities, without which they cannot subsist. Thus a mutual Conveniency begets a mutual Connivance, and this House was so sensible of the great Advantages which arose to the Nation in the last War, from the Commerce with the Spanish Settlements in America, that in that very Act which has been so often mentioned by Gentlemen, there is an express Clause, by which certain Limits, near the Mouth of the Rio de la Hacha, are excepted, by declaring, that no Ships of the Enemy taken within these Limits ought to be looked upon as lawful Prize. What was the Reason, Sir, of this Exception, but because the Government was very sensible of the Sweets of such a Commerce ? For that Reason, they thought it improper to discourage it even in Time of War : And in order to encourage it they inserted that Clause. The Reason, Sir, why the Rio de la Hacha is more particularly excepted, is because of the great Trade which we carried on there ; and the Frauds practised by our Merchants and Seamen in that Trade. When an English Ship came upon the Coast, the Spaniards immediately put off their Boats to enquire, what Commodities she had on board : As soon as they learned, they returned to bring Money or Effects to purchase our Commodities : In the mean Time the English gave the Watchword to some other of their own Ships lying on the same Coast, or perhaps mann’d out their own Boat, and ordered it to lie at some Distance, when the Spaniards should return. Some Time after the Spaniards return’d, and commonly bought what they wanted at a very dear Rate, paying down ready Money, or Effects which would bring Money : But they no sooner put off from our Ships, than our People, who were ready waiting, immediately clapp’d on board them, and stripp’d them of every Thing. Thus one Cargo
was

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17378.

was sold perhaps half a Dozen Times over: These Practices gave the Spaniards such Disgust, that they refused upon any Terms to deal with us; and the Parliament was so very sensible of the Damage, which this Shyness and Distrust did to the Trade of the Nation, that the Clause I mentioned was inserted.

‘ I have been the more full upon this Particular, Sir, because Gentlemen, perhaps, are not sufficiently aware of the great Consequence, which this Trade is of to this Nation. At the same Time, Sir, I own that as the honourable Gentleman who spoke last said, the Trade is collusive, *i. e.* it is against the Letter of the Treaties subsisting betwixt us and Spain. But then, it is such a Collusion, as this House has thought to be highly in our Favour. Therefore, Sir, I think Gentlemen ought upon this Occasion to consider how proper it is to pass a Bill, that may alarm the Spaniards so much, even tho’ no Rupture should ensue, that it may put an End to all Manner of Commerce. But there is, Sir, another Part of the Bill, which greatly deserves the Attention of this House, and that is with regard to the Clause in this Bill, by which his Majesty may grant Commissions or Charters to any Persons or Societies, to seize upon, take, and enjoy as their own Property any Lands, Fortifications, or Harbours belonging to the Enemy. This, Sir, is a Clause that all the Nations in Europe, should it be pass’d in this House, may think themselves bound to oppose.

‘ I know, Sir, it will be said that such a Clause passed in the Act of the 6th of Queen Anne; but give me Leave to observe, that there is a very great Alteration with regard to the Footing we are now upon with Spain, from what we were upon at the Time when that Law passed. This Clause at that Time was liable to no Exceptions from any preceding Treaties. The only two Treaties we then had with Spain, which a Clause of this Kind could any way affect, were those in the Years 1667 and 1670, and there is no Provision in any of these Treaties, that could make the Parliament of England afraid of passing an Act with such a Clause in it. Nay, Sir, this Clause was no new Thing at that Time; for a Foundation had been laid for it by one of the Articles of the last grand Alliance, which was entered into by King William; by which all the Places, which this Nation could conquer from the Crown of Spain in the West-Indies, were to be annex’d to the Crown of England. This Article was a proper Foundation for this Clause in the Act of the 6th of Queen Anne, for encouraging our Trade to America; but, give me Leave, Sir, to remark that at that Time, all the Spanish West-Indies was in the Hands of the French, and this Nation understood, that the French King never could

could have been able to hold out as he did, in the long War betwixt the Confederates and him, if it had not been for the Treasures he brought from thence. Therefore, neither the Dutch, the Emperor, nor any of our Allies, were jealous of our doing a Thing that might distress the common Enemy in so tender a Point.

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‘ But how does the Case now stand? Why, Sir, by the Treaty of Utrecht, particular Care is taken that no Part of the Spanish Dominions shall be alienated; and all the contracting Powers in the Grand-Alliance are Guarantees for the Observance of this Article. Give me leave, for the more full Conviction of Gentlemen upon this Head, to read the Articles of the Treaty of Utrecht betwixt us and Spain, which regard this Stipulation.

‘ By the 8th Article it is expressly stipulated, — ‘ That
‘ neither the Catholick King, nor any of his Heirs or Suc-
‘ cessors whatsoever, shall sell, yield, pawn, transfer, or by
‘ any Means, or under any Name, alienate from them,
‘ and the Crown of Spain, to the French, or to any
‘ other Nation whatever, any Lands, Dominions, or Ter-
‘ ritories, or any Part thereof, belonging to Spain, in
‘ America. On the contrary, that the Spanish Dominions
‘ in the West-Indies may be preserved whole and entire;
‘ the Queen of Great-Britain engages, that she will en-
‘ deavour, and give Assistance to the Spaniards, that the an-
‘ tient Limits of their Dominions in the West Indies be
‘ restored, and settled as they stood in the Time of the above
‘ said Catholick King, Charles II; if it shall appear that they
‘ have in any Manner, or under any Pretence, been broken
‘ into, or lessened in any Part, since the Death of the
‘ aforesaid King Charles II.’ Which Article is confirmed
and enforced, by the first separate Article of the same Treaty
in these Words. ‘ It is further agreed by this separate Ar-
‘ ticle, which shall be of the same Force, as if it was
‘ inserted Word for Word in the Treaty, this Day conclu-
‘ ded between their Royal Majesties, that since his Royal
‘ Catholick Majesty is steadfastly resolved, and does
‘ solemnly promise by these Presents, that he will
‘ not consent to any further Alienation of Countries,
‘ Provinces, or Lands of any Sort, or wherever situ-
‘ ated belonging to the Crown of Spain; her Royal Ma-
‘ jesty of Great-Britain does likewise reciprocally promise,
‘ that she will persist in those Measures and Councils, by
‘ which she has provided and taken care, that none of the
‘ Parties in War shall require or obtain of his Catholick
‘ Majesty, that any further Part of the Spanish Monarchy
‘ be torn from it; but that any new Demand of that Kind
‘ being made, and the same refused by his Catholick Majesty,
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‘ her Royal Majesty of Great-Britain will use her Endeavours, that such Demands shall be receded from.’

‘ Having read these Articles, Sir, I shall submit it to the House, how proper it would be for this House to pass a Bill, before any War is declared betwixt us and Spain, for destroying the whole Intention of these Articles, especially before we know how the other Powers of Europe are affected. Gentlemen ought to consider, how those Powers we expect to be our Allies, should we go into a War with Spain, will look upon a Step which has a direct Tendency to destroy one of the principal Articles of the Treaty of Utrecht. Therefore, Sir, however necessary this Bill may be after a War is declared with Spain, I cannot think that at present it would be either wise, or expedient for this House to pass it at present.’

The Right honourable the Lord Polwarth spoke next, in Substance as follows :

Sir,

Lord Polwarth.

‘ I am as sensible as any Gentleman in this House can be of the great Advantage, that our Trade with the Spaniards in America has brought to this Nation : But, I can by no Manner of Means see how the honourable Gentleman who spoke last, can apply it to this Bill. We are now deliberating whether this Bill ought to be passed, in order to convince the Spaniards, and all Europe that we are resolved no longer to bear their Insults and Injuries. Upon what Pretence, Sir, were these Insults and Injuries committed ? Why upon that very Fact which the honourable Gentleman has mentioned, as a great Advantage to this Nation ; I mean our Merchants carrying on an illicit Trade with the Spaniards in America. Yet, Sir, I see some Gentlemen here who have justified the Spaniards, in all their Cruelties, in all their Insolence, upon this very Principle, that the Subjects of Great-Britain deserved such Usage, because they were concerned in that Trade. I shall however leave these Points to be reconciled among the honourable Gentlemen’s Friends ; but beg Leave to take Notice of one or two Things that were thrown out.

‘ The honourable Gentleman who spoke last, said that in our Trade upon the Coast of New Spain mutual Convenience had begot a mutual Connivance ; and, Sir, will it not always do so, whether we are at War with Spain or not ? The Trade betwixt us and New Spain, is just as much prohibited by Treaties in Time of Peace, as in Time of War ; so that our passing this Bill, won’t make the Spaniards a Bit more shy in trading with us than they were before. For if no War follows, upon our passing it, then the Bill has no Effect ; and if a War should follow, then they are in the very same Danger as if this Bill had not pass’d. For their

their Ships and all their Effects become lawful Prize to his Majesty and the Captors; so that it can be of no Manner of Consequence to Spain, whether we pass this Bill or not. All the Consequences regard our own Seamen; and the Consideration that ought to determine this House, is that it will encourage our Seamen to enter immediately into his Majesty's Service; and it will likewise encourage private Adventurers to send out Privateers as soon as War is declared or Hostilities begun. Both which must be a greater Advantage at the Commencement of a War, than they can be after the War has been for some Time carried on, because our Enemies will then be more upon their Guard, and better able to repel an Attack, than they can be supposed to be at the Beginning of a Rupture. By encouraging our Seamen to enter voluntarily into his Majesty's Service, we shall not only put it into the Power of our Government, to fit out a powerful Squadron in a few Weeks, perhaps in a few Days after they have resolved to begin Hostilities, or to declare War; but we shall also in a great Measure prevent our being obliged to have Recourse to that destructive Method of Pressing, which is so inconsistent with our Constitution, so hurtful to our Trade, and so oppressive upon our Seamen, who are, I may say, the most useful Part of our People.

Mr. Pulteney.

' This Bill, Sir, is in every Part so evidently calculated for the Ends proposed by it, that I am greatly surprized that the honourable Gentleman who first spoke against it, and who, by his single Disapprobation, has raised all the Opposition it has met with, can see the Clauses he objects to in so disadvantageous a Light. I am persuaded, if Gentlemen had seriously reflected on the Design and natural Consequences of such a Bill, they would have spared their Objections. The principal End, Sir, proposed by it, is to prevent a War, and the Way to obtain this End, is by a publick Act of the Legislature to make it known to all the World, that we have raised the Ardour, and encouraged the Hopes of our Seamen; that we have animated all our Fellow Subjects (in case a Peace is refused) to distress the Enemy by seizing their Wealth and Possessions, and consequently diminishing their Power. All the Arguments therefore brought against the Bill on the Supposition that it will tend to plunge us into a War, are drawn from wrong Conclusions. Instead, Sir, of precipitating us into a War, this Bill must hasten on a Peace. By it we are assisting the Ministry; we are strengthening their Hands; we are giving Weight to their Negotiations; we are letting Spain see that we are in earnest to secure our Rights by a safe and honourable Peace, or to vindicate them by a vigorous War. In a World, Sir, if the warmest Friend

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Mr. Pulteney

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of the Ministry, — if the honourable Gentleman himself, had been forming Measures to procure a Peace, they could not have thought on a more ready and a more effectual Expedient than this Bill.


‘ But, Sir, before I proceed to answer the Objections that have been thrown out on this Occasion, I must beg Leave to remark, that ever since I had the Honour to sit in this House, I never saw Gentlemen so negligent of Parliamentary Duty, as I have observed with regard to their Proceeding upon this Bill. It is always the Custom to consider a Bill when it comes into a Committee, and if the Objections that lie against it, are too weighty to be got over, the Bill is then thrown out, and the House has no further Trouble; but if the Objections are of such a Nature, as to be remov’d by making Amendments to the Bill, it is our Duty, Sir, to lay these Objections before the House in the Committee, that the proper Alterations may be made. If no further Objections are made when the Bill and Amendments are reported, it has always been look’d upon as having the Sense of the House for it, and receiving a tacit Approbation. The chief Objection, Sir, made to this Bill, (and indeed it is the only Objection of any Weight I have yet heard against it) was, that as at first intended, it * did not give our Allies a sufficient Time for withdrawing their Effects out of the Spanish Ships: But so unwilling, Sir, were the Friends of this Bill to leave the least Obstacle to a Measure, which in their Apprehension was not only proper but necessary, that in the Committee they remov’d that Objection, (tho’ I do think it was very ill founded,) by making the Term from which this Bill is to take place, to be two Months after the commencement of Hostilities, or the Declaration of War. This being done, it might be presumed, to the Satisfaction of the Objectors, only one slight Negative being given to the Report from the Committee, the strenuous Opposition still made, is the more unexpected in this House, because the Bill now can neither wound the Honour, nor affect the Interest, of our Allies, those favourite Topics so warmly insisted on and espoused by the honourable Gentleman.

‘ Having said this by the way, Sir, I shall now beg Leave to consider the Weight of those Objections, which, in the honourable Gentleman’s Opinion, and that of the Gentlemen who have spoke on his Side, lie against the Bill; and when I have answered these, as I hope I shall be fully able to do, I make no doubt but the honourable Gentleman will keep his Word, and be open to Conviction. I hope I may be indulg’d if I shall repeat some Part

* Only 14 Days were proposed at first.


of what has been already taken notice of; especially since I see many Gentlemen here who were absent when the Bill was in the Committee, and who possibly may not be fully inform'd of what then passed. It is natural, Sir, for every Man to wish another of the same Sentiments with himself, and as I cannot concur with the honourable Gentlemen in their Opinion, I shall endeavour to convince them of the Reasonableness of mine.

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I beg Leave to observe in the first Place, that the honourable Gentleman, in this whole Affair, has shewn a great Jealousy for the Honour of Spain: But, in the mean time, has he not been too forgetful of the Honour of Britain? He has taken it for granted that we are now at Peace with Spain: He and his Friends have all along reasoned upon this Supposition; they have drawn Consequences from it, and upon this Supposition, they have grounded their Negatives to the Bill. But, Sir, give me Leave to say, that the War has been long begun; that many Blows have been received, which it is now Time to return. We have, Sir, to a melancholy Degree of Certainty, heard how the most useful Body in the Nation has not only been insulted, plundered, and imprisoned, but tortured and maimed in cold Blood. Outrages! not to be justified in the Heat of War, and which the Law of Nations will not allow Enemies to practise on one another. But, Sir, we have not heard of any Satisfaction offered on the Part of Spain; we have not heard of that Court's disowning the Proceedings of any one of their Governors; we have not heard of their altering that unjust, partial, and barbarous Method of Tryal in Spain, by which our Countrymen, who fall into their Hands, are deprived of all Means of making their Defence. We have not yet heard of any of these Governors being called to Account for those oppressive and cruel Measures; but, on the contrary, we have seen their Cruelties recommend them to Favour, and their Insolence encouraged by Rewards. This, Sir, give me Leave to say, is a direct Proof of the Approbation of the Spanish Court. The Practice is consistent enough with her present Maxims, with her Claim of searching our Ships, and her usurp'd Authority in the American Seas. The Manner, Sir, in which they treat the British Subjects, who have been reduced to the Necessity of waiting their Decisions, is as barbarous as their Pretexts are unjust. The first Thing that is done after their Persons are imprisoned, is to sequester their Effects, and destroy their Papers. Thus they are at once depriv'd of all Possibility of making any Defence, even suppose they were to plead before an indifferent Judge: But it is not hard to guess what must be their Fate in a Question of Property, where the Judge

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Judge is a Party. I have but slightly, Sir, touch'd upon these Matters of Fact : The House has already heard, from the Mouths of the unhappy Sufferers themselves, the melancholy Accounts of their Treatment. These Accounts made, Sir, (I was pleas'd to see it) a suitable Impression upon the Mind of every Gentleman who heard them ; and I dare say, are still so fresh in his Imagination, that the Idea need not be revived. The Reason, Sir, why I have touch'd upon them at all, is, to prove what I have already advanced ; that Spain has long been in a State of a War with us ; though Gentlemen have chiefly insist'd upon the Injustice of attacking her in the Time of Peace. But, Sir, if this be Peace, I would gladly know what is Hostility ? Have we not liv'd, Sir, to see the Spaniards insult us in the very Seas of which we call ourselves Masters ? Have we not liv'd to see the Subjects of Britain made Slaves by a People of whom they were once the Terror ? Have we not liv'd to see the British Flag, once a Protection to our Merchants, become to Foreigners an Object of Scorn, and to our Fellow Subjects Destruction ? As these are Facts but too certain, can any one doubt but that Spain considers us as Enemies ? Or can we deliberate a Moment what Measures we are to take ? The hon. Gentleman was pleas'd to express some Resentment against falling in with popular Measures. For my Share, I think popular Measures are probably right Measures, because their being popular proves them to be agreable to the general Sense of Mankind. This, Sir, I think, is a just Way of forming a Judgment in Cases so plain as the present : For there is no Occasion, Sir, for a Man to be acquainted with Mysteries of State, or the Secrets of Government, in order to know that Injustice is to be redress'd, and the Freedom of Commerce to be secured.

I come now to examine that Argument upon which the honourable Gentleman lays so much Stress ; I mean, Sir, the Manner in which France would determine herself, should the present Bill pass into a Law. The honourable Gentleman has been pleas'd to tell us how, in his Opinion, France would reason upon such a Step. But, Sir, the Affair appears to me with a quite different Face. It appears to me, that the Court of France would be far from hazarding the great Share of that Property she has in the Plate Ships, by taking the Part of Spain in this Quarrel. She knows, or we ought to let her know, Sir, that we have been barbarously and injuriously used by the Spaniards. She is too well inform'd of what passes here, not to know that there is without Doors an unanimous Spirit of Resentment and Revenge. The present Bill, Sir, will let her see that this House is in the same Disposition. She knows what
Re-

Resolutions both the Houses have already come to on this Head ; and as she knows all this, Sir, can it ever be supposed that she will act so inconsistently with her usual Politicks, as to leave to War what she may obtain by Negotiation ? She knows, Sir, that her naval Force, even when joined with that of Spain, will still be inferior to ours, provided that we exert our Force ; and this Bill shews her that we shall exert it. What then will be her next Step ? Not a Declaration of War with this Nation ; such a Proceedure would neither be just nor prudent. The wisest and most obvious Step she can take is to apply to the Court of Spain. — ‘ You have wrong’d the British Subjects, says she, you have insulted and plunder’d their Merchants, till the national Resentment is now awakened ; all Parties and all Degrees of Men in that Country concur in the Resolution of taking a severe Revenge, or obtaining an ample Satisfaction. You are singly no Match for Britain, nor is my Fleet in a Condition to assist you. But though it were otherwise, there is no Reason that I should put myself to Expences to support your Injustice, or to fight your Quarrels. My Property on board your Plate-Ships is very large ; it runs a great Hazard, if once we suffer a War to break out. I have no room to hope that after the War is over I shall recover my Losses, as usual, by Negotiation. You know the Parliament of Britain has pass’d a Bill, that puts it out of their own Power to restore Part of the Wealth that shall be taken by their Fleets. Nothing therefore remains, but that you give the Satisfaction so justly required, and that Security for their future Commerce to which you are obliged by so many Treaties.’ — This, Sir, I think, and not what Gentlemen have suggested, will be the Language of France, if we pass this Bill. And, Sir, as I observ’d before, it is impossible to contrive any Bill that can strengthen the Hands of our Ministers more, or give a greater Weight to their Negotiations. Kings, Sir, I believe, when they are rightly informed, are as honest as other Men, and can make as true a Judgment of their own Interest. France will find it for her Advantage to lay before the Court of Spain the true State of the Differences betwixt us. She will tell him plainly, how we have been wronged ; she will tell him, that our Demands of Satisfaction are supported by Justice ; and that his own Interest requires a Compliance ; since a Refusal must involve him in a War, to which he is not equal, and for which he is unprepared. Can we imagine that the Court of Madrid would be deaf to such Arguments as these ? Or can we suggest to ourselves any one Advantage that Ministry can expect to obtain, by exposing their Country to a War in defence of unjustifiable Measures ? Thus, Sir, France will indeed become a Party in this Quarrel ; but
if


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if she regulates her Conduct by Justice, Policy, or common Sense, she will not declare for Spain; nor can the Passing this Bill have the Effect apprehended by the honourable Gentleman.

But, Sir, setting aside all these Considerations, we shall suppose that France is absolutely resolved, at all Events, to support Spain. We shall suppose that Spain is obstinate in her Refusal to do us Justice; that she is determined to insist upon her Right to search our Ships, and to detain the Effects of our plundered Merchants: In short, Sir, we shall suppose that the Court of France sees this Affair in the very Light that the honourable Gentleman has mentioned. But is not this a fatal, is it not an eternal Argument against resenting any future Injuries from Spain, where the Court of France shall please to interpose? This Argument, Sir, will hold equally good at all Times; and I should be obliged to any Gentleman who could mention a Case, in which, if any Power of Europe should differ with us, the Court of France might not equally oblige us to recede from our Rights. I shall readily grant, Sir, a Difference may possibly arise betwixt us and other Powers, and that it may be the Interest of France to stand neuter till we have sufficiently weaken'd one another. But give me Leave to say, Sir, that if we reason from the Topics the honourable Gentleman was pleased to make use of, this can never be the Case with respect to Spain, because there never can be a Time in which Spain will not have the same Property in the Plate-Ships as she has at present: And consequently there can be no Time in which we shall be able to redress ourselves without her Leave. I appeal to every Gentleman that hears me, if this be not the natural Consequence of this Argument. Had the honourable Gentleman carried it as far as it would go, he would have told us in direct Terms, 'Your Seamen are to be enslaved, your Merchants plundered, and your Trade ruined, because if you take one Step to prevent it, France will interpose. You have indeed fine Possessions in America; you have an extensive Commerce, and flourishing Colonies, which may contribute greatly to the Riches of this Country, if France pleases to permit it. You have received the most infamous Treatment, and the Honour of your Country has been wounded by a long Tract of Injuries and Insults; there is now a fair Opportunity put into your Hands of being revenged. Yes, you may, if France pleases: In short, if she please not to interpose in favour of Spain, you may be secure against all future Interruptions of your Commerce.' This is a Doctrine, Sir, which I never hope to hear publicly avowed in this House; and what Influences it may have in other Places, I shall never wish
to


to see it adopted here. I hope, Sir, it will always be our Maxim to command Justice where we are denied it: We have no Need of Allies to enable us to do this; the Story of Jenkins will raise Volunteers. We have already enabled his Majesty, if War becomes necessary, to prosecute it with Vigour; and if Peace shall be more eligible, our passing the present Bill is the readiest Way for us to procure one that will be safe, lasting, and honourable.

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‘ Give me Leave, Sir, to observe, besides the Consideration I have already mentioned, one Advantage that must accrue to the Nation by our passing the present Bill. Any Man who takes a View of our Conduct for some Years past, can never be at a Loss to discover by what Means our Neighbours have made such a Progress in the Art of Navigation. He will easily see that it was owing to the many Disappointments which our Sailors received by the Fluctuation of our Councils at Home. Fleets were equipp’d here at great Expences, a vast Parade was made, and our Sailors Hopes of enriching themselves, by what they should take from the Enemies of their Country, we wound up to the highest Pitch: There is no Wonder, Sir, if, when these Hopes were disappointed, they entered into the Service of other Countries, where the Encouragement that foreign Princes wisely give them still detains them. Our passing this Bill is, perhaps, the only Way of recovering them to our Service. They will now see that we design more than an empty Show, or mock Expedition, that our Resolutions of Vengeance are fix’d, and that it is now out of the Power of any Minister to defeat their Expectations. This, Sir, will give them new Spirits, it will revive their Love for their Country, and they will say to one another, in their plain and honest Language, ‘ We now see that our great Men at Home are in earnest; they have passed a Bill that will give us an Opportunity to repay ourselves, with Advantage, for the many Losses and Insults we have received from the Spaniards, and for the many Disappointments we have met with at Home. Let us now return to the Service of our Country: Let us lay hold of this Opportunity of making ourselves rich at the Expence of the natural Enemies of us and our Nation. For my Part, says one, I never would have entered into any other Service, had I not met with so many Disappointments in Britain; and since Things are so and so, I shall chuse rather to serve there than any where else.’ — Thus, Sir, our passing the present Bill is a necessary Step for us to take, in order to recover our industrious Seamen from foreign into his Majesty’s Service. This seems the only Expedient by which this important End can probably be obtained.

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Thereby, Sir, we shall gain a double Advantage; we shall deprive our Neighbours of the Means that have enabled them so long to rival us in our Trade and Navigation; and we shall increase the naval, that is, the real Force of this Island: In short, Sir, were this Bill to answer no other End besides re-inspiring our brave Sailors with a Confidence in those who have the Direction of our Affairs, I think that single Consideration ought to outweigh any petty Objections; which however will vanish of themselves, because, Sir, while his Majesty is possessed of the Hearts of the Sailors, he will be able to maintain both the Dignity of his Crown, and Freedom of Commerce to his Subjects.

‘ The honourable Gentleman, Sir, who sits near me, has expressed himself with great Tenderness and Regard towards our Merchants: I wish, Sir, they may find him, and every Gentleman who has the Honour to act in the Administration, their Friends. I am sure they deserve all the Friendship the Ministry can shew, and all the Encouragement and Protection the Legislature can give. I beg leave to say, Sir, it is owing to the Commerce they carry on, that under a Load of unnumber’d Taxes, and amidst all the Discouragements of Industry, we are yet able to supply the Exigencies of Government, that we are yet able to preserve the Remains of that Influence which this Crown had once over the Councils of the rest of Europe, and that we can yet say that there is one Body of Men amongst us independant. But, Sir, how long can our Merchants preserve that Independency, if their Rights are not duly and vigorously maintained by that Government to the Support of which they so largely contribute? If they are left naked and defenceless by those who ought to be the Guardians of our Commerce, they must of Necessity become the Prey of every petty State. I need not call in distant Facts, or recur to History for this melancholy Truth. I am afraid all the late Insults offered them Abroad, are the Consequences of a visible Neglect of their Interest at Home. And from what has been, we may easily collect what will be the Consequence of this Conduct: We have already been insulted by our Enemies; we shall soon be despised by our Allies; we shall be considered as a Nation without Rights, or, what is the same, without Power to assert them. This, Sir, must be our Fate, unless we vigorously resent the Injuries of our Merchants, unless we require and command a Reparation for their past Sufferings, and a sufficient Security from future Insults; and unless, by a Conduct resolute, and worthy of the British Name, we restore our naval Flag to its antient Reputation.

‘ Having mentioned the British Flag, give me leave to say, Sir, that we ought not to suffer our Neighbours to
dispute


dispute that Point, either from their own Constructions of Treaties, from any former Precedents, or from any late pacifick Forbearance. I believe, Sir, it is needless for me to explain in this Place my Thoughts more fully on this tender Point; every Gentleman who has heard of some late Transactions must know what I mean. All the Use I would make of it, is to put Gentlemen in Mind, that by giving up the Honour of the Flag, we give up the Safety of our Commerce; and, that by giving up our Commerce, we betray the Interest of our Country. If the Insolence of any of our Neighbours has encroached upon the Honour of our Flag, either by calling it in Question, or by any actual Insults, it is our Duty to pass this Bill, that they may be convinced of our Resolution, not only to ascertain our Rights of Navigation in these Seas, but to vindicate the Honour of our Flag throughout the World.

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‘ I shall now examine the Consequences of the Arguments produced in Opposition to this Bill. It is alledged, that if it passes, the Wealth of our Allies may be seized without a Possibility of making Restitution. Now, Sir, I shall suppose a Thing that I believe no Gentleman can deny to be very probable: If we resolve upon procuring to our Merchants a Reparation of their past, and a Security against future Injuries, we shall be at last obliged to enter into a War. What Part are we then to act? Are we not to distress Spain in every Branch of her Commerce? And shall we not most distress her by intercepting her Plate Ships, and seizing that Treasure to which she owes all her Power and all her Influence? That Influence by which we are awed, and that Power by which we are oppressed? But, Sir, according to some Gentlemen’s Way of reasoning, this cannot be done. For if we take the Spanish Plate-Fleet, we must refund to our Allies whatever belongs to them. Now, Sir, I appeal to every Gentleman who has been a Commander of a Ship, or is conversant in these Affairs, if he would not be very cautious how he attacks any Ship for whose Cargo he must be accountable? Do Gentlemen think it easy for an Admiral of a Fleet, or a Captain of a Ship, to repress the Ardour of their Men when flushed with Success, and perhaps irritated by Resistance? Will not Reason, even without Experience, inform us, that no Authority, no Exactness of Discipline, can hinder the Sailors from plundering or destroying? The next Step, Sir, to be taken, is not, as usual, to adjudge those Captures to be lawful Prizes, but only so much of the Cargo as belongs to our Enemies; for our Allies, it seems, are to bring in their Claim upon us for the Remainder; and they may perhaps be prevailed upon, without any great Difficulty, by Spain, to extend their Claim to the whole

1 Anno 11 Geo. II.
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Ship, when perhaps Half is already disposed of by the Sailors amongst themselves, or to pay the Fees at a Prize Office.

‘ But, without supposing any indirect Confederacy between our Enemies and Allies, let us only remember that some Gentlemen have asserted, that not a Fifth, and others I believe more rightly, that not a tenth Part of the Cargo of the Plate Ships belongs to the Spaniards. Now I am informed, by Gentlemen that are no Strangers to these Affairs, that it is impossible for a Commander to prevent more than even a Fifth Part from being secreted by their Crews. I think the Gentleman appealed to by my honourable Friend who sits near me, has told us, that himself was brought in a Debtor, upon a Prize he took, and I am sure no Officer can pretend to more Authority and Wisdom than himself. Can we then suppose that an Officer will so far sacrifice his own Interest to publick Spirit, as to attack the Plate Ships of Spain? May we not more reasonably believe that he will avoid all Occasions of falling in with them, than that he will purchase a barren Reputation by the Ruin of his Family? Should we go to War upon these Maxims, we should at least set all Nations an un heard of Example of Temper and Forbearance; since, though we had the Wealth of Spain in our Power, the Seizure of which must render them Bankrupts, both amongst themselves and to their Neighbours, we shall regard it as a Treasure sacred and inviolable; while they are at full Liberty to ruin our Trade, to distress our Colonies, to insult our Flag, and to enslave our Fellow Subjects. Will not these be the Effects of rejecting this Bill upon the Grounds which the honourable Gentleman and his Friends have suggested? Have the hon. Gentleman and his Friends proposed any Means to prevent them? I am sure if they had, or if they yet shall propose any such Measures, I am as ready to concur with them as any Gentleman in this House.

‘ Hitherto, Sir, I have reasoned upon the Supposition of the French having a large Share and Property in these Plate Ships. And I shall readily agree that it is greatly the Interest of their Merchants that these Ships may be unmolested. But that they have a Property or a Share in them, though it may pass very well among private Traders, is not a Language to be either used or understood by treating Powers. We are, in a national Controversy, to allow of no Property or Shares but what are agreeable to the Treaties subsisting betwixt our Crown and the Crown of Spain, which has expressly precluded the French from trading to the Spanish West-Indies; the Treaties betwixt our Crown and the Crown of France have no less precluded any such Trade. The last Clause of the sixth Article of the Treaty of Utrecht binds

up France from hereafter endeavouring to attain or to accept of any other Use of Navigation or Trade, upon any Account, to Spain, and the Spanish West-Indies, other than what was practised there in the Reign of Charles II. or than what shall likewise be fully given and granted at the same Time to other Nations and People concerned in Trade. And, Sir, the Words of the eighth Article of that Treaty, are so full and exprefs, on this Head, that I shall make no Apology for reading them.

‘ And whereas, among other Conditions of the general Peace, it is by common Consent established as a chief and fundamental Rule, that the Exercise of Navigation and Commerce to the Spanish West-Indies, should remain in the same State it was in the Time of the aforesaid Charles II. That therefore this Rule may hereafter be observed with inviolable Faith, and in a Manner never to be broken, and thereby all Causes of Distrust and Suspicion concerning that Matter may be prevented and removed, it is especially agreed and concluded, that no Licence, nor any Permission at all, shall at any Time be given, either to the French, or to any Nation whatever, in any Name, or under any Pretence, directly or indirectly, to sail to, traffick in, or introduce Slaves, Goods, Merchandizes, or any Thing whatsoever, into the Dominions subject to the Crown of Spain in America, except what may be agreed by the Treaty or Treaties of Commerce aforesaid, and the Rights and Privileges granted in certain Conventions, commonly called the *Asiento* for Negroes, whereof Mention is made in the 12th Article.’

‘ These are the Words of the Treaty; and Words more exprefs there cannot be. Now, Sir, there never was a Treaty betwixt Spain and any other Nation, by which Spain gave them a Right to import a single Piece of Eight in their own Names; and to this Day every Piece that is imported in the Name of any other Merchants besides those of Spain, is by the Law of Spain confiscated to the King. This has been already very well spoke to by an honourable Gentleman in this Debate, who is himself engaged in Trade. But, Sir, as the Alteration that has been made in the present Bill by the Committee, makes it impossible for the French, or any Nation except Spain, to suffer by our Proceedings, because they will have Time to withdraw their Effects; I conceive the Force of the Argument against this Bill, that is built upon the Prejudice which it may do, with regard to our Allies, falls to the Ground. This Concession, this Regard which we have shewn for the Interest of our Allies, must, if they have either Candour or Gratitude, make them sensible how tender we are of their Interest, and how unwilling to

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to give them any Provocation to become Parties in this Quarrel. It will shew them that we have no other Design in passing this Bill, or in entering into a War, than to assert our Rights, and secure our Commerce. At the same Time, it gives them, as the Gentleman expressed it, a fair Warning, and shews them that we are not to be intimidated from pursuing our just Resentment, even tho' they should obstinately neglect to withdraw their Effects, or to continue to embark them in Spanish Vessels. These are some of the good Consequences that may perhaps attend the Amendment that has been made, tho' I think there was little Occasion for it; and I believe, I have now demonstrated that we were not obliged in Justice to make any such Amendment, or to regard the Riches on board these Ships as the Property of any People except Spaniards.

I shall next, Sir, consider what was said by the honourable Gentleman with regard to the Loss that our Merchants must sustain by insuring these Effects. Every Gentleman, who is conversant in Trade, knows very well how great the Difference is betwixt insuring upon a Cargo, and insuring upon a Bottom. As the Insurance in these Cases with our Merchants, is upon Bottomry, and not upon Cargoes; if I am rightly informed, our Merchants Share, if the Plate Ships should be seized, would be very inconsiderable. As to the Difficulties in which our Merchants who trade to Spain might be involved by this Bill, they are now provided against by the Clause inserted by the Committee, which gives them an Opportunity of putting their Effects out of the Reach of the Spanish Government; tho' I believe, even this Alteration was hardly necessary, because they must, from the Conduct of the Court of Spain, have long seen this Cloud gathering, and we must suppose them lost in Stupidity, if they have not provided for the worst. Nor can I find the least Reason for imagining that a Discovery of their Effects will be acquired by Torture, because a Proceeding so entirely unheard-of, so horrid in its Nature, and so contrary to the Law of Nations and of Arms, will fill the whole World with Resentment and Detestation, and load the Authors with such a general and lasting Odium, as the Wealth they might hope to gain cannot countervail. But, Sir, because every Gentleman cannot be supposed to be a Judge of Commerce, or the particular Interests of Merchants, I will propose an Experiment, by which every one that pleases, may convince himself of the Fitness of this Bill. Let any Gentleman walk thro' Westminster and London, and ask every Trader he shall meet, his Opinion of a War with Spain, and of this Bill; he will not find six Men in the Number that will not declare in Favour of both the one and the other.

other. This, Sir, I believe many Gentlemen in this House will admit to be Fact, and then what becomes of all the Arguments drawn from a Tenderneſs for the Interſt of our Merchants? Can we ſuppoſe that if they have ſuch immense Sums at Stake as has been ſuggeſted, they would declare for the preſent Bill, had they not other Advantages in View, that will overbalance all the Loſs they can ſuſtain by our ſeizing the Plate Ships? or muſt we not ſuppoſe, what is much more probable, that they have no ſuch Sums at Stake, and that they therefore are pleaſed with the Proſpect of a War that will reſreſs the Insolence of their Oppreſſors?

‘ I cannot diſmiſs the Cauſe of the Traders to Spain, without mentioning a Story, which, though I will not affirm it to be true, ſeems too remarkable to be ſuppreſs’d. It is reported, Sir, that a Counter-Petition was ſet on Foot, and promoted by ſome in Power with their whole Interſt, and utmoſt Diligence. This Counter-Petition, Sir, was to have been ſigned by the Merchants trading to Spain, in order to be preſented to this Houſe, ſetting forth *the Hardſhips that the Petitioners muſt ſuffer by a War with Spain*. To procure Hands to this Petition no Arts were untry’d, no Threatenings, no Promiſes were omitted; yet could they not get above five or ſix Merchants, and thoſe I am informed were Roman Catholicks, to ſign it; of no Figure in Trade Abroad, and of no Interſt among our Merchants at Home. A Petition, Sir, ſign’d by ſo few and ſo inconfiderable Perſons, againſt Petitions from all Parts of the Nation, would only have drawn Contempt on thoſe who promoted it, and was therefore with equal Modeſty and Prudence laid aſide. I will not be answerable for the Truth of my Information; and therefore if any Gentleman who hears me, thinks himſelf injured by ſuch a Report, I hope I have obliged him by giving him an Opportunity of vindicating himſelf. But be that as it will, I may venture to affirm that a Counter-Petition was ſet on Foot, but miſcarried for want of a Number of Hands to give it the Face of a Petition fit to be preſented to this Houſe. This is enough to prove that all our Merchants trading to Spain, except a very deſpicable Number, are for a War; ſo that the Tenderneſs of the honourable Gentleman, is a Tenderneſs by which they will not think themſelves benefited, nor own themſelves obliged.


‘ But, ſays the honourable Gentleman, the Power of making Peace or War lies in his Maſteſty’s Breſt. It is a Prerogative not to be wreſted from him by Petitions, however univerſal, or by Arguments, however ſpecious.

‘ Sir, I know very well how far this Prerogative of the Crown extends, at leaſt how far it ought to extend, and how ſafe ſuch a Prerogative is with his preſent Maſteſty: But hope

Anno 1^o Geo. 3^o.

1733⁸.

Anno 11 Geo. II.
17378.



it will not be imputed to Want of Confidence in his Majesty, if I affirm that even this favourite Prerogative, this darling Power, that is so warmly contended for, however reasonable it once was, may now be justly disputed. In former Times, Sir, when our Kings made War, they did it at their own Expence, they went to the Field at the Head of their own Tenants; if any Advantage was gained, it was enjoyed by the Nation; and if any Loss was sustained, it was sustained by the Sovereign. It was then but reasonable to indulge the Monarch in this Prerogative, because he could only exercise it at his own Expence. But our Sovereigns now make War at the Expence of the Nation, and hazard not their own Revenues, but the Fortunes, Interests, and Commerce of their Subjects; and therefore, Sir, it would seem but reasonable that the People should be allowed to judge a little for themselves; that our Kings hearken to their Voice, especially when it is universal; when they are not influenced by the Arts of designing Politicians, or heated by the Rage of Party. Never was Nation more unanimous than our People now are, in their Demands of Satisfaction for the Injuries they have so long borne from the Spaniards. There can be no Danger in complying with their Importunities, since there is no War, be it ever so unsuccessful, but is to be preferred to such a Peace, as can only flatter us with a false Security, and expose us more effectually to a faithless Plunderer.

‘ I shall, Sir, but just touch upon the second Article, by which Head-Money is granted to our Sailors; the Gentleman has owned, Sir, that this is a very proper Measure; that it is not enough for us to be barely just, but that we ought likewise to be generous, if we would encourage Men to endure Toils, and face Danger: He has indeed expressed himself, on that Head, with great Candour. All the Remark I beg Leave to make is, that the Gentleman is rather for encouraging our Sailors, at our own Expence, than that of our Enemies.

‘ As to the Objection against vesting the Properties of Places, taken from the Enemies, in the Persons of those who shall be incorporated by his Majesty for that Purpose; I believe, Sir, we are at present in Possession of several Places conquered from Spain, several Islands and Fortresses of great Consequence, which have not been restored, tho’ some of them have been more than once demanded Sword in Hand. And I cannot see what should hinder us from securing our future Conquests, as well as our past. It is true, that if we go about to beg or buy a Peace, the Effects of Conquests in the Hands of private Persons will very much embarrass a Treaty: But if we intend to command a Peace, and insist
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on Justice, it can only be effected by shewing that we are determined not to lose any Advantage, that we shall gain by War.

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‘ I hope, Sir, what I have now said is sufficient to evince the Necessity of this Bill. Former Parliaments, Sir, have thought it proper to pass such Bills ; it was then proper ; it is now necessary. I am far from thinking that this Nation ought to be the Drawcansir of Europe, to heap Debts upon Debts, and rush wantonly into War and Expences. But, Sir, I am afraid new Debts and new Wars will be the natural Consequence of such languid and spiritless Proceedings as some Gentlemen seem to favour. Every petty People, every Nest of Pirates, every Combination of encroaching Traders, will without Scruple plunder a Nation, that sits down tamely under the grossest Injuries, and, instead of punishing, caresses the Robber. If this Act should not have the expected Influence upon Spain, it will encourage our Seamen, and inspire our Fellow-Subjects with a just Confidence in his Majesty and his Administration, when they see nominal Distinctions and Party Quarrels lost in the noble Zeal for asserting the Rights of our Country, retrieving the Honour of our Naval Flag, and repairing the Losses of our injured Merchants. Therefore, Sir, I give my hearty Concurrence to this Bill.’

Sir Robert Walpole thinking himself reflected on, took the Opportunity to offer this Justification of himself.

Sir,

‘ I believe, it is owing to the Zeal the Gentleman who spoke last has for the Honour of Britain, and to his Indignation against the Insolence of the Spaniards, that he forgot some of his usual Candour in stating one or two Points. As they personally relate to myself, I shall beg Leave to trouble the House with a few Words on this Occasion.

Sir Robert Walpole:

‘ And first, Sir, I appeal to every Gentleman who has heard what I have said on this Subject from the first Day it was brought into this House, if I have dropp’d one Word that could be wrested to the Meaning imputed to me by the honourable Gentleman. Can any Gentleman collect from the Expressions I us’d, that I was jealous of the Spanish, but forgetful of the British Honour ? I dare appeal, Sir, to any Man who knows me in private Life, if he ever at any Time heard such an Insinuation fall from me. All I said on that Point was in order to prove, that it would be extremely improper for us to pass this Bill, till we see the Effect of his Majesty’s late Instances at the Court of Spain.

‘ The next Part of the honourable Gentleman’s Speech that personally relates to me, is what he added with regard to an abortive Petition. The Gentleman said, ‘ he was informed, it was reported, but that he would not be

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1738.

answerable for the Truth of his Information? But, Sir, is this a fair Way of reasoning in this House? To make Insinuations have any Weight, they must be founded on acknowledged Facts. But if these Facts are misrepresented, and aggravated with invidious Circumstances; if Suspicions are intangled with Certainties, and Conjectures work'd up into Invectives; may not the most innocent Behaviour countenance the most cruel and unjust Reflections? may not the clearest Integrity be impeached, and Reputations sported away? It is very true, that a certain Petition was designed, and that Design was afterwards dropt. So much, Sir, and not one Word more of what has been asserted on this Head, is Truth. But, Sir, as I have been personally pointed out, I must beg Leave to set this Affair in a just Light: It is against my Inclination that I touch upon it at all; but I am forced to it, by the Regard that every Man ought to have for Truth, and for his own Character.

The Design of the Petition, which is invidiously called a Counter-Petition, I will take upon me to assert, was not set on Foot by any one concerned in the Administration, as the honourable Gentleman seems to insinuate. It was a Measure begun and promoted by some of the most considerable Merchants of the Kingdom, and, for aught I know, Men as well affected to our Constitution both in Church and State, as any Gentleman in this House. After they had concerted the Scheme amongst themselves, they came in a Body to desire my Advice; which was, Sir, that they should proceed no farther in it. I told them, that I would not be concerned in any thing that would give the Spaniards the least Reason to imagine that the trading Interest of Great Britain was divided in this Affair, or that this House would not be unanimous in its Zeal for procuring just and ample Satisfaction for the Injuries of our Countrymen, and the Obstructions of our Commerce. At the same Time I shewed them that they were acting contrary to their own Interests, and that they could hope for no other Favour from Spain than to be the last whom she would ruin. Upon this, Sir, the Design was dropped; and I believe this is known, by several present, to be the true State of the Fact, which the honourable Gentleman has been pleased to represent as a Piece of Ministerial Craft. How far the Arguments produced are conclusive, let the House judge: For my Part, I do not forget my Promise of being open to Conviction; but I must feel the Force of an Argument before I acknowledge it, and perceive my Objections invalidated before I recede from them. I do not perceive that the Gentleman has added any Weight to his own Reasons, or taken away any from mine, and therefore I am against the present Question.

Thomas

Thomas Winnington, Esq;

Sir,

' The Importance of the Question before us, will justify me in saying something, though the Time will not allow me to say much.

' The present Bill I apprehend to be such, that we should, in passing it, neither observe our Treaties, nor consult our Interest. Our Provocations have indeed been great, and many; our Merchants have met with barbarous Treatment; and that too has been authorised, or at least connived at by some of the Spanish Governors; nor shall I pretend to say that these Governors have been hitherto punished by the Court of Spain. But, Sir, neither the Court of Spain, nor we, till of late, were certainly informed of the Truth of our Merchants Allegations; and while Facts are yet in Dispute, though Justice may be delayed, it is not properly denied.

' The convincing Proofs we have now received, are laid, by his Majesty's Order, before the Court of Spain; let us wait for the Event of these Remonstrances, which perhaps may procure us all the Advantages we can hope for from a War, without the Hazard, the Blood, and the Expence. If these Remonstrances are neglected, what have we lost? We have still our Swords in our Hands, to command Justice, if we are denied it. We may then declare War, and prosecute it with the utmost Vigour; the Delay will, I hope, give new Spirit to our Councils, because it will give Justice to our Cause.

' As the honourable Gentleman, Sir, has been pleased to quote an Article or two from the Treaty of Utrecht, I shall beg leave, to do the same. And first, I shall read the 17th and 18th Articles of that Treaty.

XVII. ' But if it happen through Inadvertency, Imprudence, or any other Cause, that any Subject of either of their aforesaid Royal Majesties, do or commit any thing, by Land, Sea, or on fresh Water, in any Part of the World, whereby this present Treaty be not observed, or whereby any particular Article of the same hath not its Effect, this Peace and good Correspondence, between the Queen of Britain and the Spanish King, shall not therefore be interrupted or broken, but shall remain in its former Strength, Force, and Vigour; and that Subject only shall be answerable for his own Fact, and suffer such Punishment as is inflicted by Law, and according to the Prescriptions of the Law of Nations.

' XVIII. But if (which God forbid) the Disputes which are composed should, at any Time, be renewed between their said Royal Majesties, and break out into open War, the Ships, Merchandize, and Goods, both moveable and im-


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Anno 11 Geo. II.
1378.

Mr. Winnington.

' moveable

Anno 11 Geo II :
1738.



‘ moveable, of the Subjects on both Sides, which shall be
‘ found to be, and remain in the Ports and Dominions of
‘ the adverse Party, shall not be confiscated, or suffer any
‘ Damage; but the Space of six Months, on the one Part
‘ and the other, shall be granted to the said Subjects of each
‘ of their said Royal Majesties, in order to their selling the
‘ aforesaid Things, or any other their Effects, or carrying
‘ away and transporting the same from thence, whither-
‘ soever they please, without any Molestation.’


‘ I believe, Sir, the Words of these two Articles need no
Commentary, they being so full and express in themselves,
and their Meaning so directly contrary to the Tenour of the
present Bill. While War is yet not declared, and before the
Court of Spain has avowedly refused to do us Justice, the
Injuries and Violences complained of, are the Crimes of
private Persons; not Hostilities, but Piracies; and so I shall
stile them, till a Refusal of Justice makes them the Acts of
the State. There are several Instances, Sir, and some men-
tioned in the Petition to this House, wherein our injured Mer-
chants have been favourably heard by the Court of Spain.
If her Intentions to grant them Relief were frustrated by the
Villainy of her Governours in America, that is no more than
I believe happens every Day, in Relation to other Courts,
where their Dominions are so remote. Therefore, Sir, until
we hear the Answer of the Court of Spain to our late In-
stances, we can never affirm that the Crown of Spain has, by
any publick Act, authorized the Depredations complained
of.

‘ The honourable Gentleman has been pleased to omit
taking Notice of another material Objection to this Bill:
This, Sir, regards the Obligations that our Crown is under,
not to consent to any future Alienations of any Part of the
Spanish Dominions in America; tho’ he might have found
the Words by which this is expressly stipulated in one of the
Articles, which he himself was pleased to quote. It is in
the latter Part of the eighth Article of the said Treaty, where
we meet with this Clause; ‘ That the Spanish Dominions in
‘ America may be preserved whole and intire, the Queen
‘ of Great Britain engages, that she will endeavour, and give
‘ Assistance to the Spaniards, that the antient Limits of
‘ their Dominions in America be restored and settled as
‘ they stood in the Time of King Charles II. of Spain,
‘ if it shall appear that they have, in any Manner, or
‘ under any Pretence, been broken into, and lessened in
‘ any Part, since the Death of the King aforesaid.’

‘ This, Sir, was a Point of so great Consequence, that
the first Article of the said Treaty confirms it in Terms
still more full and express. ‘ Since his Royal Majesty of
Spain

Spain is stedfastly resolved, and does solemnly promise by these Presents, that he will not consent to any further Alienation of Countries, Provinces or Lands, of any Sort, or wherever situate, belonging to Spain, her Royal Majesty of Great Britain does likewise reciprocally promise, that she will provide that no further Part of the Spanish Monarchy be torn from it.

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After such a Stipulation as this, what can our passing the present Bill be termed, but a manifest Violation of the publick Faith? But because Arguments founded upon Interest are too often of greater Weight than those drawn from mere speculative Justice, I shall beg leave to offer my Opinion of the Effect, which such a Procedure would have upon that Commerce, for the Preservation of which these Measures are proposed.

I have, Sir, many Times heard it asserted, that we are Losers in every Branch of Trade, except to our Plantations, and to Portugal: If this is true, let us not, without the utmost Caution, give way to Counsels that may injure these two only valuable Branches of our Commerce. I believe, Sir, it will easily be granted me that the Spaniards are superiour to us in the American Seas. Their Ships are indeed very much inferiour to our Men of War, yet such as our trading Vessels cannot resist: These Ships, the vast Extent of their Coasts, and Commodiousness of their Harbours, give them an Opportunity of equipping in such Numbers, that the Men of War, which we shall be willing to dispatch thither, will not be able to protect above a fifth Part of our Merchants. Nor is this the only, or the greatest Danger, to which our Commerce will be exposed. The open Efforts of Spain may be guarded against and defeated, but the silent Encroachments of France we shall not have Leisure to observe, nor Opportunity to prevent; the first will cease with the War, but the other will still remain to upbraid us with our Rashness and Imprudence.

As to the Hopes, which the honourable Gentleman seems to entertain, that France will interpose in our Favour, I cannot but think them perfectly chimerical. France has rarely sacrificed her Interest to her Generosity, or assisted her Neighbours to her own Prejudice. What Prospect of Advantage can induce her to represent the Justice of our Cause, to the King of Spain? Will not she grow rich by our Differences? will she not extend her Commerce undisturbed, and enlarge her Power without Opposition? Her Power in America is already formidable, and her Colonies flourishing. Shall we not by a War increase that Power, and add new Strength to our ancient and natural Enemy? Nor will France confine her Acquisitions to the West-Indies, but make
the

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the same, if not greater Advances in Europe ; the Trade to Spain, a Trade more considerable and gainful than is commonly imagined, will fall at once into her Hands. She will then grasp at Portugal ; and how easily she may insinuate herself into that Trade, will appear from the bare Inspection of a Map of Europe. Let it be remembered that the Sea will be open to her Vessels, while our Merchants will not dare sail without a Convoy ; let it be considered how easily Spain may station her Fleet at the very Mouth of the Tagus, and the Dangers of a War will be easily comprehended.

‘ I shall beg Leave, Sir, only to offer one Word in answer to what the Gentleman advanced, with regard to the Royal Perogative of making Peace or War ; and indeed, Sir, his Insinuation is so directly contrary to the known Maxims of our Government, that in some Measure it carries its own Answer along with it: Gentlemen need only look into the Address, we have presented to his Majesty, to be convinced what the Sense of the House is on this Head, and how consistent it would be in us, after such an Address, to pretend to wrest that Prerogative out of his Hands.

‘ The Advocates for the Bill have advanced one Assertion in Defence of it, which, in my Opinion, deserves particular Notice. This Bill, how threatening an Aspect soever it may bear, however it may swell with the tremendous Sounds of Head-money, Conquest, and Appropriation, is, it seems, only intended to procure a lasting and a speedy Peace. These Threats, it seems, are only to be thundered in the Ears of Spain, the Conquests are only to be talked of, and the Land we mark out for perpetual Settlements is never to be invaded. Are not these the Satirists, who have exhausted their Eloquence, and jaded their Imaginations, to ridicule military Shows, and mock Expeditions ?

‘ But, not to give way to personal Reflection on this important Question, How can we guess the Event of this bold Experiment ? Have they any Assurance that the Spaniards, so elevated as they represent them with our Cowardice, so daring, so haughty, and so insolent, will lose their Spirits, lower their Crests, quake with Terror, and sink into Despair, at the Resolution of this House ? That they will immediately beg for Mercy as soon as we lay our Hands upon our Swords, without daring to hold out till they are drawn ? Will mere Words and empty Sounds restore that Reputation which has been so long lost, and so pathetically lamented ? Is there any Magic in an Act of Parliament, that gives it Power to freeze the Blood, and slacken the Nerves ; to disarm Squadrons, and scatter Fleets ? Their Reasonings seem to be founded in the full Confidence of Effects like these. — For they have not vouchsafed to give us the least Information

tion how the Expences of a War with a powerful Nation may be supported ; while they have justify'd Measures of which, to vulgar Capacities, War appears the inevitable Consequence. The Tenour of their Reasoning is indeed not very uniform : They talk at one Time of nothing but procuring a safe and honourable Peace ; at another, they seem to suspect that the Bill may produce open Hostilities, and please themselves with transferring to the People a Branch of his Majesty's Prerogative, and giving them an Opportunity of declaring War for themselves. They assert, that the People are unanimous in their Ardour for Vengeance, and propose an infallible Experiment to prove that Unanimity. Suppose the Desire as general as is pretended, are all Desires proper to be gratified ? Is an inflamed Populace to give Laws to the Legislature ? The People, I know, in imitation of some of their Betters, have divided Prizes, counted on Head-money, and canton'd out the Provinces of America. Conquest, Triumph, and Possession, are pleasing Sounds, and Victory and War are now vulgarly taken for Terms of the same Signification. But Experiments are best confuted by Experiments, and therefore I shall take the Liberty of proposing a Method by which the Inclinations of our Countrymen may be discovered. Let any Gentleman of this House walk through the Streets of London, and ask every Man he meets, whether he is willing to abate his Expences, or to pay greater Taxes than he does at present. I believe I need not say what Answer he will receive, or how wonderful an Unanimity he will find in all Ages, Ranks, and Parties. He will see the Ardour raised by the Talk of Depredations, Injuries, Conquests, and Vengeance, very sensibly abated by the Mention of Taxes. The Story of Capt. Jenkins will then be told in vain, and though it has been affirm'd that it will raise us Volunteers, it will raise, I fear, but little Money.

Upon the Whole, I believe, most Gentlemen that attentively reflect on all the Consequences of passing this Bill, will find the Disadvantages outweigh the Benefits, and with me determine in the Negative.'

Mr. Pulteney,

' Sir, after all that Gentlemen have said against this Bill, Mr. Pulteney, I must insist upon it that the most material Part of my Argument for the Bill has not been so much as touch'd upon by them ; and that is with regard to the Trade carried on by France in the Spanish Galleons, which is a notorious Breach of all Treaties.

The Question being put, on a Division the Bill was dropt, Noes. 106, Yeas 75.

Anno 11 Geo. II
1738.

May

The Bill dropt.
Division Noes. 106,
Yeas 75.

Anno 11 Geo. 11.
1738.

May 20th, His Majesty went to the House of Peers, and put an End to the Session with the following most gracious Speech to both Houses.

My Lords and Gentlemen,

The King's Speech.

“ **I**T is with great Satisfaction I observe, that the Temper and Moderation, which I recommended to you at the Opening of this Session, have been so well preserved through the general Course of your Proceedings; and that from a due Regard to me, and my Honour, you have avoided all unnecessary Occasions of Heats, and Animosities, and made the Interest of your Country the principal Object of your Care and Consideration.

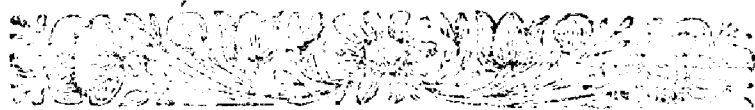
Gentlemen of the House of Commons,

“ I return you my Thanks for the Supplies which you have so chearfully and effectually raised for the Service of the current Year: The Provision you have made to answer all Emergencies, which may become necessary; in Vindication of the Honour and Interest of my Crown and People, is a great Proof of your Zeal and Concern for the Welfare and Prosperity of the Nation; and shall be employed by me in such a Manner, as may best conduce to those Ends and Purposes, for which you have so readily consented to this extraordinary Expence.

My Lords and Gentlemen,

“ Agreeably to what hath appeared to be concurrent the Opinion of both Houses of Parliament, I have given Orders to repeat, in the strongest and most pressing Manner, my Instances at the Court of Spain, for obtaining Satisfaction for the many Injuries and Losses sustained by my trading Subjects in America, as well as an effectual Security of their Rights for the future; and I hope, from the Justice and Equity of the Catholick King, to procure such Satisfaction and Security, as may preserve the Peace, and establish a free and uninterrupted Exercise of Navigation and Commerce, mutually between the Subjects of both Crowns, pursuant to our Treaties, and the Law of Nations.

The Parliament was then prorogued to July 27.



MINUTES, &c. of the FIFTH SESSION;
by way of Introduction to, and Illustration
of, the DEBATES, &c. which follow, to
the End of the said Session.

February 1. 1731.

HIS Majesty came to the House of Peers, and opened the Session with a most gracious Speech from the Throne, which See page 339. as likewise the Address and the Debate it occasioned, page 341. &c.

The 5th. The House resolved that a Supply be granted his Majesty, *Nemine Contradicente*.

The 6th. Ordered divers Estimates of Accounts to be laid before them.

Resolved, that His Majesty be addressed for several Memorials, Petitions, &c. since the Treaty of Seville, relating to any Losses sustained by his Majesty's Subjects by Depredations committed by the Spaniards, &c. to be laid before them, which have not already been laid before this House.

A Motion was made, and the Question put, that his Majesty be addressed to lay Admiral Huddock's Instructions before them, it passed in the Negative, on a Division, Ayes 113, Noes 183, See the Debate page 359. &c. After which it was moved that several Papers relating to Spanish Captures be laid before them, which passed in the Negative: Ayes 120, Noes 200. See the Debate, page 369. &c.

The 12th. The House agreed to the Report of Yesterday's Resolution on the Supply, viz. Resolved, that 12,000 Seamen be employed for the Service of the Year 1739.

Resolved, that a Sum not exceeding 4l. per Man per Month be allowed for defraying the Expences of the same.

The 14th. In a Committee on the Supply came to the following Resolutions:

Resolved, That 17704 Men be granted for Land Forces for the Service of the Year 1739 On a Division: Ayes 253, Noes 183*. See the Debate, page 403. &c.

That 647,549l. 11s. 3d. be granted for maintaining them.

a

That

* The Minority proposed 12000 Men only.

That 228,062 l. be granted for the Garrisons of Minorca, Gibraltar, Georgia, &c.

That 27,172 l. be granted for Out-Pensioners of Chelsea-Hospital.

That 5041 l. be granted, for defraying several extraordinary Expences incurred in 1738, and not provided for by Parliament.

The 20th. Read a third time, and passed the Malt-Bill.

The 23d. Read a second time, the Bill for punishing Rogues, Vagabonds, &c. and for the Relief of Lunatics, and Foundling Children.

Received a Petition from the West-India Merchants, trading to America, and another Petition from the Merchants of Bristol : See Page 417.

After Debate, Ordered that the Petitioners be heard by themselves, (not by Counsel) on two Divisions ; Ayes 237, 242, Noes 208, 297.

The 26th. Received Petitions relating to Westminster-Abbey, St. Margaret's Church, the African Company, and the Colony of Georgia.

Glassmakers
&c. Petition.

The 28th. Received a Petition from several Glassmakers, Brewers, Sugarboilers, Smiths, Dyers, &c. Consumers of Coals, complaining of the Abuses and Frauds in enhancing the Price, and praying Relief.

Referred to the Consideration of a Committee of the whole House.

March 5. Received a Petition from the Merchants of Edinburgh, expressing their Dissatisfaction to the Convention.

Referred to the Committee on the Convention.

Read a third time, and passed the Mutiny-Bill.

The whole House was called over, according to Order.

The 6th. In a grand Committee, took the Convention into Consideration, and several Merchants were called in, and examined, relating to their Losses sustained by the Spaniards ; Captain Vaughan, and Captain * Copithorne were also examined relating to their Losses and cruel Usage.

The

* The CASE of Richard Copithorne, sole Owner and Master of the Ship Betty Galley, Burthen 150 Tons ; relating to his being taken by the Spaniards, and the Losses sustained by himself and the Freighters thereby ; humbled addressed to the Honourable the House of Commons,

This Ship having been taken in Europe near twelve Years ago, and the Sufferers gone thro' all the Formalities of making good their Claim for the Loss thereof, both here, pursuant to
his

The 7th. Received two Petitions from the Merchants of Scotland, against the Convention.

Referred to the Consideration of the Committee, &c.

Ordered an Address to his Majesty to give Orders for erecting a more spacious Edifice, for the better Reception of Parliament.

Took

his Majesty's Commands published in the London Gazette, and also before the Commissaries in Spain: But having received no Satisfaction, and apprehending from the Words of his Majesty's most gracious Speech, that the Satisfaction now stipulated relates only to Captives in America, they humbly beg leave to make their Case known at this Juncture, not doubting but the great Goodness of this Honourable House will provide Means for their Relief.

The said Richard Copithorne being bound upon a Voyage from Messina to London, was, upon the 29th Day of June, 1727, attacked by a Spanish Privateer under Turkish Colours; and upon Refusal to strike, the Privateer charged him with his whole Fire, and boarded him with a great Number of Men, which obliged him to take the necessary means for his Defence, and thereby forced the Enemy to put off, leaving about thirty of their Men behind, who were reduced to the Necessity of taking to the Ship's Tops, Rigging, and Sides, where they could best bestow themselves with most Safety.

The Privateer finding his Men thus left on board, and not able to compass his Designs, in order to regain his Men, boarded the Ship a second time, with Stink-Pots, Powder-Flasks, and Pole-Axes: Upon which the said Copithorne discharged his great Guns laden with double-round and Partridge, with all his Small-Arms, and at the same time set Fire to his Powder-Chests, which obliged the Enemy a second time to retire.

The Enemy finding they could not force him to submit, resolved (having little or no Wind) to take the Ship in Towe, and by that means to carry her to the Island of Alboran, (about two Miles distant) there to destroy the Ship upon the Rocks, and put every Soul to the Sword, as afterwards appeared to be their Design.

Copithorne finding himself in this desperate Condition, gave Orders to change the Helm, which brought the Privateer a-long-side; and making Use of that Advantage, fired his Guns again loaded as before; which not only cut the Harser of the Privateer, and unshipped many of her Oars, but also laid her upon the Careen, where she lay two Hours before she could amend her Damage; during which time there were about fifty of the Enemy on board Copithorne's Ship, cutting and destroying Masts, Sails,

Took the Convention into further Consideration, and examined Mr. Stert, one of the Commissioners, relating to the Merchants Accounts, and the Demands of the King of Spain, and other Witnesses were examined, as to the Limits of Carolina, &c.

The

Sails, and Rigging, and at the same time a continual fire from the Privateer at his close Quarters; and the Spaniards on board were by their own Boat supplied with fresh Men and Arms; and the same Boat carried off their Dead and Wounded.

After five, or near six Hours Engagement, Copithorne's Deck blew up by Accident unknown, the Bulk-Head falling flat upon Deck, and the Enemy from the Forecastle at the same time fir'd a Volley of Small-Shot into the Cabin. By the blowing up the Deck, Copithorne's Foot was taken in between two Planks, which kept him fast for an Object of the Enemy's Cruelty, who snapp'd several Pistols and Guns at him whilst in that Condition; and they stripp'd him, and without Mercy batter'd, cut, and stabb'd him so inhumanly, that they themselves believ'd him to be dead as he lay upon the Floor, naked and weltering in Blood. After some time, and with some Difficulty, they got his Foot clear, and by four Men toss'd him upon the Deck, and from thence into the Boat, and carried him on board the Privateer, where he lay in the most miserable Condition, naked, for nine Days before he was landed; in which time the Captain of the Privateer and Company put it to the Vote whether they should murder the Prisoners and carry the Ship to Iwissa or Majorca, to dispose of as they thought proper, or spare the Prisoners Lives and carry them to Malaga, according to their Orders; and it was carried by a Majority of two or three Votes only, to spare our Lives and stand in for Malaga. Having thus resolved, they kept the Prisoners on board the Privateer fourteen Hours without a Drop of fresh Water to relieve them, which obliged two of them in that time to drink salt Water several times; and they supplied Mr. Copithorne with no other Sustenance than Bread and Fish-Bones from the Captain of the Privateer's Table; neither would they grant him a little Spirits to wash his Wounds, nor in the Heat of the Day allow him the Benefit of the Arning which they had to keep off the scorching Sun, but drawed it aside on purpose to torment him with the Heat; which (being naked) blistered his Body in a most dismal manner, and the cold Dew of the Night falling afterwards, gave him as much Uneasiness as the Wounds he received in the Engagement. Having thus used him for nine Days, they carried him into Malaga, where he was informed that the Enemy had lost twenty four or twenty-five Men, and had a considerable Number wounded; and also
found

The 8th. In a grand Committee took the Convention into further Consideration, when it was moved, that an Address of Thanks be presented his Majesty for obtaining the Convention; and a great Debate arose thereupon: See the Debate at large, Volume VI. Page 1. &c.

Received

found that the Ship and Cargo was no lawful Capture. Upon which Nicholas Holloway, Esq; his Majesty's Consul, made a Demand of the Ship and Cargo, and all Damages to be made good. And proper Application was also made to M. Vander Meer, Embassador from the States General, then at Madrid, and Sir Charles Wager at Gibraltar, from whom great Hopes were conceived that the Ship and Cargo would be restored to the Owners, and the Damages made good, according to the true Intent and Meaning of the Preliminary Articles: But, contrary to all Justice and Equity, there came an Order from Madrid of the 14th of October following, to sell the Ship and Cargo for the Use of the cruel Captors.

It is very remakable in this Affair, that the Preliminary Articles were signed at Paris the 31st of May 1727, N. S. which was twenty-nine Days before the said Ship was taken; and, upon the 18th of June, 1727, his Catholic Majesty accepted and signed the said Preliminaries, tho' he detained them several Days before he accepted the same; and upon the 23d following all Hostilities ceased at Gibraltar and the Camp of St. Roche; and upon the 25th of the same Month it was publicly known at Malaga (from whence the said Privateer sailed the same Evening) and other Parts of the Sea-Coast, which was four Days before the said Ship was taken.

In Consequence of the said Articles it was advertized in the London-Gazette of the 9th of April 1730, that all the Sufferers included in the same should give in and make their Claims upon Oath, in order to receive Restitution; which accordingly was done in this Case: And by the Treaty of Seville, concluded the 9th of November, 1729, in the second, the fifth, and last separated Articles, it was fully stipulated in exprefs Words, That immediate Reparation should be made to the Sufferers, pursuant to the fifth and seventh Articles of the said Preliminaries.

There have been sundry Applications made in the most respectful and pressing manner, for Redress in this Affair; and the said Copitborne hath made a Journey on purpose to Seville, and attended the Commissaries some Time, in Hopes of obtaining Satisfaction for himself and the other Sufferers, which was attended with a great Expence and Loss of Time,

All which is humbly submitted to the Consideration and Compassion of this Honourable House.

Received the Report of Yesterday's Resolution, which gave Rise to the Debate, to be found page 43. &c.

The 12th, the House went with their Address to his Majesty *.

The 13th. Received a Petition of the Merchants, Clothiers, and Dealers in Wooll, complaining of the Decay of the Woollen Manufactory, and praying Relief, &c.

Refer'd to a Committee of the whole House.

The 14th. See page 76,

The 15th. Agreed to the Report of Yesterday's Resolution on Ways and Means, viz.

Resolved, that Two Shillings in the Pound be granted for Land-Tax for 1739.

Resolved, That no Drawbacks shall be paid on the Exportation of wrought Plate or Manufactures of Silver, that shall have been wrought about 10 Years before the Entry of the same for Exportation.

Ordered an Address to his Majesty, to congratulate him on the Birth of another Prince.

Ordered a congratulatory Message to the Prince of Wales on the same joyful Occasion.

Mr. Speaker reported that the House had attended his Majesty in the House of Peers, when he gave the Royal Assent to the Bill for punishing Mutiny and Desertion, and to two private Bills.

The 16th. In a Grand Committee took into Consideration the several Petitions, complaining of the Clandestine Exportation of Wooll to foreign Parts, and also of the Decay of the Woollen Manufacture, and came to several Resolutions; which See page 71.

The 20th. Resolved, That his Majesty be addressed, to order an Account of the State and Condition of the British Sugar Colonies, to be laid before the House.

Read the Land-Tax-Bill a second time.

Petition of
the Merchants
trading to
Sicily.

Received a Petition from the Merchants trading to Sicily, setting forth that upon the Defeat of the Spanish Fleet in 1718, the Merchants residing at Messina were imprisoned, their Ships, Goods and Effects seized, confiscated and sold, by order of the General of the Spanish Forces in Sicily, whereby the Petitioners suffered great Losses, which were claimed and proved before a Committee of the whole House in 1728-9. and the Estimates of the said Losses then delivered in, Duplicates whereof are ready to be produced by the Petitioners, who have had no Restitution made them; nor, as they apprehend, did the Commissaries go thro' the Discussion of the Losses

* This Address was not printed in the Votes as usual.

Losses in Sicily, or make any Report of them : And therefore submitting the Case of the Petitioners to the Consideration of the House, and praying such Relief, as to the House shall seem meet.

Ordered to lie on the Table.

The 22d. Received a Petition of James Buchanan, and And of James others, interested in the Ship Scipio; setting forth, that the said Ship having taken in her Cargo on the Coast of Africa, consisting of Negroes, Gold-Dust, and Elephant's Teeth, to the Value of upwards 6000l. and sailing from thence to Jamaica, having touched on the Island of Barbadoes, was on the 27th of October 1736, taken on the High-Sea by a French Ship or Vessel, and carried into St. Peter's in the Island of Martinique; that soon after a Prosecution was commenced against the Captain before the Court of Admiralty there, founded on a Pretence that she was acting in Contravention to a certain Edict for settling Limits relating to unlawful Trade; but that, upon Trial, the Judges were of Opinion, that the Charge was groundless: Nevertheless the Intention of the Edict not having been qualified, the Judges were obliged to declare the said Ship and Cargo duly confiscated; and that thereupon the Captain appeared to the Supreme Court of Martinique, who upon Examination annulled the Judgment given by the Court of Admiralty, and decreed him Costs, and that he should be again put into Possession of the said Ship and Cargo. And that as the said Captain was preparing to take Possession of his Ship and Cargo, he received an Ordinance from the Intendant of the Island, which empowered the Directors of the Customs to appeal from the Judgment of the Supreme Court, to the French King in Council; but nevertheless ordered the said Ship and Cargo to be restored, on his producing good and sufficient Security, Inhabitants of the Island, for the appraised Value of the same: And that the said Captain not being able to procure the Security insisted on, was obliged to consent to the Sale of his Ship and Cargo, and to deposit the Money in the Hands of his Securities, till the Affair should be decided by the King and Council of France. That the said Captain did sollicite oftentimes at Paris, but to no Purpose, he being at length told, that this Ship in Contest should pay for a French Ship, called the *Fleuren*, taken some time ago. That upon Petition to his Majesty, Application had been made by his Minister at Paris, but that the same had not its desired Effect, and therefore praying the House to take the Premises into Consideration, &c.

The 23d. See Page 77.

The

Petition of Mrs. Stephens The 26th. Received a Petition of Joanna Stephens, setting forth that the Petitioner has, for some Years last past, been possessed of a Method of preparing Medicines, which are found by Experience to be a safe and effectual Cure for the Stone, and by which she has her present Subsistence; that several Persons of Distinction have endeavoured to raise the Sum of 5000l. by voluntary Contribution, in order to purchase of her the Method of preparing and giving the said Medicines, and have accordingly raised the Sum of 1387l. 13s. for that Purpose, but see no Probability of completing the whole Sum of 5000l. and therefore praying, &c.

Referred to the Committee on the Supply; on a Division, Ayes 106, Noes 65.

Agreed to the Report of Friday's Resolutions on the Supply, viz.

Votes on the Supply. Resolved, That, for defraying the Charges of his Majesty's Mint, and the Coinage of Gold and Silver Moneys, and thereby to encourage the bringing in of Gold and Silver to be coined, a Revenue of 15,000l. per Annum be settled and secured for seven Years, from the 1st Day of March 1738.

That 39,124l. be granted for reduced Officers of his Majesty's Land Forces and Marines, for 1739.

That 3960l. be granted for paying of Pensions to the Widows of reduced Officers for 1739.

That 20,000l. be granted for the further settling and improving the Colony of Georgia in America.

That 10,000 l. be granted for the Maintenance of the British Forts and Settlements in Africa.

That 10,000 l. be granted towards the Support of Greenwich Hospital.

That 3552 l. be granted to replace to the Sinking Fund the like Sum paid out of the same to make good the Deficiencies of the Additional Stamp Duties at Christmas 1737.

That 20,000l. be granted to replace to the said Fund the like Sum paid out of the same to the Governors and Company of the Bank of England, for one Year's Interest on 500,000 l. by them lent on the Credit of the Salt Duties towards the Supply of the Year 1735.

The 28th. Ordered in a Bill for Licensing Tragedies, Comedies, that are to be acted at Edinburgh.

The 30th. A Motion was made, and the Question being put, that Leave be given to bring in a Bill to repeal so much of an Act passed in the 25th Year of the Reign of King Charles 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

ceive 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.

It passed in the Negative; on a Division, Ayes 89, Noes 188.

April 3d. Resolved, That towards raising 15000 l. per Annum for defraying the Charge of his Majesty's Mint, and the Coinage of Gold and Silver Monies; the Duties of 10 s. per Ton be laid upon all Wines, Vinegar, Cyder and Beer, imported into Great Britain, which were continued for seven Years, be farther continued for seven Years longer, from the first Day of March, 1738

That all the Powers, Privileges and Advantages which were granted by an Act of the 18th King Charles II. for encouraging the Coinage of Gold and Silver, be further continued for seven Years. See Vol. VI. page 72.

The 9th. Received the Report of the Coinage Bill, and ordered it to be engrossed.

The 10th. Received Petitions from the City, University and Merchants of Edinburgh, setting forth that the Trade of that City is not able to maintain a Play-House; that such tends only to the Debauching the Morals of their Youth; that the Parliament has already prohibited under very severe Penalties the performing any Play, &c. within five Miles of the City of Oxford, and Town of Cambridge, and that Edinburgh, as a University, should be indulged in like manner, &c. Therefore praying that the said Bill may not pass into a Law.

Edinburgh Petition against Play-Houses.

Ordered to lie on the Table till the Bill be read a second time.

Read a first time a Bill for prohibiting the Importation of English Books reprinted abroad; and for limiting the Prices of Books.

Agreed to the Report of Yesterday's Resolution on the Supply, viz.

Resolved, That 5000 l. be granted as a Reward to Joanna Stephens, upon a proper Discovery to be made by her, for the Use of the Public, of her Method of preparing her Medicines for the Stone.

5000 l. granted to Joanna Stephens.

The 17th. Received a Petition of several Captains, Commanders and Officers of the Royal Navy, praying to be heard by Counsel, against the Bill for preventing Officers of his Majesty's Ships of War, from carrying Goods and Merchandizes on Freights, or Trading therewith.

Petition of the Captains of Men of War.

Resolved, That the Bill be read a second time upon this Day Month; on a Division. Ayes 134, Noes 80.

Vote on the
Coal-Bill

In a grand Committee took the Coal Affair into Consideration; after Debate, it was moved that the Chairman do leave the Chair; which passed in the Affirmative, *Nemini Contradicente*.

The 18th. See Vol. VI. Page 72.

The 19th Read a first time a Bill for explaining an Act, Richard II. intituled, No Man of Law shall be Justice of Assize in his own Country.

Royal Assent
given to several
Bills.

Mr. Speaker reported that this House had attended his Majesty in the House of Peers, when his Majesty gave the Royal Assent to the Land-Tax-Bill, the Coinage-Bill, the Oath-Bill, and to 22 private-Bills.

Read a first time a Bill for taking off the Duties upon Woollen and Bay-Yarn, imported from Ireland to England; and for preventing the Exportation of Wool to foreign Parts. See Vol. VI. Page 73, and 79.

May 2d. Read a second time and committed the Bill for providing a Reward to Joanna Stephens, upon a Discovery of her Medicines for the Stone, upon a Division, Ayes 91, Noes 60.*

The 3d. See Vol. VI. Page 80.

The 10th. Received a Message from his Majesty, signed George Rex.

A Message
from the King
relating to a
Treaty with
Denmark.

His Majesty being truly solicitous for the Peace and Welfare of these Kingdoms, and desirous to contribute, as far as in him lies, towards preserving the Public Tranquility; and the Balance of Power in Europe, hath concluded with the King of Denmark a Treaty agreeable to that which expired in 1737, and has ordered the same to be laid before this House; that he may be enabled to make good the Engagements, which he hath thereby entered into.

And as Events may happen during such time, as it may be impossible for his Majesty to have the immediate Advice and Assistance of his great Council, upon any Emergency arising from the present Posture of Affairs in Europe, which may nearly concern the Honour, Interest, and Safety of these Kingdoms; his Majesty hopes he shall be enabled and supported by his Parliament in making such further Augmentation of his Forces, either by Sea or Land, as may become absolutely necessary, and in concerting such Measures as the Exigency of Affairs may require; and whatever Expence shall be thereby occasioned, shall be made in as frugal a Manner

* The Minority were for having the Reward paid out of his Majesty's Civil List, as was usual in such Cases in former Reigns.

Manner as is possible; and an Account thereof shall be laid before this House the next Session of Parliament.

Ordered, *Nemine Contradicente*, That his Majesty's said most gracious Message be referred to the Consideration of the Committee of the whole House, to whom it is referred to consider further of the Supply granted to his Majesty. Vote thereon.

Went into a Committee upon the Supply, and came to several Resolutions to be reported on Monday.

The 16th. Passed the Bill to explain an Act, that no Man of Law shall be Justice of Assize in his own Country.

Received the Report of Friday's Resolutions in a Committee upon the Supply, which were agreed to, viz.

Resolved, That 70,583*l.* 6*s.* 8*d.* be granted to His Majesty on account of the Levy-Money and Subsidy payable to the King of Denmark, pursuant to the Treaty bearing Date the 14th Day of March 1738-9. for the Service of the Year 1739. Votes on the Supply.

That 500,000*l.* be granted towards enabling his Majesty to make such further Augmentation of his Forces either by Sea or Land, as may become absolutely necessary, and as the Exigency of Affairs may require.

That 60,000*l.* be granted, being the Sum acknowledged to be due from Great Britain to Spain*, and agreed to in the Convention signed at the Pardo, January 14, 1739, N. S. to be applied, together with the further Sum of 95,000*l.* to be advanced by the Crown of Spain, towards making Satisfaction to his Majesty's injured Subjects, for the Damages they have sustained by the Depredations of the Spaniards.

That 4000*l.* be granted towards the repairing and finishing Westminster-Abbey.

That 2000*l.* be granted for the further Repair and finishing the Tower and Roof of the Parish Church of St. Margaret's Westminster.

The 15th. Agreed to the Report of Yesterday's Resolutions, in a Committee of Ways and Means; viz.

Resolved, That towards raising the Supply granted to his Majesty, there be issued and applied the Sum of 500,000*l.* granted out of such Monies as have arisen, or shall or may arise, of the Surplusses, Excesses, or Overplus Monies, commonly called the Sinking Fund. 500,000 *l.* granted out of the Produce of the Sinking Fund.

That his Majesty be enabled to issue and apply the further Sum of 500,000*l.* out of the growing Produce of the same Sinking Fund, or to borrow the same by Loans or Exche-

* For the Destruction of the Spanish Fleet near Sicily in 1718.

quer Bills, at 3*l.* per Cent. Interest, to be charged upon, and secured by the said Fund.

Ordered in a Bill accordingly.

Agreed to the Report of Yesterday's Resolution in a Committee upon the Supply, viz.

The 22d. Resolved, That 5000*l.* be granted to his Majesty for making Satisfaction to Solomon Merret of London Merchant, for himself and others, late Owners of the Ship *Sancta Isabella*, a Spanish Man of War, taken by his late Majesty's Fleet near Sicily in 1718, and sold to them; which Ship was afterwards delivered up to the Spaniards, pursuant to a Treaty between the two Crowns.

Votes relating
to the American
Currency

June the 13th. Resolved, That an humble Address be presented to his Majesty that he would be graciously pleased to lay before them (the next Sessions of Parliament) at what Rates all Gold and Silver Coins were accounted in any of the British Colonies in America, in the Years 1700, 1710, 1720, and 1730. And what Rates they are now accounted at, or sold for per Ounce.

Resolved, That an Humble Address be presented to his Majesty that he would be pleased to lay before them, the next Session of Parliament, what was the Amount of the Paper-Bills, or Bills of Credit, which subsisted or passed in Payment in the British Colonies, in the Year 1700. And also an Account of the Amount of what Paper-Bills, &c. have been created or issued in any of the said Colonies since 1700; with the Amount of the Value, in Money of Great Britain, of such Bills, at the respective Times of their creating and issuing; and what Provision was made thereby, for the sinking or discharging of any such Paper-Bills, &c. together with an Account of the Amount of the Bills that have been sunk or discharged in pursuance thereof, and also of the Bills subsisting or passing in Payment at this Time in any of the said Colonies or Plantations, with the Amount of their Value in English Money &c.

Royal Assent
given to several
Bills.

The 14th. His Majesty came to the House of Peers, and gave the Royal Assent to the following Public Acts. viz.

An Act for granting to his Majesty five Hundred Thousand Pounds out of the Sinking Fund, and for enabling his Majesty to raise the further Sum of five Hundred Thousand Pounds out of the growing Produce of the said Fund, &c.

To enable his Majesty to settle an Annuity of 15000 *l.* per Annum, on his Royal Highness the Duke of Cumberland, and his Heirs, and also, one other Annuity of 24000 *l.* per Annum upon the Princesses Amelia, Caroline, Mary and Louisa.

For taking off the Duties upon Woollen and Bay-Yarn imported from Ireland to England, and preventing the Exportation thereof.

For

For granting a Liberty to carry Sugars, of the Growth and Produce of his Majesty's Sugar Colonies in America, from thence directly to Foreign Parts.

For the more effectual preventing of excessive and deceitful Gaming.

For the better preventing Frauds and Abuses in Gold and Silver Wares.

For prohibiting the Importation of Books reprinted abroad, and first composed or written and printed in Great Britain.

To rectify a Mistake in an Act made in the 6 King George I. for preventing Frauds and Abuses in the public Revenues, &c. And to obviate a Doubt in an Act for preventing his Majesty's Subjects from trading to the East-Indies, under Foreign Commissions.

For explaining and amending an Act 8 King Richard II. That no Man of Law shall be Justice of Assize in his own Country, &c.

For continuing an Act 8 Queen Anne, to regulate the Price and Assize of Bread. And for continuing and amending an Act 2 King George II. for the better Regulation of Attornies and Solicitors.

For allowing further time for Inrollment of Deeds, and Wills made by Papists, &c.

For the more easy assessing and levying County Rates.

To empower the High Court of Chancery to lay out, upon proper Securities, Monies belonging to the Suitors of that Court for their Ease, &c.

To obviate some Doubts in an Act 1 King William and Queen Mary, concerning Tanned Leather, &c.

For providing a Reward to Joanna Stephens, upon a proper Discovery to be made by her, for the Use of the Public, of the Medicines prepared by her for the Cure of the Stone.

To enlarge the Powers of the Commissioners for building Westminster-Bridge, and to enable them by a Lottery to raise Money, &c.

For establishing an Hospital at Bath.

For improving and preserving the Navigation of the River Lee in Hertfordshire, &c.

And to several other public and private Bills. For the King's Speech, See Vol. VI. Page 86.

S P E E C H E S and D E B A T E S

In the FIFTH SESSION of the

Second Parliament of King GEORGE II.

THURSDAY, Feb. 1. A Message came by Sir Charles Dalton, Usher of the Black-Rod, to the Commons, commanding their Attendance in the House of Peers; and they attended accordingly. Being return'd, Mr. Speaker reported his Majesty's Speech, which was as follows:

Anno 12 Geo.
II. 1738-9.

My Lords and Gentlemen,

" I Have, upon all Occasions, declared, how sensibly I have been affected with the many Hardships and Injuries sustained by my trading Subjects in America. I have the Honour of my Crown, and the true Interest of my People too much at Heart, to see either of them suffer any Prejudice or Diminution, without pursuing the most proper and advantageous Methods for their real Security and Preservation.

The King's
Speech.

" These Considerations alone were sufficient to incite me to exert my utmost Power, in vindicating and protecting our undoubted Rights and Privileges of Navigation and Commerce; and nothing could add to my own Zeal in so just a Cause, but the due Regard I always have to the Petitions and Complaints of my Subjects, and the Advice of my Parliament. The Wisdom and Prudence of your Resolutions, upon this great and national Concern, determined me to begin with the more moderate Measures, and to try, once more, what Effect and Influence my friendly Endeavours, and pressing Instances would have upon the Court of Spain towards obtaining that Satisfaction and Security, which we were entitled to demand and expect; and your Assurances to support me in all Events, enabled me to proceed with proper Weight and Authority.

" Thus supported by the concurrent Advice of both Houses of Parliament, I lost no Time in making Preparations to do myself and my People Justice, if the Conduct of the Court of Spain had laid us under that Necessity; and at the same Time I did, in the strongest Manner, repeat my Instances for obtaining such Justice and Reparation for the many Injuries and Losses already sustained, and such an effectual Security for the future, as might prevent the Consequences of an open Rupture.

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Anno 12. Geo.
11. 1738-9.



“ It is now a great Satisfaction to me, that I am able to acquaint you, that the Measures I have pursued, have had so good an Effect, that a Convention is concluded, and ratified between me and the King of Spain; whereby, upon Consideration had of the Demands on both Sides, that Prince hath obliged himself to make Reparation to my Subjects for their Losses, by a certain stipulated Payment; and Plenipotentiaries are therein named and appointed, for regulating, within a limited Time, all those Grievances and Abuses, which have hitherto interrupted our Commerce and Navigation in the American Seas; and for settling all Matters in Dispute, in such a Manner, as may for the future prevent, and remove all new Causes and Pretences of Complaint, by a strict Observance of our mutual Treaties, and a just Regard to the Rights and Privileges belonging to each other. I will order the Convention, and the separate Article to be laid before you.

“ It hath been my principal Care, to make use of the Confidence you reposed in me in this critical and doubtful Conjecture, with no other View, but the general and lasting Benefit of my Kingdoms; and if all the Ends, which are to be hoped for, even from successful Arms, can be attained, without plunging the Nation into a War, it must be thought, by all reasonable and unprejudiced Persons, the most desirable Event.

Gentlemen of the House of Commons,

“ I have ordered the proper Estimates to be prepared, and laid before you, for the Service of the current Year. I heartily wish, that the Posture of Affairs would have permitted me to retrench the public Expences, for which I am obliged to demand the present Supplies: And I make no Doubt, but your experienced Zeal and Affection for me and my Government, and the proper Concern you have always shewn for the public Good, will induce you to grant me such Supplies, as you shall find necessary for the Honour and Security of me and my Kingdoms.

My Lords and Gentlemen,

“ I cannot but earnestly recommend it to you, not to suffer any Prejudices or Animosities, to have a Share in your Deliberation at this important Conjunction, which seems, in a particular Manner, to call upon you to unite in carrying on such Measures, as will be most conducive to the true Interest and Advantage of my People.”

Motion for an
Address of
Thanks.

Upon a Motion made by Mr. Campbell * of Pembroke-shire, the following Address of Thanks was agreed to.

Most

* One of the Lords of the Admiralty.

Most gracious Sovereign,
 “ **W** E your Majesty’s most dutiful and loyal Subjects,
 “ the Commons of Great Britain in Parliament
 “ assembled, do beg Leave to return your Majesty our un-
 “ feigned Thanks for your Majesty’s most gracious Speech
 “ from the Throne.

“ We acknowledge your Majesty’s great Goodness in
 “ the constant Regard your Majesty has been pleased to ex-
 “ press to the Petitions and Complaints of your Subjects,
 “ and the Advice of your Parliament, and in pursuing such
 “ Measures for the Honour and Dignity of your Crown
 “ and the true Interest of your People, as your Majesty
 “ in your great Wisdom judged to be most proper and advan-
 “ tageous.

“ We congratulate your Majesty on the Success of your
 “ Royal Endeavours, in concluding a Convention with the
 “ King of Spain, whereby Reparation is stipulated to be
 “ made and paid to your Majesty’s injured Subjects, and
 “ Plenipotentiaries are appointed for regulating all those
 “ Grievances and Abuses, which have hitherto interrupted
 “ our Commerce and Navigation, and for removing all fu-
 “ ture Causes and Pretences of Complaint.

“ We beg Leave to assure your Majesty, that your faith-
 “ ful Commons will effectually support your Majesty in ac-
 “ complishing and bringing to Perfection this great and ne-
 “ cessary Work, in such a Manner as may answer the just
 “ Demands and Expectations of your Majesty and your
 “ People.

“ And your Majesty may be assured, that your faith-
 “ ful Commons will grant to your Majesty such Supplies, as
 “ shall be necessary for the Honour and Security of your
 “ Majesty and your Kingdoms; and that we will endea-
 “ vour to avoid all Heats and Animosities in carrying
 “ on the Publick Business at this critical and important
 “ Conjunction.”


The Motion for this Address produced the following Debate.
 Sir William Windham.

Debate upon the
 Motion for the
 Address.

Sir,
 ‘ Tho’ no Gentleman in this House has a greater Regard
 for his Majesty than I have, nor would be more ready to
 agree to every Expression of Zeal and Duty to his Person, yet
 I can by no Means agree to an Address in the Terms of this
 Motion. In the first Place, Sir, give me leave to observe,
 it looks a little suspicious, that the Meeting of Parliament
 has been put off at this critical and important Juncture for
 fourteen Days. Tho’ I am not very apt to believe vulgar
 Reports, yet I am sorry to say, it is but too probable, that

Sir William Wind-
 ham.

Anno 12 Geo 11.
1738-39.



the Court of Spain had dar'd to trifle with us in a most egregious Manner, notwithstanding the Resolutions both Houses came to last Session; and that they could not be brought to make the least Concession in our Favour, till we had given up every thing that we ought most strenuously to have insisted on. I say, Sir, it is but too probable, that this is the true Reason why we did not sit fourteen Days ago. The Spaniards knew well, that something must be done to satisfy the Expectations of the Parliament and the Nation; they knew that our Ministry would purchase this at any Rate; they knew at the same Time, by repeated Experience, that we are so far from being fond of Fighting, that we would give up almost any thing rather than enter into a just and necessary War. Therefore they put Things off from Time to Time, till they brought us to the very critical Day, I may say Hour, when it was necessary for us to grant them their own Terms. I beg leave to give my Reasons for thinking so, and these Reasons shall be founded upon the greatest and most unquestionable Authority, the Words of his Majesty's Speech. We are told there, Sir, that a Convention with Spain is concluded and ratified; and that in Consequence of this Convention, Plenipotentiaries have been nominated for redressing within a limited Time all our Grievances and Abuses. I have no Manner of Design to forestal the Opinion of the House upon this Convention; I hope we shall be soon favoured with seeing it, and I wish that it may be found a good one. But I beg leave to take notice, that our Ministers would have shewn a much greater Regard for the Sentiments of Parliament than they have done, if this Convention had been communicated to the House before it was ratified. By this Means, Sir, we should not have been put to the ungrateful Task of perhaps condemning a Measure which has had the royal Sanction, and which is now in some Sort irrevocable. But how have our Ministry managed? Why, Sir, they put off the Meeting of Parliament for fourteen Days, in order to throw this, I may call it, unsurmountable Difficulty in our Way; and then we are told, that this Convention is concluded, not only concluded but ratified, and not only so, but that Plenipotentiaries are appointed to see it executed, and to carry it into a definitive Treaty. This is a very bold Stroke, especially as the Parliament has already pointed out what our Rights are. If Regard has been had to the Resolutions of Parliament, I can see no Manner of Reason for appointing Plenipotentiaries for settling all Matters in Dispute. The Parliament, I think, has already done that, by expressly ascertaining what the Rights and Privileges of this Nation with regard to our Navigation in the Indies are. Therefore I cannot conceive what these Gentlemen our
Pleni-

Plenipotentiaries are to settle, unless they intend, by virtue of their full Powers, to give up some Part of what the Parliament has already found to be the undoubted Right of this Nation. I am certain, Sir, that if they had made the Resolutions which the Parliament came to last Session the Foundation of their Demands; if they had discovered a Resolution to break off all Treating, rather than depart from the Sense of Parliament, either a definitive Treaty might have been obtained, or we should by this Time have known the worst. But by what appears from his Majesty's Speech, this Convention is no other than a Preliminary; and in all Probability a very bad Preliminary too; and the Minister has ventured to clothe some of his Creatures with full Powers to give up the Rights of this Nation; for they may do it, if they dare.

' I know, Sir, it will be said, that if these Plenipotentiaries should act in so scandalous a Manner, they are liable to the Censure of this House. But will it be any Satisfaction to our injured Country, that two or three Persons, who have but very little Property, and perhaps as little Reputation to lose, shall fall under the Censure of this House, after they have shamefully sacrificed her most valuable Privileges. Besides, Sir, how easy is it for a State Offender to skreen himself from the Justice of his Country by flying from it, when he has made any Step to its Disadvantage or Dishonour? This is no uncommon Thing; and I should not at all be surpris'd, even if the Authors, whoever they are, of this Convention, should find it necessary to keep those Underlings, whom they have employed in concluding it, at a Distance, and not suffer them to return, lest they be obliged to discover some Secrets which certain Gentlemen may think necessary to be conceal'd. Should a dishonourable definitive Treaty be concluded upon the Footing of this Convention, our most valuable Rights, even the Independency of this Crown, may be given up, without our being able either to save them, or to bring the Authors to condign Punishment. I remember to have heard or read, that the Gentleman who concluded the American Treaty, the Observance of which is all we now contend for with the Crown of Spain, and which was in those Days looked upon as a very bad one, never thought fit to return to England, for Fear of a Parliamentary Censure.

' From these Considerations and many other, I believe Gentlemen will find it no easy Matter for them to agree to the present Motion. With what Propriety, Sir, can we congratulate his Majesty on his Success, in concluding a Measure, before we know what Kind of a Measure it is. No Gentleman here can, or at least will, take it upon him to inform this House, what are the particular Heads of this

Con-

Anno 12 Geo. II.
1718-19.



Convention; what are the Sums stipulated to be paid, or in what Manner our Grievances, which have been so fully proved in Parliament, and are so loudly complained of by the Nation, are to be redress'd. If we can suppose the Sum that is stipulated by this Convention, to amount to one tenth Part of what we have suffered by the Spaniards; if we can suppose that there is a Clause in the Convention, which leaves all the former Treaties betwixt us and Spain at the Mercy of those Plenipotentiaries; if we suppose farther, Sir, that some Part of our Rights and Possessions are actually given up by this Convention, will any Gentleman say that we ought to agree to this Motion, and return Thanks for Measures, not only before we know what they are, but after the strongest Reason for presuming that they are bad. I hope therefore, Gentlemen will think it sufficient, if we shall upon this Occasion, confine ourselves to those Expressions, that are respectful and dutiful to his Majesty's Person, without adding any Thing in our Address, that may look like an Approbation of this Convention. For this Purpose, I think, we ought to leave out all the Words of this Address, but the first and last Paragraphs.

Sir Robert Walpole.

Sir,


Sir Robert Walpole

' The Importance of this Juncture, the Expectations of the House, and the Share I have the Honour to bear in his Majesty's Counsels, make it proper and necessary that I should say somewhat on this Occasion: But at the same Time, I own that I am able to say nothing that can give any Gentleman, who judges coolly and impartially, any additional Conviction of this Address without the Amendment being proper, besides what he must receive from reading the Words of the Address itself.

' We have now, Sir, enter'd into a Debate about a Measure, the Event of which must, in some Degree, influence Posterity in the Judgment that they shall form of the Wisdom of the British Government during his present Majesty's Reign. The Wrongs we have recieved from Spain have been great, and the present Age expects that the Satisfaction we are to receive, or the Revenge we are to take for these Wrongs, will be great also. Future Ages, Sir, in case the present is disappointed in this Expectation, will look upon us as a dispirited, corrupted, mean People; in short, they will look upon us in the same Light in which some Gentlemen take the Liberty to represent the Ministry. But, Sir, if on this Occasion his Majesty's Ministers have obtained more than ever on like Occasions was known to be obtained; if they have reconciled the Peace of their Country to her true Interest; if this Peace, Sir, is attended with

with all the Advantage that the most successful Arms could have procured, as I hope to make appear, I will be bold to say, that future Ages, always impartial in their Censure or Praise, will consider this as the most glorious Period of our History, and do that Justice to the Counsels which have produced this happy Event, which every Gentleman who divests himself of Passion and Prejudice is ready to do, and which I have great Reason to believe the present Age, when rightly informed, will not refuse.

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‘ This House and Parliament, Sir, is his Majesty’s greatest, safest, and best Council. A Seat in this House is equal to any Dignity deriv’d from Posts or Titles, and the Approbation of this House is preferable to all that Power, or even Majesty itself, can bestow : Therefore when I speak here as a Minister, I speak as possessing my Powers from his Majesty, but as being answerable to this House for the Exercise of those Powers. I have often, Sir, on other Occasions, profess’d my Readiness to submit to the Justice of my Country, and shall cheerfully acquiesce in the Judgment this House shall form of our Negotiations ; because while I do that, I am sure to suffer no Wrong. But, as the best and most equitable Intentions may be perverted by Misrepresentation of Facts, and as the most impartial Mind is susceptible of Prejudice when artfully instill’d, I hope it will be look’d upon as a proper Piece of Justice done to myself, if I shall endeavour, by stating one or two Facts, to set this Affair in a Light that may remove all Objections.

‘ The chief Consideration, Sir, that arises from the present Question is, Whether, as Great Britain is now circumstanced, it had been more proper for the Government to have enter’d into a bloody and uncertain War, or to lay such a Foundation for a Peace, as no Gentleman can regularly pronounce is not a safe and honourable Foundation. In order to consider this Question rightly, we must take a View of the Advantages we could propose to ourselves in case of a War with Spain, and in case that War was even to be successful.

‘ I know that Gentlemen, who are otherwise very candid upon this Point, are apt to imagine, from the military Glory of this Nation, that our Arms are invincible ; And I own, Sir, that this is a most prevailing Argument, especially in a popular Assembly. There is somewhat in it, that flatters the Ambition which People generally entertain of acquiring Fame and Riches by the same Means that raised their Ancestors. In the History of our Wars with Spain, we see great Navies defeated, great Treasures, and still greater Glories, acquired by our Soldiers and Sailors. But in the mean while, we never reflect that the Situation of Affairs

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betwixt Britain and Spain is intirely different from what it then was. Spain at that Time was the Dread, was the Envy of Europe ; as she had then powerful Armaments, which excited the Courage of the Brave, and immense Treasures, all her own, that prompted the Avarice of the Rich. She had not one Ally in the World who bore her Good-will enough to assist her with any Zeal, and her Views were so dangerous, that her Enemies borrowed Courage from Despair.

‘ At present, Sir, if I may advance a Paradox, her greatest Security lies in her visible Weakness. The Preservation of the Spanish Monarchy entire and undismember’d, has, for almost an Age past, seem’d to be the general Inclination of all the Powers in Europe, because, were the Riches that flow into Spain, to fall into the Hands of any other People, the rest of Europe must soon be drain’d of all its Treasure. Whereas, at present, there is scarce any Nation in Europe, who has not a larger Property in her Plate-Ships and Gallies, than she herself has. It is true, all that Treasure is brought home in Spanish Names, and the King of Spain generally imposes a large Indulto upon it ; but Spain herself is no more than the Canal through which these Treasures are convey’d all over the rest of Europe. Should therefore we pretend to seize these Treasures, we could not fail to meet with a powerful Opposition. Even our best Allies, Sir, I am afraid would look with a very indifferent Eye upon such a Step, and be the first that would enter their Complaints against it.

‘ But I have heard it objected, that if this is a good Reason now for our not endeavouring to distress Spain by intercepting her Treasures, the same Reason will always exist ; since the other Powers of Europe will always have a Property in these Ships : therefore there never can be a Time proper for us to do ourselves Justice in case we are denied it by Spain. I think this Argument rather plausible than solid. For my own Part, Sir, I am of Opinion, that though this would not have been the proper Time for such a Step, yet it is not impossible but that a Time may come when such a Step may be proper and necessary. But give me Leave to say, that this Necessity can arise only from our suffering more from the Violence and Injustice of the Spaniards, than we can suffer from a Confederacy of all the rest of Europe taking their Part. It never can be proper, Sir, for us to seize the American Treasures, until their Court shall absolutely deny us Justice, and tell us in downright Terms, that she is resolved to have no Regard to Treaties, and that she is determined to do all she can to ruin our Trade, and the

to disturb us in the Possession of our American Dominions. If she should proceed, Sir, to that Height of Injustice, we might very naturally conclude, that here our All was at Stake ; that if we should look tamely on while our American Commerce was ruin'd, our European must soon follow ; for there is not a petty Republick, a petty Prince, in all Europe, who will pay any Regard to a People who suffer such Insolence, such Injustice, without resenting it ; and that, if all our Trade is gone and ruin'd, the Nation is in effect undone. Therefore we have nothing in the worst Event to fear, worse than what must unavoidably happen if we suffer this Treatment any longer. I say, Sir, when we shall be brought thus low, and when the Spanish Insolence shall run so high as to render this Way of Reasoning just and natural, then is the Time for us to venture upon so bold, I had almost called it so desperate, a Step as the seizing the Spanish Treasures. But, will any Gentleman take upon him to pronounce, that the present Juncture comes within this Description, or that its Circumstances admit of any Parallel with those of the Time I have just now figur'd ? No, Sir ; Spain, far from supporting any just Claims that are inconsistent with the Interest of this Nation, has actually relinquished those she before set up : She has actually, I say, Sir, relinquished Claims which she maintained for these threescore Years past. I believe I may go higher, I may say, she has now, by this very Convention, relinquished a Claim which she has maintained ever since she possess'd her American Dominions. But that is not all, she has not only given up this Claim, but has paid Damages for the Injuries which the British Subjects have suffer'd, in consequence of her pretended Rights, as founded upon this Claim. This, Sir, is such a Point gain'd, that Gentlemen must be wilfully blind, if they don't see that any Administration in Britain must have been mad, had they desperately plung'd their Country into a War, while it was in their Power to conclude a Peace, where this great, this decisive Concession was to serve as the Foundation. Upon what Grounds, Sir, could we have proceeded to Extremities with Spain ? Had we pretended that, because some of our Merchants had suffered by the Injustice and Rapaciousness of her Subjects, therefore we were resolved to be deaf to every other Way of making up the Difference that follow'd upon this Injustice, than that of the Sword : Had we made such a Declaration, and such a Declaration we must have made if we had gone to War, would not Spain have had a very plausible Pretext for interesting the other Powers of Europe in her Favour ? Might she not then have told the French Court, ' It is true, some of the British Merchants suffer'd by my Subjects, but without my Knowledge, ' and against my Intention ; but I was no sooner inform'd of

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‘ the true State of the Affair, than I offer’d her all imaginable Satisfaction ; I even offered to indemnify the Merchants for the Losses they have sustained ; I offer’d to tie myself down to a strict Observance of Treaties ; but it seems that these Concessions do not answer the Views of Britain. She therefore certainly entertains some dangerous Design ; she is forming some Project that may be destructive to your Interest, and which I shall never be able to disappoint but by your Means.’

‘ This, Sir, I say, would have been the Language of Spain, had the Administration here rejected all her Offers, and turn’d its Back upon the most favourable Proposals. The Court of France, in the mean Time, shews too plainly, by her own Conduct, what her Sense of the Matter is. She shews plainly that she is of Opinion, the Spaniards may seize a Ship on the open Seas, and that such a Ship, if concern’d in an unlawful Trade, may be brought into the Spanish Ports, and there condemn’d. I say, that France, is plainly of that Opinion, because we know that Ships belonging to her were actually taken and confiscated by the Spaniards ; nay, Sir, I can venture to affirm, that Seizures have been made of French Vessels, as much in Violation of all Treaties and Justice, as any British Subject ever yet had Reason to complain of ; but we never heard that France reclaim’d those Ships. I don’t know whether that happen’d because her Ministry was of Opinion that these Seizures were justifiable, or because they thought it would be impolitic to embroil themselves with Spain on account of any private Quarrel. I don’t at all deny, that we have suffer’d a great deal more from the Spaniards than the French have ; but I mention this to inform the House that, in all Appearance, the French would have been our Enemies, had we gone to War before we had treated ; and if we had rejected all Terms of Accommodation, or insisted on those Terms that no People, not absolutely reduced, would have granted.

‘ Even the Dutch, Sir, who depend as much upon Trade as we do, have never thought fit to come to Extremities, tho’ their Sufferings are as great, and as unjustifiable, as ours are. They have been contented to make Applications, and repeat Remonstrances at the Court of Spain ; but we have never yet heard of their being able to obtain so much as a Cedula to American Governors for the Restitution of one Ship of theirs unjustly seized. We, Sir, it is well known, have obtained many ; and if some of them had not the desired Effect, I am convinced it was owing more to the Arts of the Governors themselves, than to the Intentions of the Spanish Court. So that I cannot see, upon what Foundation Gentlemen proceed, when they represent Britain as under an
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Administration so weak, that she has been for these twenty Years past forc'd to put up with the grossest Affronts and Injuries, without the least Satisfaction or Reparation. Had the Dutch obtained as much as we did even before this Convention, I am convinc'd, that they would have been perfectly contented. I am convinc'd their Government would not have indulged the Complaints of private Traders so far, as to make a public Enquiry, which might have occasion'd a Rupture; nor would their Ministers have insisted on immediate Satisfaction. They know too well, Sir, that very great Abuses are daily committed in the American Trade; they know too well that publick Complaints and Remonstrances might produce an Enquiry that would turn out no way in their Favour.

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' After what I have said, Sir, is it to be imagin'd that any of our Neighbours would have been well pleas'd, had we all at once, without hearing, or at least weighing the Terms propos'd by Spain, come to Extremities? The French, so far from countenancing such a Conduct in us, would not, I am afraid, have been prevail'd upon to remain neutral. And however Gentlemen may flatter themselves, however great an Opinion they may entertain of the Power of this Nation, we are not invincible. The French have Men; they have Money; they have Allies to support them. The Spaniards have Revenge; they have Pride; they have Resentment to gratify. Gentlemen won't find that it would have been an easy Matter for us to have grappled with both these Powers, supported by such Advantages, and prompted by such Motives. I believe our Land Forces are equal to any Body of Men in the World of the like Number; but I have not so good an Opinion of them as to venture the Honour and Interest of a whole Kingdom on the Bravery and Skill of the small Handful which we keep, against the vast Bodies of well-disciplin'd Veteran Troops, which France and Spain in conjunction can bring into the Field.

' As to the Dutch, they in all Probability would have been determin'd by the Conduct of France, in case we had come to an open Rupture with Spain. Every Gentleman here is sufficiently sensible of the present low Circumstances of that Republick. The late glorious War left them prodigiously involved in Debt; this Debt oblig'd them to encrease their Taxes, and disband all their Troops, excepting what are absolutely necessary to keep up their Garrisons. Their Fleet lies in their Harbours in a very bad Condition, and requires more Money than they can furnish to rig it out. Besides, Sir, it would at this Time have been extreamly dangerous to herself, had she acted for an Interest separate from that of the French; who have a fine Army on Foot, which

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they can with almost no Expence or Danger march down into Holland. At this Time, Sir, the Emperor is no longer in a Condition to give any Diversion that Way. His own Army and Finances are in the utmost Disorder. And the other Powers, who may be inclinable to prevent such an Attempt, lie at too great a Distance, and have too strict Engagements with France, for us to expect any Diversion from them. Thus, Sir, if we argue upon the Principles of Reason, if human Foresight can determine any Thing, if the strongest Probability is to have any Weight, it must have been impolitic and imprudent in us to have hazarded a War, so long as we had any Prospect of concluding an honourable Peace.

‘ I shall now beg Leave, Sir, to consider what Effect a precipitate Declaration of War must have had at Home. In the first Place, our whole Spanish Trade must have sunk at once; our Portugal Trade must have been greatly embarrassed, and our American very much endangered. Suppose that the Administration had joined last Session in the popular Outcry for War; and that a vigorous War was actually entered into; Can any Gentleman say that this would have stopt the Mouths of those who are resolved to find Fault at any Rate? In such an Event, may we not easily imagine to ourselves that we hear a violent Opposition-Man declaiming on the Benefits of Peace; telling the World that a trading People ought by all manner of means to avoid War; that nothing is so destructive to their Interests, and that any Peace is preferable, even to a successful War? He might argue, the Spaniards have offered fair and reasonable Terms: They have even offer'd to indemnify our Merchants for the Losses they have sustained. They have offer'd an amicable Meeting to adjust all Points in Difference; they have offered to come into all reasonable Terms; yet our Ministry, rather than listen to what might have proved so beneficial to the Nation, has blundered into an expensive and hazardous War.


This, Sir, I own would have been blundering; and those Gentlemen, once in their Life-time, in such an Event, would have applied that Term right. It requires no great Art, no great Abilities, in a Minister, to pursue such Measures as might make a War unavoidable. That is a very easy Matter; but, Sir, how many Ministers have you had, who knew the Art of avoiding War by making a safe and an honourable Peace? How many Kings, Sir, have you had, who knew how to make Choice of such Ministers? If those Gentlemen who are very fond of Parallels desire to know what Figure we make in the Affairs of Europe at present, when compared with the Figure which we made in former Times, let them dip into our History under James the First, a Reign, famous for Negotiations and Treaties:

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Let them compare, Sir, the Insolence of Spain at that Time, with what it is now: Let them compare the Resentment we then shew'd, with the Manner in which we have borne their late Treatment. If any Gentleman will do this, and do it impartially, he will find that the very worst Treaty made under his present Majesty is more advantageous, and more honourable, than the best that was made under that long pacific Reign. It will perhaps be thought that the Parallel ought to be run with the Days of Queen Elizabeth, rather than with those of King James. But, as I observed before, that is a very false delusive Way of Reasoning. So many Circumstances concurred to raise the Reputation of that Princess, that it is next to impossible they should ever again meet in one Person, and at the same Time. She had to do with Neighbours, every one of which was of a different Interest from another: By artfully fomenting their Differences, it was easy for her to keep the Balance of Power in her own Hand. The many open and secret Attempts made by Traitors at home upon her Life and Crown, endeared her Person to her Subjects; and her Ministry, who found their own Interests inseparably connected with hers, run all Risques in her Service. It is true, they were great and wise Men, and they served a great and wise Mistress. But still, Sir, give me leave, to say, that a great deal of the amazing Success that attended her Reign was owing to Fortune. Had not the Winds and Waves fought more effectually for her at the Time of the Spanish Invasion, than her Sailors and Soldiers, though it must be own'd, they were very brave Men, I am afraid the Character of her Reign would have suffered, and that not a little. The World, Sir, is very apt to judge of Measures and Characters by Events, and as Events depend on Fortune, it is the Part of a wise Minister to leave as little as possible to Fortune: Too much must be left to her, even in the most cautious Manner a Minister can act. In the Negotiation we are now considering, Sir, had we acted in any other Manner than we have done, we must in effect have left every Thing to Fortune, since all the Reparation we could expect, by any other Means than those of Negotiation, depends upon a Thousand Accidents, and is liable to a Thousand Disappointments. Therefore give me leave say, Sir, that the Success which one Ministry has met with from the Favour of Fortune, is no Reason why another Ministry should tread the same dangerous Paths, especially when they can compass the same Ends by the more safe and more certain Way of Negotiation.

‘ Upon the whole, Sir, I will venture to say that this Negotiation has been the best conducted, and the most happily

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pily finished, of any we meet with in History. For we have not left the Payment of our Merchants to the Arbitration of Commissaries, or Plenipotentiaries; we have not accepted of an Order upon any of their Chambers in Spain; but we have expressly ty'd down his Catholick Majesty himself; we have obtained his great Seal as a Security for their Payment; and so tender was his Majesty of his Subjects Property, that his Ministers refused to enter into any Negotiation relating to this Affair, till such Time as Reparation for the Losses of our Merchants was fully and expressly stipulated. Such an express and full Stipulation is obtained, to the great Confusion, I believe, and Disappointment of some amongst us, who, rather than not see their Country involved in a War, would be content that she were involved in Calamities, and embroiled with every one of her Neighbours. These Dispositions are more dangerous to our Interests than all the Force of Spain; and it must be owing to these Dispositions, if the Endeavours of his Majesty for the Peace and Happiness of Britain are rendered ineffectual. As yet we may thank Heaven, they had no other Effect than to unite the Friends of our most happy Establishment more firmly together; and while they continue united, I hope the Efforts of Malice and Faction will be always disappointed.

‘ But it is somewhat very surprizing, Sir, that this Address should meet with such Opposition; for I don't see any Thing in it that can in the least preclude Gentlemen from making what Objections they please to the Convention, when it shall be laid before them. We thank his Majesty for the Success of his Royal Endeavours in concluding a Convention, whereby Reparation is obtain'd for his injur'd Subjects, and Plenipotentiaries appointed for regulating all those Grievances that have hitherto interrupted our Commerce and Navigation, and for removing all future Causes of Complaint. Are not all these very desirable Consequences of a Negotiation? Is not Reparation for past Injuries one of the two Points we have always insisted on? And what can be more done towards obtaining Security against future Encroachments, than to remove all future Causes of Complaints by proper Regulations? But, say Gentlemen, this is only referred to Plenipotentiaries, whereas it ought to have been positively insisted upon, as a Foundation to all future Negotiations upon that Subject, that the Spaniards had no Right whatsoever to search our Ships upon the open Seas. Really, Sir, no Gentleman in this House would have been better pleased than I, had Spain thought fit to have given up this Point by a clear and positive Renunciation. But when two People treat upon an equal Foot, I believe it very hard to produce any Instance wherein one Party could be brought to
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give an absolute Renunciation of a Point which they once insisted on as their Right, and to give such a Renunciation too, even before it was so much as examined into, whether they had such a Right or not. The Spaniards have usurped a Claim of searching our Ships for many Years past; for many Years, Sir, before the present august Family came to the Throne; for many Years before I was concerned in publick Affairs: And are we to imagine that they will give up this Claim by a positive Renunciation, even before we give them any Reason why it ought to be abolished? I say, Sir, are we to imagine that Spaniards will do this, a People who are obstinately fond of Power, and even of the Shadow of it? a People scrupulously attached to formal Enquiries and Discussions? I do not know, whether after a War successfully carried on by us, we could have made them yield to any Treaty to which a positive Renunciation was to be the Preliminary. At least I remember to have read, that notwithstanding their being reduced to the lowest, the most despicable Circumstances, at the Time the American Treaty was concluded; yet all the Art, all the Threatening, all the Representations of our Court and Ministry at that Time, could not induce them to confirm our Right to Jamaica by a positive Renunciation of that Island in our Favour. How unreasonable then is it to expect that Spain would have hearkened to any Accommodation, where it was laid down as a Preliminary, that she should give up a Claim which she had immemorially possess'd, and which she look'd upon, perhaps, as absolutely necessary to the Preservation of her Interest in America?

‘ Thus, Sir, I have, I hope, set this important Objection in a clear Light. I don't know what Effect it may now have upon Gentlemen, but the Reasons I have given against the preremptory Method of Proceeding had such a Weight with me, that I did not make the least Difficulty in agreeing to this Convention. I will venture to say, that when it was concluded, I thought it my Happiness that the Nation would look upon the Influence I have in the Government as one of the principal Means that brought it about. Nay, I should not be sorry if it was looked upon as a Measure entirely my own. But, Sir, whether this Convention is a good or a bad Measure, a few Days will determine. Whatever Judgment this House may think fit to pass upon it, I hope the Address, as mov'd for without the Amendment, will be agreed to. We have great Reason to believe that this Convention is for the Honour and Interest of the Nation; we have as yet no Reason to believe the contrary, and therefore no Reason to oppose this Address. Last Session, Sir, I remember that I undertook to be answerable for the Measures which
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the Government shall pursue while I have the Honour to be a Minister. I am prepared to make good my Promise. I desire no more than a fair Hearing; and this I hope will not be deny'd me. But, Sir, if Gentlemen may, by agreeing to the Amendment, raise a Prejudice without Doors against the Convention, and perhaps with such a Ferment, as would in the Event give them great Uneasiness; in such a Case, many who, I know, are otherwise Friends of the Government, would be sorry to find themselves instrumental in heating the People to such a Degree, as to admit of no Reasoning upon this Subject, and thereby render a War unavoidable. Such, Sir, I am afraid would be the Consequence of our agreeing to this Amendment; and it is a Consequence which every Man who understands, and desires to promote the Interest of his Country, wishes to see avoided.'

George Lyttelton Esq; *

Sir,

Mr. Lyttelton.

' I am very ready to agree, with the honourable Gentleman, that Posterity will judge of the Figure which Britain makes in the Affairs of Europe from her Behaviour at this Juncture: There is no Doubt that if we have entered into a scandalous Negotiation with Spain, Posterity will think that we have a very weak Ministry. But let the late Negotiations that have been carried on with that Court be never so honourable for this Nation, I am afraid Posterity will not be persuaded that we are at present blessed with a very firm disinterested Ministry. Taking the right honourable Gentleman's Account of this Negotiation to be genuine, and that we have made a safe and an honourable Convention, I believe Posterity will be apt to enquire by what Means, by whose Management, the Reputation and Power of Britain were sunk so low as to be forced, after suffering a Series of Insults and Injuries during almost 20 Years, to think herself happy in procuring Common Justice to her Subjects from a Power always found inferior to her own. Posterity, I am afraid, Sir, will be at a Loss to account for the Management that reduced Great Britain so low as to be obliged, even before she could obtain this bare Piece of Justice, to fit out a Fleet at a vast Expence, to send this Fleet abroad, to keep it on the Coasts of Spain, and at last, to take up with a Convention, wherein no Regard has been had to all this vast Expence, and not a Shilling stipulated to defray it. Sir, I think that when the honourable Gentleman was displaying his Impartiality and Candour, he should have favoured the House with his Thoughts in what Manner Posterity will account for all these Circumstances, without taking it for granted, that some Part of the Blame lies at the Door of our Ministry.

* Secretary to his Royal Highness the Prince of Wales.

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* The same right honourable Gentleman, in stating his Arguments against the Amendment, said, that all History could not furnish an Instance wherein a People not only own'd themselves in the Wrong, but actually paid Damages. I cannot say, Sir, that I can at present bring particular Facts and Parallels to disprove this Assertion; but I dare say there is no Gentleman ever so little versed in History, who does not know that there is nothing more common than for one Nation to indemnify another for the Expence of a War, or even the Preparations of a War. Let us consider, Sir, how either of these Cases differs from what lately was the Case betwixt us and Spain. We were not, it is true, in a State of open War; so far from it, that the Spaniards were, during the Time of their most violent Depredations, our faithful Allies; we caressed them, and they were so very obliging to us, that they accepted of all the Offices of Friendship and Kindness, which we so profusely heap'd upon them. They were even so civil as to accept of our Assistance in placing a Son of their Family upon the Throne of an independent Kingdom; but in the mean time they took care not to give us one Opportunity of shewing our Complaisance in the same Manner. I need not descend into Particulars; Gentlemen, I believe, have not forgot what was proved at the Bar of this House last Session; they have not forgot the Inhumanities and Insults practis'd on our Fellow Subjects by this haughty Neighbour. Now, Sir, will the right honourable Gentleman say, that because the Spanish Barbarities and Injuries were committed at a Time when we were not only at Peace with them, but shewing them the most excessive Marks of Friendship, therefore it was unprecedented that they should make any pecuniary Acknowledgments for our real Damages? Will he pretend that our Ministers, for that same Reason, ought not to have insisted on having some Reparation for the Injuries our Sailors have received in their Persons, and some Satisfaction for the wounded Honour of this Nation? Let us suppose, Sir, that we had shew'd our Resentment by repelling Force by Force, and that we had, as we ought to have done, enter'd immediately into a vigorous War. We shall suppose, Sir, that an Accommodation was set on foot, and Plenipotentiaries on both Sides appointed. I shall in that Case appeal to every Gentleman, who knows the least either of the History of his own or any other Country, if the Spaniards could have objected to us, that our being indemnify'd, not only for our preceding Damages, but even for our Expences of the War, was unusual and unprecedented. It is a Claim that is made almost in every Negotiation that follows upon a War, and is commonly admitted. Now, Sir,

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if this is the Case, what becomes of the extraordinary Merit of this Negotiation in obtaining this boasted Reparation for our Merchants Damages? I am afraid, Sir, Posterity will think we are so far from having obtained what we could not have expected, that we have not obtained what we might have justly claimed. If we were not at War with Spain, Sir, during all these Transactions, it is so much the worse for our Negotiators; for that is the very Reason, Sir, why our Claims ought to have been the more extensive, and our Satisfaction the more ample.

‘ However, Sir, I entirely agree with the honourable Gentleman when he said, that if we look over all the Histories of Europe, we shall not find one People paying Damages to another in the Manner (the honourable Gentleman must mean) stipulated by this Convention. I believe we shall not, Sir, because if we look over all these Histories, we shall not find any Parallel to this Convention itself. We shall not find that any People, without shewing the least Resentment, but in the Memorials of their Ministers, have tamely for so long a Time born such Treatment, and that their Ministry were at last satisfied with a Convention, wherein no more than bare Reparation for the real Damages of their Subjects was stipulated. His Majesty, indeed, has told us in his Speech, that Plenipotentiaries are to meet and settle every thing upon the Foot of Treaties subsisting betwixt the two Crowns. Is this, Sir, so mighty a Point gained, that we are to treat with Spain upon an equal Foot? The simple Consideration of this, Sir, is in my Opinion a full Answer to all that the right honourable Gentleman has advanced. He has allowed that our Wrongs have been very great, and he says that our Satisfaction ought to be adequate to our Wrongs.

‘ Now, Sir, as it is undoubted that we have suffered greatly, I own that I don’t think myself at Liberty to approve in any Shape, of the Measures that have been pursued for obtaining us Satisfaction, till my Judgment is sufficiently informed that these Measures have been both expedient and successful. When the Convention shall be laid before us, if it then appears that the Nation has received ample Satisfaction for her Losses and Injuries, I shall be willing to vote not only for a zealous Address of Thanks to his Majesty, but that the Thanks of this House shall be returned to his Ministers. But at present I can challenge any Gentleman to shew, from the Speech we have heard, that the Nation has by this Convention obtained one Concession in Favour of her Trade and Navigation, excepting that Spain is willing to treat. A very great Concession indeed!

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‘ I cannot take my Leave of this Subject, Sir, without making some Observations upon what fell from the right honourable Gentleman, with regard to what he said of the Reign of James the first. That Reign was the poorest, the weakest, and the most disgraceful in the English History: And what have they to answer for, Sir, who have reduced this Reign so low, as to admit of a Parallel with that of James the first? This Convention, Sir, from all we yet know of it, may one Day swell the Charge against those who have brought us to this Pass; and, till I am more thoroughly acquainted with its real Merits, I am entirely against taking any Notice of it at all.’

Sir John Hind Cotton.

Sir,

‘ I should be glad if the right hon. Gentleman, who spoke last against the Amendment, would inform the House what greater Security we have for the Performance of this Convention than we have had for the Performance of every Treaty we have for these twenty Years past entered into with Spain. I speak this upon the Supposition that the Convention is in our Favour, and that it answers all the just Demands of the Nation. The right honourable Gentleman said, indeed, that we had now obtained the Great Seal of Spain. Really, Sir, I believe the Great Seal of Spain to be a very pretty Thing; I believe we have obtained somewhat that may do very well to divert a Boy or a Girl; but I don’t see how the Great Seal of Spain can be any greater Security to us for the Preservation or Recovery of our Rights, than what we had before by the Treaties in Force. Was not the Great Seal of Spain affix’d to all these Treaties? Do we find that the Spaniards pay any Regard to it? And has the right honourable Gentleman given the House any one Reason why we should believe that they will pay any Regard to this Convention, supposing it is in our Favour? Therefore Sir, till I am informed in what Manner the Rights of this Nation are better secured by this Convention than they were by former Treaties, I must be for the Amendment.’

Sir John Barnard.

Sir,

‘ I shall not detain the House, as it is now late, in entering very far into the Merits of this Convention; but I cannot help observing that it seems to me to be a very extraordinary Measure. All I can find that has been done by it, is a Sum of Money obtain’d for our private Merchants. Every Thing else is referred to a future Discussion, whose Event is very uncertain. It is true, that this Address, as it stands without the Amendment, seems to point out, it gives at least some Hints of what will be the Business of these Gen-

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The Address carried
without the Amend-
ment,

Division Yea 239,
Noes 141.

lemen the Plenipotentiaries when they meet. It is there said, Sir, that they are appointed for regulating Grievances and Abuses. I have many Times heard of removing Grievances, but I think this the first Time I have met with such an Expression as regulating them. The Regulation of Grievances must imply that some Conveniency attends them, and therefore it is proper they should exist, provided they are regularly imposed. Therefore, Sir, I own that I cannot consent to our inserting any such Expression in an Address from this House to the Throne.

The Question being put, the Address was upon a Division carried without the Amendment: Ayes 230, Noes 141.

February. 5. Mr. Speaker reported to the House his Majesty's Answer to their Address; which was as follows:

Gentlemen,

" I return you my Thanks for this dutiful and loyal
" Address, and you may be assured, that I will use my
" best Endeavours to bring this important Affair to a speedy
" and happy Conclusion."

February. 6. The House came to the following Resolutions, viz.

That an humble Address be presented to his Majesty, that he will be graciously pleased to give Directions that there be laid before this House, I. Copies of all Representations, Memorials, or Petitions, made to his Majesty, or his Secretaries of State, since the Treaty of Seville, relating to any Losses sustained by his Majesty's Subjects, by Depredations committed by the Spaniards in Europe and America, which have not already been laid before this House.

II. Copies of all Representations, Memorials, or Petitions, made to the Commissioners for executing the Office of Lord High Admiral of Great Britain, or Commissioners for Trade and Plantations, since the Treaty of Seville, relating to any Losses, *ut supra*.

III. Copies or Extracts of any Letters from any of the British Governors in America, his Majesty's Ministers in Spain, and Consuls in Europe, to the Secretaries of State, Commissioners for executing the Office of Lord High Admiral of Great Britain, or Commissioners for Trade and Plantations, since the Treaty of Seville, relating to any Losses, *ut supra*.

IV. Copies or Extracts of any Letters from any Commanders in chief, or Captains of his Majesty's Ships of War, to the Secretaries of State, Commissioners for executing the Office of Lord High Admiral of Great Britain, or Commissioners for Trade and Plantations, relating to any Losses sustained by his Majesty's Subjects since the Treaty of Seville, by Depredations, *ut supra*. Then

Then Mr. Sandys spoke to the following Effect :

Sir,

‘ The Resolutions which this House has now come to, are in my Opinion extremely proper. It is very proper that we should see all that has been offered from our Merchants by way of Complaint, or Representation to the Government since the Treaty of Seville, relating to the Spanish Depredations. It is likewise very proper we should know what Representations have been made by our Governors, Ministers and Consuls abroad, upon the same Subject ; and likewise every Thing that may have come from our Admirals, or Captains of Men of War. But give me Leave to say, Sir, that now you have come to all these Resolutions, you are but half thro’ what you ought to do upon this Occasion ; the most important Part is still behind, and that is our knowing what Measures have been pursued in Answer to these several Applications and Representations. Without our knowing this, Sir, it is impossible for us to judge either of the Sincerity and Diligence of our own Ministry at home, or how far the Insolence and Injustice of the Spaniards have reached abroad.

‘ All these Points must be fully and clearly comprehended by this House, before we can venture to proceed in giving our Opinion upon this Convention, which his Majesty has been pleased to acquaint us of, and to promise that it shall be speedily laid before us. If from what shall appear upon the Face of the Papers I intend now to move for, our Ministers have done every Thing to prevent a War, without sacrificing any Part of the national Honour or Interest ; if it shall appear that they have stated the Differences betwixt Spain and us, in a true Light to that Court ; if it shall appear that they have given the Spaniards no Encouragement, by their dilatory and irresolute Way of Proceeding, to insist upon their own Terms, and to go on in ruining our Trade and Navigation ; I say, Sir, if all this should appear, we can easily determine upon the Merits of this Preliminary Treaty, which we have accepted of. The Stipulations contained in it ought to be founded upon the Justice of the Claims of either Party ; but if these Claims never have been made, or if they have been shamefully given up on our Part, and if this Conduct has encouraged the other Party, to oblige us to accept of a Preliminary, instead of a definitive Treaty, then the Question with us, ought not to be how far the Spaniards, but how far our Ministers are to blame.

‘ Besides, I cannot conceive that the Papers, which you have already resolved to address for, can be of any Manner of Service to us, or indeed that they can be intelligible to the House, unless we shall see the Instructions that have been sent from hence to our Governors, Officers and Ministers abroad ;

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1738-39.

Mr. Sandys.

Ann^d 12 Geo. II.
1738-39.

abroad ; because a great Number of the Complaints and Representations contained in the Papers, which you are to address for, must refer to, and sometimes be founded on the Nature of these Instructions. Therefore I will be so free as to own, that I shall not be at the Pains so much as to look into any of the Papers we have resolv'd to address for, unless I shall see at the same Time the Papers, for which I intend now to move ; and I shall think it very suspicious, if any Gentleman shall oppose such a Motion ; because I am sure that there can be no Harm, in a British House of Parliament's seeing all the Papers relating to any Transaction that is past, which have gone thro' the Hands of British Ministers. Therefore, Sir, I take the Liberty to move,

Motion that Admiral Haddock's, &c Instructions be laid before this House.

' That an humble Address be presented to his Majesty, that he would be graciously pleas'd to give Directions for laying before this House, Copies of all Letters written, and Instructions given by the Secretaries of State, or Commissioners for executing the Office of Lord High Admiral of Great Britain, to any of the Governors of the British Plantations in America, or any Commander in chief, or Captains of his Majesty's Ships of War, or his Majesty's Minister at the Court of Spain, or any of his Majesty's Consuls in Europe, since the Treaty of Seville, relating to any Losses sustained by his Majesty's Subjects, by Means of Depredations committed by the Subjects of the King of Spain in Europe or America, which have not already been laid before this House.'

Horatio Walpole Esq;

Sir,

Horatio Walpole Esq


' The present Motion seems to contain two separate Articles, and I shall beg Leave to offer my Reasons to the House, why I dissent from both. One relates to the Letters and Instructions sent to our Ministers at the Court of Spain, our Consuls in that Kingdom, and our Governors in America, and the other to those sent to our naval Officers. As to the first, Sir, I hope Gentlemen, before they agree to this Motion, will consider, that in such Differences as subsisted lately betwixt our Court and that of Madrid, a Minister is furnished not only with publick but private Instructions, and these private Instructions commonly contain Things no Way proper to be communicated to the Court where he resides. It has been many Times known in Negotiations, that a Minister has been instructed publickly to insist on very high Terms, and yet has had private Instructions to abate very much of these Terms, provided he could obtain an Equivalent, or compass a favourite View of his Court.'

' I don't know, Sir, whether this is or is not the Case with regard to the Instructions sent to our Minister at Madrid, because I never had any Concern in our Transactions with

with that Court ; but, Sir, it is both very possible and very probable that it may be the Case, and if it is, his Majesty will no doubt have very good Reason to be offended at an Address, which, should he comply with it, might lay open the most private Transactions of his Cabinet, and discover Secrets that ought, for the Good of this Kingdom, to be concealed. But the present Motion, not only includes Instructions given by our Ministry and Admiralty to our Plenipotentiaries at the Court of Spain, but likewise to all our Consuls and Governors of our Settlements abroad. This might be attended with very bad Consequences to the trading Part of the Nation. Gentlemen know very well, that, in case of a Rupture betwixt Spain and us, the Spanish Court immediately confiscates the Effects of our Merchants residing there. It has therefore been always thought proper to let our Consuls know, either by our Ministry here, or our Minister at Madrid, that as soon as the Differences betwixt the two Courts shall arrive at such a Crisis, and not before, they are to give the Merchants notice to make the best of their Way with their Effects. Now, should such an Instruction as this come to the Knowledge of the Spaniards, it is a kind of Watch-word to put them on their Guard, and must unavoidably occasion the ruin of Thousands of our Subjects. It must have another bad Effect, Sir, by letting the Spaniards know the Ultimatum of our Demands and Concessions, and the Kingdom may thereby be depriv'd of many Advantages which she might reap, were no such Discovery made.

‘ I shall now examine the Propriety of this Motion, so far as it relates to the Instructions given by the Government here to our Admirals and Captains. These Instructions, Sir, are very probably yet unfulfilled, and it would be doing a very imprudent Thing, should we put it out of the Power of our Officers abroad to fulfil them ; which must be the Case if they are now discover'd to the Public. Besides, there is nothing more easy than to find Fault. Objections may be raised to the best concerted Plan that ever was laid down, and the Approbation which it meets with generally depends upon the Event. Therefore, Sir, it ought not all to surprize Gentlemen, if they whose Characters, perhaps their Lives and their Fortunes, depend upon the Success of these Schemes, oppose the Motion. On the other hand, it must be surprizing to those without Doors, as well as to us within, to hear that such a Motion has been made in this House. Have not the Ministers been cried out against for not entering into vigorous Measures, as they are called ; and should we agree to this Motion, don't we take the most effectual Method to disable them

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1738-39



Anno 12. Geo. II.
1738-39.

them from pursuing any Measure with Vigour? I am far from denying, that the Motion we are now considering, would be a proper Motion, if all Danger of a War were over, and if we had concluded a definitive Treaty with Spain: Were that the Case, there would be no Inconveniency in our addressing for these Papers, because there would be no farther Use for the Instructions contain'd in them. But, that is far from being the Case at present. The Treaty that is concluded is a Preliminary, and the Conclusion of a definitive Treaty depends upon our Unanimity and Resolution to pursue the same vigorous Measures that we would have done had this Preliminary never taken place. But, Sir, give me Leave to say, that if we should agree to this Motion, we put ourselves under an Incapacity of pursuing these Measures, because we expose them to the Public, and thereby give Spain and her Allies an Opportunity of defeating them.

‘ There is still another Inconveniency which must arise from our agreeing to the present Motion. We are to consider, Sir, that though the Stipulation for our Merchants Redress is a positive Stipulation, yet that the Performance of it is in reality but eventual. I don't mean that there is any Ambiguity in the Terms of that Article in the Convention, or that any Event can happen which will justify the Court of Spain in refusing to pay the Sum there specify'd; but we all know very well, that Princes are often determin'd by Interest, without Regard to the strict Laws of Justice and Equity. Now, if our exposing these Papers should afresh embroil us with Spain; if she should imagine, upon being informed of their Contents, that she could prevent our distressing her in the same Manner we might have done had they been kept secret; in such an Event, Sir, who can answer for it that she will not create Pretexts and frivolous Excuses, to put off the Payment of the stipulated Sum? I am sure, I have heard that Court charg'd in this House with as gross Violations of her Faith, and I dare say that if our agreeing to this Motion were to have that Effect, Gentlemen would think that they had a great deal to accuse themselves of.

‘ In the mean time, I am far from thinking that there will be no Occasion for our seeing any Papers at all before we come to a Resolution with regard to the Convention. I know we shall have Occasion to see a great many, and we have no Reason to doubt that his Majesty, as he has ordered the Convention to be laid before us, will likewise order those Papers to be communicated to the House which are proper for us to see. But, Sir, I think we should act with great Pre-
cipitancy, should we address for any Papers that may draw a Refusal from his Majesty, and may occasion an Inter-
ruption

ruption of that Union betwixt his Majesty and this House, which in the present Juncture of Affairs is our best and greatest Security.

Anno 12 Geo. II.
1738-39.

Sir John Barnard.

Sir,

‘ I have sat long enough in the House to hear many Debates on this Head, but I never knew one good Effect attend our giving a Negative to a Motion of this Nature. Did Experience tell us, that the Councils of a Ministry have been always more advantageous to the Nation than the Resolutions of Parliament; had this Nation never found the Misfortune of being governed by a Ministry, who preferred their own Interest to her Honour; had there never been an Instance when the Interposition of Parliament rescued the Nation from the wicked Effects of Mal-administration; then might I have had so much Confidence in the present Ministry, as to agree in my Sentiments with the honourable Gentlemen who spoke last. But, I have seen the Complaisance of Parliament to the Ministry attended with so many bad Effects, especially of late, that I think it is high Time for us to alter our Measures, and to judge from what we see, and not from what we hear.

Sir John Barnard.

‘ I own all that has been said rather confirms me to agree to the Motion, than otherwise. All that the honourable Gentleman has said, in my Opinion amounts to this, that the Papers, now mov’d to be address’d for, relate to an unfinished Negotiation, and therefore it will be doing an Indignity to his Majesty to address for these Papers; that it might likewise put Spain on her Guard, should the Manner in which we are to attack them come to their Knowledge; and thereby the Ends of the Convention might be frustrated.

‘ The very Reason why this Motion ought to be agreed to, is because these Papers relate to a Negotiation that is still in Dependence. Had the Negotiation been finished, the Reasons for our agreeing to this Motion would not have been near so strong with me as they are now. But, Sir, I have not heard yet any one Reason given, why the just Expectations of Parliament and the People have not been answered, and why we are not at present in a State of Certainty with regard to our Differences with Spain; why we are not carrying on either a vigorous War, or reaping the Advantages of an honourable Peace. These are Considerations that offer to me, previous to all other Considerations. When once this House is satisfied in these Points, it will be easy for us to come to a Resolution as to every other Point that relates to this Affair. But these are Points we never can come to the Knowledge of without our seeing, in the first Place, the Papers

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now moved to be addressed for. I say, Sir, in the first Place; for if our Admirals and Captains have had no Orders to act with Vigour; if our Consuls and Governors have had no Instructions to stand by the Rights of this Nation at all Events; or if they have been instructed, to wink at the Calamities of their Fellow-Subjects, and, as many suspect, to connive at the Barbarities inflicted on them; then, Sir, the House must be led into another Enquiry, by what Means it has happened that such a Conduct has been observed. We are then no longer to wonder why the Spaniards have not been brought to do us Justice, and why our Merchants are still expose to the Insults of their Enemies.

‘ If, Sir, there had been any Comparison betwixt our Strength and that of the Enemy, if the Spaniards had had the least Pretext in Justice or Equity for the Barbarities inflicted on the Subjects of this Nation, some Excuses might have been pleaded from the Imprudence of hazarding our Strength and Reputation on a doubtful Event; some Excuse, Sir, might have been pleaded from the Injustice of supporting Claims that are inconsistent with the Treaties and the Law of Nations. But, since we are as evidently superior in Strength, as in the Justice of our Cause, the Reasons of our Forbearance since last Session, and our accepting this Convention, must be attributed to some Cause of which the Parliament ought to be the Judges, and which, I am afraid, the Parliament alone can remove. Are we forever to trust to the Courage and Honesty of our Ministry? Are we never to interpose, and let his Majesty know the Sense of the Nation? Have we for these 20 Years past ever offered our Advice to the Throne upon any doubtful Exigency? Have we not as often as such Advice was proposed, been told, that we had no Reason to doubt the Prudence and Zeal of the Ministry; that it was an Affront upon his Majesty for us to interpose in those Points where the Crown by its Prerogative was to be the sole Judge. Let Gentlemen, Sir, look over the History of England, and they will find this is the Language that has brought on all the Inconveniencies which we have felt. This is a Language that honest Ministers never use; it is the Language that wise Ministers reject. Honest Ministers would be glad of having an Opportunity to take Advice, better Advice than it is possible for them to give; and wise Ministers never think themselves so happy as when they have the Advice of Parliament, to give a Sanction to their Proceedings.

‘ As to the putting the Spaniards on their Guard, I am not so much either of a Soldier or a Sailor, as to pretend to determine precisely what Weight may be in that Objection: But I have read a little, and have heard a great deal with
regard

regard to the Management of a War betwixt us and the Spaniards : And, so far as I may be allowed to judge, there is but one Way in which we can possibly attack them, and that is by Sea. We have already fatally experienced the Effects of a Land War with Spain. It was indeed attended with Glory ; it was attended with Success ; but, Sir, it was attended with an Expende which we feel to this Day. Therefore I think it is quite out of the Question to suppose that any military Operations of ours against Spain, which were to have taken effect by Land, should be discovered by our agreeing to this Motion. It is possible that we may discover by it, whether our Government design to act in earnest. But I can see very little Advantage Spain can reap from this, though I think I see a great Benefit which must arise from it to Britain.

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1738-39.



‘ We can never imagine, Sir, that the Spaniards have been so stupid as not to take all possible Precautions to defend themselves in case of a Rupture. They know very well, I believe every Gentleman in this House, every Man of common Sense without Doors knows, where and in what Manner we can attack her, if we are in Earnest. Therefore, Sir, I think it is of very little Consequence whether the Spaniards shall come at the Knowledge of the Plan of the Operations or not. But Sir, I said I could easily see an evident Advantage which our being well assured that the Ministry were in earnest to act against Spain must be attended with : Such an Assurance would inspire the People, I had almost said, with a Veneration for the Ministry ; I am sure it would for his Majesty ; when they saw that they were resolved to take Satisfaction for the Injuries we have received. This must be attended with the best Effects. The Opinion which the Subjects will then entertain of the Honesty and Abilities of those at the Helm, will make them contribute their Share of the Expende with Alacrity. Our Sailors, Sir, who have long acted with Reluctance, would then serve with Chearfulness. There would be then no Occasion for pressing Men aboard for our Navy. That Reluctance, Sir, so visible in our Sailors, intirely proceeds from the numberless Disappointments they have already met with ; and give me leave to say, Sir, that there is no other Method of removing their Distrust on that Head, than by our Government’s letting the Publick see that they intend to act honestly and fairly, that they do not design to amuse the World any longer with idle Parades, or sham Expeditions.

‘ There is another good Effect, Sir, that our agreeing to this Motion must have ; it will make Spain cautious how she trifles any longer with us. Can any reasonable Man believe, Sir, that if she had thought we dared to act vigorously, she

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would have treated us in the Manner she has done? She must be conscious, that by herself she is a very unequal Match for us, and that it is in our Power to humble her before she can receive any Assistance from her Allies. Her Ministers must be conscious that we have been treated in a Manner that directly violates all the Law of Nature and Nations, and every Treaty subsisting betwixt us and them. Give me leave to ask, Sir, from whence can the Motives of their Proceedings arise, if they do not arise from an Opinion of the Weakness and Irresolution of our Ministry? But, Sir, our agreeing to this Motion will set them right in that Respect. I hope we shall see Instructions to our Admirals and Captains that will make the Spaniards, and all the World sensible, that we have Ministers both too wise and too honest to be any longer trifled with. This, instead of obstructing, must facilitate every Negotiation with that Crown. As we want nothing of them but what is fair and right, they would be more ready to grant it willingly, when they find, if they refuse, we are determined to command it by Force.

‘ But, Sir, as no Arguments are so good as those drawn from Experience, I am sorry to say that in this Case we have fatal Experience of the Reasonableness of this Motion. I see many Gentleman here who may remember our Expedition under Admiral Hosier. How many of our brave Seamen perished, how many of our best Ships rotted, and how much of the national Honour was lost in that Expedition, is not my Business at present to enquire into; but I will venture to say, that it had been happy for this Nation, that either that Expedition had not been made, or that the Parliament had been before hand acquainted with the Nature of our Admiral’s Instructions. But, Sir, this is a very ungrateful, a very melancholy Subject; therefore I shall only observe, that while the Memory of that Expedition is so recent in the Minds of the People, it will be impossible to cure them of their Suspicions; it will be impossible to convince them that our present Measures are not in the same Strain they were then in, unless the Parliament is made acquainted with the Nature of the Instructions that have been given to our Admirals and Officers abroad.

‘ I have little more to add, Sir; but I cannot help observing, that there is a very wide Difference betwixt common Report, and the Arguments that have been advanced against this Motion. These Arguments have been all built upon the Supposition that the Negotiation with Spain is still depending upon the Supposition that the Convention is no other than a Preliminary, and that we have still a good deal to fear from Spain. But, Sir, if any Credit is to be given to common Report,

Report, our Ministry are acting in a Manner which shews that they think all Differences with Spain are accommodated. If we are to believe common Report, Sir, they have so much Confidence in Spanish Honour and Faith, that they look upon a definitive Treaty to be as good as concluded, and have already recalled our Squadron from the Mediterranean Sea. I shall not warrant the Truth of this Report, Sir; but if it is true, in my humble Opinion it entirely overthrows all that has been advanced by the Gentlemen on the other Side. However, whether it is true or not, I think the Reasons I have already given, and those I have heard from my worthy Friends, are more than sufficient to determine me in giving my Voice for the Motion.'

Sir Robert Walpole.

Sir,

' If Gentlemen knew of how little Consequence it is to the Interest of the Minister (for I see no Reason why I may not use that Word too) whether this Motion is or is not agreed to, they would think they had spent their Time very indifferently in this Debate.

Sir Robert Walpole

' The honourable Gentleman who spoke last, said, with that good Sense which he always discovers when he speaks either in publick or in private, that if at this Juncture we recalled our Fleet from the Coasts of Spain, our Negotiations with that Court ought to be looked upon as at an End, and consequently that no Argument could arise against this Motion for our addressing for Papers relating to a depending Negotiation. If that were the Case, if our Fleet was recalled, I should be of the same Opinion: But, Sir, I can take it upon me to affirm that no such Orders have been sent, and that I never heard of any such Orders before I heard them now. I believe, Sir, Gentlemen will not suspect that Orders could have been sent without my Knowledge; and they are mistaken, if they think that I can have any interested Views in concealing them. However, Sir, I cannot omit taking Notice of the Views with which such Reports are propagated, and how easy it is for the best Intentions in the World to be defeated by any malicious Fellow, who shall take upon him, from his own Conjectures, to affirm Things for Facts that never had any Existence but in his own Brain. I am sure the honourable Gentleman himself did not invent so improbable a Story; but, on the other Hand, I am sure that with all the Discernment he is Master of, he was very much affected by it, and that if I had not taken this Opportunity of undeceiving him, most Gentlemen here might have believed it.

' That

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‘ That honourable Gentleman was pleased to bring the Case of Admiral Hosier’s Expedition, as a Parallel to our present Circumstances. Sir, I am as much affected with the Hardships and Calamities which beset my Fellow Subjects in that Expedition as any Gentleman here ; but no Prince, no Minister alive can guard against Accidents. If a Scheme is well digested, and properly executed, that is all which Ministers can answer for : The Elements are not under our Direction, and tho’ that Expedition did not answer all the Ends it was designed for, yet I believe the Nation feels the good Effects of it at this Day. It happened at a Time when the Situation of the Affairs of Europe was very different from what it is at present: But I need not descend to Particulars ; I believe most Gentlemen present remember what the Motives of it were, and that as often as it came under the Consideration of this House, the Objections to the Conduct of the Ministry, on that Head, were always fully and solidly refuted.

In short, Sir, if the Spanish Treasure at that Time escaped our Fleets, it was owing to Accidents which no human Foresight could prevent, and may serve to let us see, that however some Gentlemen flatter themselves with the Thoughts of always having it in our Power to bring Spain to our Terms, yet it is not so easy a Task as these Gentlemen imagine. Our Admirals and Captains at that Time, Sir, did their Duty, and I believe would have exerted their Courage too, had the Plate-Ships come in their Way. But their Escape at that Time is a Proof that neither the Goodness of Ships, the Number of Men, the Skill of our Officers, nor the Bravery of our Sailors can avail, when the Winds and the Weather favour the Enemy. If Gentlemen would make due Reflections upon this, I dare say they would be much cooler in their Debates and Proceedings upon those Questions that relate to our Differences with Spain. Mean time I think the Arguments which I have heard in Support of the Motion are not sufficient to warrant my giving Assent to it.’

The Motion rejected
Upon Division Yeas
183, Noes, 113.

Mr. Sandys moves
for the Papers laid
before the Court of
Madrid.

The Question then being put, it passed in the Negative, 183, against 113.

It was then moved by Mr. Sandys, That an humble Address should be presented to his Majesty, that he would be graciously pleased to give Directions, for laying before the House, Copies of such Memorials or Representations, as had been made, either to the King of Spain or his Ministers, since the Treaty of Seville, relating to Losses sustained by his Majesty’s Subjects, by Means of Depredations committed by the Subjects of the King of Spain in Europe or America.

Henry

Henry Pelham Esq;

Sir,

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Henry Pelham Esq;

' After the House, for very good Reasons, had given a Negative to the last Motion, I did not expect to hear one of this Kind; because the Reasons for not agreeing to the last, hold, in my Opinion, much stronger for rejecting this.

' Gentlemen, before they make such Motions as these, ought to consider two Things principally; first, whether this House has a Right by the Constitution to agree to Motions of this Kind, for calling for Papers while a Negotiation is depending; and in the next Place, how far such an Address will be complied with on the Part of the Throne. His Majesty by our Constitution certainly has a Right to make Peace or War, and consequently, to take such Steps as may enable him to do both with Honour and Success; but if we call for those very Papers that contain the whole Transactions with regard to either, Gentlemen are to consider, whether this be not an Attempt to wrest this Prerogative out of the Royal Hand, where it is now so well lodged. At the same Time, Sir, admitting we had such a Power, if for Reasons best known to his Majesty, he should refuse to comply with our Address, Gentlemen cannot but foresee, that such a Refusal has often produced a Misunderstanding betwixt the Crown and Parliament; which on this Occasion must produce the very worst Effects.

' It becomes therefore, Sir, a prudential Consideration with us at present, whether these Papers may not be of such a Nature as to require the utmost Secrecy, and whether our agreeing to this Motion, may not defeat all the good Ends proposed by the Convention; for as the Convention is no other than a preliminary Treaty to a definitive one, there must consequently be a great Number of Points still unsettled betwixt his Majesty's Ministers and those of Spain, and therefore calling for the Copies of any Papers that are now, perhaps, lying before the King of Spain's Council, is calling for Papers that relate to an unfinished Negotiation. Besides, Sir, the Papers that have been laid before the Court of Spain by our Ministers, will necessarily discover a great Part of the Contents of those Papers, which have been communicated to this Court by that of Spain. Making such Papers publick, must be interpreted by Spain as an Affront done to her, it being an Indignity done to a Court, after a Negotiation is concluded, to publish all the Demands which, either from a Misinformation, or a Desire to advance her own Interest, it may have made. This might make them shy of entering into any farther Negotiation with a Court, that is capable of treating them so unhand somely. Besides, Sir, a wise Ministry will always consider the Character of the People

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People with whom they treat : If the Spaniards were under the same Form of Government with ourselves ; if they had the same Notions of Liberty, and the same Rights to secure it, the Motion would not have been so improper. But we are to consider, that we have to do with the most jealous People under the Sun ; we have to do with the Ministers of an absolute Prince over a Country where every Thing is transacted with the utmost Secrecy, and who would be startled that any Paper of State should be expos'd to public View : This, Sir, might render, not only Spain, but every Nation in Europe, averse from entering into any Negotiation with a People, who cannot keep their own Secrets, or those of their Neighbours.

‘ I shall now consider a little how consistent such an Address would be, with the Regard and Decency we owe to his Majesty. Give me leave here to observe, Sir, that nothing can contribute more to obtaining a Definitive Treaty, on a safe and honourable Footing, than a good Correspondence betwixt his Majesty and his Parliament ; and nothing will be a greater Encouragement for Spain to insist upon high Terms, and to be obstinate in her Demands, than even the Appearance of Coldness between them. Now, Sir, if we should resolve to address his Majesty for these Papers, before we are sure, that he will think fit to comply with our Request, I don't know any Measure we could pursue, which might be more detrimental to the Public : They who are dissatisfied with the present happy Establishment, under the Colour of being dissatisfied with the Ministry, will take Occasion to insinuate, that a Difference has arisen betwixt his Majesty and the Parliament : This Insinuation will be industriously propagated amongst Foreign Courts, till this Nation shall be in Danger of losing much of that decisive Weight which every good Subject would wish she enjoy'd abroad. Nothing, Sir, could give Foreign Powers a fairer Opportunity of uniting among themselves, than this Opinion ; and such an Union is what Great Britain ought by all Means to guard against. We should not then have to deal with Spain alone ; we should soon see France entering her Claims likewise : I am not sure but our good Allies the Dutch might endeavour to obtain some Concessions to our Prejudice : For, give me Leave to say, Sir, that the Union which has always subsisted betwixt our Court and the Parliament, since the Accession of the present illustrious Family to this Throne, has been the Means of our enjoying many Advantages in Commerce, unrival'd, and uncomplain'd of by our Neighbours : And Gentlemen ought to be more cautious how they give Occasion for our Neighbours so much as to suspect any Difference betwixt his Majesty and Parliament,

liament, when they reflect that there never was a Time when any Difference happen'd betwixt them, in which our Neighbours did not do all in their Power to improve it to their own Advantage.

I have insensibly fallen again into the Consideration of Foreign Affairs; but every Domestic Incident has such an Influence upon our Foreign Situation, that it is almost impossible to separate the Consideration of one from the other. There is indeed one Consequence entirely Domestic, that may attend our agreeing to the present Motion, and that is the Opinion it might give his Majesty of the Wisdom and Moderation of this House. His Majesty has always, in every public Transaction of his Reign, consider'd the Parliament as his great Council; he has advis'd with us, he has paid a just Regard to our Sentiments, and has inform'd us of every material Transaction of his Reign. Now, Sir, if we don't, on our Parts, answer those gracious Dispositions; if we don't act within our own Sphere, his Majesty has great Reason to think, that we requite the Deference and Esteem he has always express'd for us very ungratefully. He has inform'd us, that a Convention has been enter'd into with Spain; he has told us, it is a Convention for settling all Matters in Dispute betwixt them and us, in such a Manner as may, for the future, prevent and remove all new Causes of Complaint. He has likewise inform'd us, that the Convention shall be laid before us. If we should agree to the present Motion, Sir, in what Manner shall we requite his Majesty's Royal Endeavours for the Interests of this Nation? If, before we have come to any Resolution about this Convention, before we have deliberated whether it is, or is not, for the Advantage of the Nation, we fall to examine into the Papers and Instructions that have, in order to bring it about, pass'd betwixt his Majesty's Ministers, and those of Spain? Nothing, Sir, can be a more preposterous Way of proceeding. It is telling his Majesty, that we won't regard the Merits of the Convention, by itself; we will be determin'd in the Judgment we shall form of it, as we are pleas'd or displeas'd with the Conduct of the Ministry previous to its being concluded. Sir, give me Leave to say, that when this House deliberates upon approving, or not approving any Measure, we are to consider that Measure as it stands by itself; if we find it in itself to be a good Measure, we are to approve of it, and we are not to regard its Connection with any other Circumstance. If we were to suppose that this Convention, which will be consider'd in a Day or two, has been brought about by the most abandon'd Set of Men in the World; yet if we find it to be for the Public Good, we are not to enquire into,

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and censure the Means by which it was brought about. The best and the most reasonable Method of Proceeding, and the Way in which this House has always proceeded in such Cases, is to examine the Measure itself; and if it is found to be a destructive Measure, let us petition his Majesty to have all the Papers relating to it laid before us, that we may inflict a suitable Censure upon the Advisers and Managers of such a Step: But if we find it a good Measure, I don't see what we could propose to ourselves by calling for any Papers previous to it: unless it were to let his Majesty see, that we are resolv'd to fish for Faults, and to take upon ourselves a Power unknown to our Constitution. I shall suppose that we are now to agree to this Motion; what might be the Consequence? I am afraid such as would give the Crown no very favourable Opinion of our Prudence and Candour. For his Majesty may very justly conclude, that, being conscious we could find no Fault with the Convention by itself, we were resolv'd, rather than not find Fault, to fall upon his Ministers for what they had done before it was concluded. This, Sir, give me Leave to say, might, with very good Reason, be looked upon by the Crown as a very great Piece of Disrespect, and be resent'd by a Denial, which, I am sure, would be very disagreeable to his Majesty, however just it would be in itself.

I shall beg Leave only to add a very few Things to what I have already said: It has always been the Rule of this House, never to call for Papers relating to a Negotiation while that Negotiation is in Dependence. I know Gentlemen will consider the Convention as a Negotiation entirely separate from the Definitive Treaty that is supposed to follow it; but I must humbly differ from those Gentlemen. All Preliminaries, in their own Nature, have a Relation to the Negotiations to which they refer; and it frequently happens, that Preliminaries contain the Substance of all that follows after; and that the subsequent Negotiations are only to extend the Stipulations, and give them a more authentick Sanction: Tho' I am not to suppose that this is the Case with the Convention, yet no Gentleman, who has looked into it, but must see that, tho' it is not a definitive Treaty, yet all the material Points, upon which a Definitive Treaty is to proceed, have been adjust'd betwixt the Ministers of the two Crowns by this Convention: Therefore the Instructions that have pass'd betwixt our Court and that of Spain, relating to the Convention, may very reasonably be presumed to relate likewise to the subsequent Definitive Treaty.

This being the Case, by agreeing to the present Motion, we call for Papers relating to a Negotiation still in Dependence, and thereby assume to ourselves a Right by no means belonging to this House. We assume to ourselves a Right
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of directing and of censuring the Conduct of his Majesty's Ministers upon a Measure that is not yet concluded; in short, we assume to ourselves a Right that is already lodged in the Royal Hands; in Hands, Sir, that have been always so far from making a bad Use of it, that this House has always been Sharers in that Part of the Prerogative.

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‘ My Opposition to this Motion, Sir, must by every Gentleman who judges impartially, be looked upon as proceeding from no Consciousness of any Thing amiss in the Papers to be addressed for by this Motion; because, if we should find the Convention to be a Measure against the Honour and Interest of this Nation, there is still Room for us to go into this Address.

Sir William Windham.

Sir,

‘ I am sorry that I am obliged to differ from the honour- Sir W. Windham.
able Gentleman who sits over against me, in almost every Proposition he has advanced. I readily admit, that to know the proper Boundaries between the Sovereign and the Parliament, is a Part of Knowledge very requisite for a Member of this House; but I think the Constitution has pointed out those Boundaries, it has pointed them out in plain and intelligible Characters, impossible to be mistaken by any Man who does not wilfully mistake. Our Constitution plainly presumes, that in political Transactions the Minister's Conduct alone is to be canvass'd, and if any Thing is found amiss, the Sovereign is always supposed to have been misled or misinformed by the Minister. I could not help saying thus much, Sir, because I have observed Gentlemen, upon Questions relating to Papers proper to be laid before this House, still advancing that such Motions tended to encroach upon the Prerogative. For my Part I know no Prerogative that this Motion can affect; I know no Difficulties which it can lay us under but with regard to the Minister, and I hope this House will never know any Difficulty upon this Head.

‘ The honourable Gentleman who spoke last appears to me to have been under two very great Mistakes; first, in supposing that his Majesty would take it amiss, if we should address in the Terms of the present Motion; secondly, in taking it for granted that the Contents of any Papers cannot be communicated to this House without their being known to all the World. I am convinced that this House never did, and I hope it never will, give his Majesty Reason to suspect, that we are capable of pursuing any View inconsistent with the Respect we owe to him, or with the Duty we owe to our Constituents. While these are the Maxims by which we regulate our Conduct, his Majesty, I dare say, would never take any Proceeding of ours amiss; because if

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we should ever address for any Thing that is improper for his Majesty to comply with, he will not look upon it as proceeding from Want of Affection, but from Want of better Information.


‘ This leads me to the second Mistake the honourable Gentleman seems to be under. If by agreeing to this Motion we should address for Papers unfit to be communicated to the Publick, there is no doubt but we shall be informed from the Throne, in a regular Manner, that the Contents of some of the Papers we addressed for ought not to be divulged. In the mean time, it is to be hoped that his Majesty will order those Papers that are proper for our Inspection to be laid before us. If it shall be found by the House, that the Papers thus communicated are sufficient for our Information; if it shall be found, they are sufficient to give us a full and a clear Detail of the Negotiations that have preceded this Convention, there is no Occasion to trouble his Majesty any farther. But if these Papers should relate to other Papers without which we must be still in the Dark, there is a Method by which this House may be informed of all that is proper for them to know, and yet the Ministry be in no Danger of having their Secrets divulged to the World. I mean the Method of a secret Committee, who may be appointed to make Extracts from these Papers relating to the Affair in Question, as far as shall be necessary for the Information of this House. I hope, Sir, Gentlemen don’t suppose that the Breast of a Minister is the only Cabinet where a Secret of State can be safely deposited. I dare say, Sir, every Gentleman of this House, who shall have the Honour to be of a secret Committee, will conceal the Proceedings of that Committee as inviolably as any Minister alive.

‘ I think I have already obviated the most material Difficulty that can possibly arise on this Point of Secrecy: But, Sir, I confess, that I can see no Grounds for supposing, that if our Ministry have honestly done their Duty, there can be any Secrets to be concealed from the Publick, or any Difficulties whatsoever. The Wrongs that we have suffered from Spain were committed in the Face of the Sun. They were avowed by her Government, they were justified by her Ministry; the Means, Sir, which we pursued to obtain Justice, were long concealed from the Knowledge of the Publick; longer I’m afraid than was strictly consistent with the Interest, with the Honour of this Nation; and the more they were concealed, the Injuries, the Insults and Barbarities committed on our Subjects grew the more flagrant; and Spain by her Conduct seemed to aim at nothing so much, as to render it impracticable for our Ministry any longer to stifle the just Complaints
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of our Merchants. At last, Sir, after a long and fruitless Expectation of obtaining Redress by means of our Ministers, our Merchants were obliged to lay their Case before Parliament. We heard them fully, we heard them impartially; and they proved their Allegations to the Satisfaction, and entire Conviction, of every Gentleman in this House; to the Conviction, I believe, of those who had the greatest Reason to wish that they had not succeeded so well in their Proof as they did. Upon this the House came to certain Resolutions, very plain, very practicable in their own Nature, which we then understood were to serve as a Direction to our Ministry in the succeeding Part of their Negotiations. If they have used proper Means for obtaining the Concessions pointed out by these Resolutions from the Court of Spain, if they have unalterably pursued the Scheme which the Parliament laid down, where can be the Harm, where the Difficulty, of publishing their Conduct to the World? Give me leave, Sir, to say, that it will be for their Interest that the Publick be informed of their having acted zealously for the Rights of the Nation. This will inspire the Subjects with an Alacrity; it will induce them to second his Majesty's Endeavours with Vigour, should Matters proceed to an open Rupture. This is an evident Advantage, which both the Ministry and the Nation will gain; and if they have acted in the Manner which I hope they have, it is impossible that there can be any prudential Considerations for not agreeing to this Motion.

When this House came to the Resolutions which were presented to his Majesty last Session, all the Treaties in Force betwixt us and *Spain*, were fully considered and debated. I could have wished that our Resolutions had been conceived in stronger Terms, and that we had been more peremptory in our Demands: But the Ministry must be acquitted by every impartial Man, if it shall appear that they have faithfully and zealously conformed themselves to what appeared to be the Sentiments of the Majority of this House. Now as these are no Secrets to the Publick, I cannot conceive why any Proceedings whatever, in Consequence of these Resolutions, should be improper to be communicated to this House. It will sound very strange to the World, if this House should refuse to call for Papers, the Contents of which we have Reason to presume chiefly relate to a Negotiation that ought to have been carried on in Pursuance of the Resolutions of Parliament. Will not this, Sir, give a Handle to our Enemies to suggest, that some Scenes of Iniquity may be discovered from these Papers, and that his Majesty's Ministers have had Views distinct from, and inconsistent with your Resolutions.

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I shall go so far, as to admit that these Views may be more advantageous for the Good of this Nation, than those that the Parliament then had in View : But give me leave to observe, Sir, that however specious they may be, no Measure founded thereon can be so solid, or so efficacious, as those founded on the Resolutions of this House. All Concessions that are obtain'd from Spain, if not founded on the Resolutions of Parliament, will be no longer binding upon her, than she shall find it her Interest not to break them. This, Sir, is evident from our past Negotiations with that Court. Gentlemen, I believe, will have some Difficulty to prove that she has observed one Stipulation in any Treaty we have made with her these twenty Years past. What was the Reason of this ? Did it not proceed from her Opinion that our Parliaments would never support the Ministry, in obliging her to an Observance of Treaties concluded without their Advice, and against the Sense of the Nation ? This gave them Encouragement to break thro' every Obligation of Faith and Honour. But the present Case is quite otherwise. The Parliament has laid down Resolutions, which are, or ought to be, Guides to our Ministry. We have declared, that we will effectually support his Majesty in obtaining Redress from Spain on the Foot of these Resolutions ; therefore give me Leave to say, Sir, that there ought to have been no Negotiation carried on with Spain, whereof these Resolutions did not serve as a Foundation ; and as these are known to all the World, I can see no Reason why any Part of the Negotiations founded on them ought to be kept secret, or should be thought unfit to be communicated to this House.

I am sorry to hear the Manner in which the Court of Madrid may resent our Proceedings urged in this House as a Reason why we ought not to proceed according to our known Privileges : If ever one Court had Reason to observe no Delicacy with another, and to break thro' all Forms of Decorum, we have received Provocations enough to justify us in such a Behaviour towards that of Spain. She has violated the Law of Nations and her own Honour ; she has done violence even to Humanity itself, by her outrageous Treatment of our Fellow-subjects ; and shall we, Sir, at this Time of Day, refuse to enter into right and proper Measures for our own Safety, because they may be disagreeable to some Punctilios of that Court ? But, Sir, we do no more now than we have done in former Times, we do no more than we have done in almost every Session of this Parliament. Did we not last Session, Sir, address for Papers that had passed between the Spanish Ministers and ours ? These Papers were communicated to the House ; but I think we never heard that the Court of Spain resented it in the Manner the honourable Gentleman seems to insinuate. The Convention

is a Proof that they have not ; and I could wish we had used the Privilege we enjoy of addressing his Majesty for Papers that have passed betwixt his Ministers and those of any other Court, oftener than we have used it. The Nation, I am persuaded, would have felt the good Effects of it. If foreign Courts apprehended, that all the Transactions betwixt us and them were to be laid before this House, I am apt to believe, that they would be much more sincere in their Protestations, and that they would not dare to trifle with this Nation in the Manner which some of them have done.

‘ The honourable Gentleman was afraid, that if we should agree to this Motion, and the Papers were refused us, such Refusal might beget a Misunderstanding betwixt his Majesty and the Parliament, which might give other Powers of Europe a Handle for insisting upon somewhat to the Disadvantage of our Commerce.

‘ As to the American Trade, which the honourable Gentleman has been pleased to mention, I am sensible with how delicate a Hand that ought to be touch’d upon by a Ministry treating with other Powers. But, Sir, it is certain that we have just as good a Right to our Share of that Trade as any other People in Europe, except the Spaniards themselves : And give me Leave to say, that it would not be amiss should we let our Neighbours know, that we are determined to suffer none of them to enter into any collusive Bargain with Spain, to enjoy Advantages which we do not. If we have any Reason to suspect this, I think it would be right in us to oblige, not only the Spaniards, but these Supplanters, to a due Observance of the Treaties concerning that Trade, let the Consequences be what they will. While I am on this Subject, I cannot help taking notice, that it has become a general Excuse in the Mouths of a great many for not entering into a War with Spain, that it is in her Power to seize the Property of our Merchents on board her Plate-Fleet. Sir, I shall admit that it is. But I think it is against the Maxims of sound Policy, for the Sake of any private Man’s Advantage, to expose the Honour of the Nation to Insults.

‘ As to the Effects this Address might have upon Affairs at Home, I am so very unfortunate as to differ widely from the honourable Gentleman’s Way of Thinking. A good Correspondence betwixt his Majesty and the Parliament, is what I shall always wish to see continued. But in my Opinion, Sir, it is no very great Compliment to this House to suppose, that if his Majesty shall refuse to lay these Papers before us, we should express any Dissatisfaction, or give our Enemies any Handle to exult or triumph. We may be perfectly satisfied, that if his Majesty should refuse to lay these Papers
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before us, it is for very important Reasons; for I am persuaded, no Minister durst be so bold as to step between his Majesty and this House, and be an Instrument of creating any Misunderstanding betwixt them on this Head.

‘ But, says the honourable Gentleman, we are not sure that his Majesty will comply with the Prayer of such an Address. Sir, this is an Argument that may equally serve against all Addresses of this Kind; we are not sure, before they are presented, that his Majesty will comply with any of them; but it is reasonable to believe that he will comply with this Address as soon as with any other. In this Case Sir, I am apt to think that foreign Powers will entertain a very different Opinion of the State of our Affairs from what the honourable Gentleman insinuates. It will give them to understand, that his Majesty and his Parliament are resolved to act in concert. As to foreign Powers uniting amongst themselves on this Occasion, I think we have no great Reason to dread them: We have a Fleet, Sir, sufficient to prevent all the bad Effects of such a Union; sufficient to protect our own Trade, and to defeat all the Attempts of our Enemies. I should be glad to know, if we have nothing to apprehend from our Enemies, for what Reason the Nation is at so much Expence in fitting out and maintaining so great a Fleet? But I am afraid that the Union among the Enemies of this Nation is already as strong as possible to be; if it is not, the Arguments I have heard advanced for our late Measures are very inconsistent and inconclusive. Was it not urged last Session, in favour of our pacific Dispositions, that France and Spain were so closely united, that their Interests were become inseparable? And have we not been lately told, that this Union is now upon the Point of being rendered still more strict, by a Daughter of France’s marrying a Son of the King of Spain. Thus, Sir the Union hinted at, is not only already formed, but perhaps as strong as it ever can be. However, if we admit this Union to be of so much Weight, as to influence and over-awe the necessary Proceedings of this House, we shall not in the least keep off, but the sooner feel all the Effects of it. Nay, shall we not invite the Danger we ought to prepare against?

‘ The honourable Gentleman seem’d apprehensive that France might have some Claims to make prejudicial to our Interest. I believe, Sir, if we were to settle Accounts, the Balance would be found very much in our Favour. We have therefore no Reason to delay the Discussion of all Claims that can possibly be betwixt us. We must not expect any of their good Offices, and we cannot guard so well against their ill in any other Manner, as by obliging them to come to a Declaration one way or other. By this Means, if we are not served

served by their good Offices, we cannot be betray'd by their dissembled Friendship; and if we had pursued these Measures sooner, I am of opinion that we should have had but very little Reason now either to court or to fear them. The honourable Gentleman says, that we now enjoy many Advantages in Commerce unrivall'd and uncomplain'd of by our Neighbours. I wish, Sir, he had pointed out what these Advantages are. I have many times of late heard that our Neighbours have engros'd several Branches of Commerce to which we had a natural and undoubted Right, but I could never yet learn that we have gained one Advantage over them in that Respect. Therefore I think it would not at all be amiss, if all our Treaties of Commerce and Navigation, with the other Powers of Europe, were examined, and the Encroachments made upon our Rights strictly enquired into: I am convinced, if this Enquiry were vigorously set on Foot, it would be highly for the Interest of this Nation.

‘ As to our Neighbours improving our Divisions to their own Advantage, I can see no Room, from what has been yet said, to suspect that our presenting such Address can produce any, whatever the rejecting it may do.

‘ The next Argument against the Motion, Sir, is drawn from the Impression it might give his Majesty of our Moderation. I dare say his Majesty knows too much of the Constitution of Great Britain in general, and of this House in particular, to be displeased at such a Proceeding. If his Majesty shall find that we have done nothing more by it, than what has been usual for this House to do on like Occasions, where is the Ground for insinuating, that his Majesty will have Reason to think we do not make a proper Return for the many Instances of Affection he has shewn us? I am very sensible of the Tenderneſs which he has always expressed for the Rights of this House. Give me leave to say, Sir, that we have never yet been wanting in our Returns of Gratitude to the Government. We have put it in their Power, to secure themselves in the Affections of the People; we have put it in their Power, Sir, to make themselves as popular as any Government that ever was in Britain, by furnishing them with the Means both of retrieving and asserting the Honour of this Kingdom. If, at an immense Expence to the People, we have thus strengthened the Hands of our Ministers; if we have thus clothed them with Power almost unknown to any of their Predecessors, is it not just, Sir, is it not necessary that we should have all the Light communicated to us, that may be proper to inform us in what Manner these Expences and this

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Power have been applied ? And can any Gentleman, who impartially considers this Affair, doubt that our agreeing to the present Motion is the most proper Means of attaining that End ?


‘ The honourable Gentleman says, that the Convention is not a definitive Treaty, but a preliminary one. Now this very Reason which he has urged against the Motion, is to me one of the strongest Arguments in its Favour. We furnished the Ministry with means of reducing Spain to Reason, and of obtaining a definitive Treaty with the most advantageous Terms. Will any Gentleman deny this to be the Situation of Affairs at the Close of last Session ? I dare say he will not. What then, Sir, do we intend by the Address now moved for ? We intend no more, than to get as full Information as possible, why the firm and well-grounded Expectations of the Parliament have not been answered.

‘ The honourable Gentleman, Sir, reasoned on a Supposition, that we were to address for these Papers for no other Reason than to fish for Faults in our Ministry, whose Conduct he seems to think is irreproachable. I wish with all my Heart, that it may be found so ; but I must differ from him in this Particular. I am of Opinion this House may address for these Papers with the most sincere, the most upright Intentions of doing Justice to the Merits of the Ministry. I am apt to think, Sir, that we shall be sincere both to our Approbation and Censure, and that whether our Ministers deserve one or the other, we have no Intentions to act any otherwise than shall appear from the Reason of the Thing itself.

‘ I have heard Gentlemen frequently insist, that it is very unfair to condemn the Conduct of Ministers before we know the particular Reasons and Motives from which they act. I myself am entirely of that Opinion. I believe a Minister may be so embarrassed by Accidents in the Course of a protracted Negotiation, thro’ the Caprice, thro’ the Obstinacy of those he has to do with, that he may be obliged to follow Measures, that to a Person not in the like Situation, and unacquainted with the Difficulties he had to encounter, may appear very absurd ; and yet, Sir, that very Person, upon better Information, may be convinced, that if he himself had been in the like Circumstances, he could not have acted so prudently. The Convention is, I dare say, such a Measure as what I now talk of. The World in general, and I believe not a few Gentlemen in this House, I own myself to be of their Number, have but a very indifferent Opinion of it. However, I will not as yet absolutely pronounce it to be a bad Measure, because I do not know the Difficulties which our Ministers may have had to encounter. I do not
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know what Reasons Spain might have had to urge ; nor a thousand other Circumstances, which might be proper for me to be instructed in, before I can deliver my final Judgment of it. These Difficulties, Sir, are only to be known from the Papers now moved to be addressed for. For my own Part, I will take them upon no Man's Representation ; they who may be most proper to represent them to the House, are known to be too strongly interested in the Fate of the Question about this Convention. They who are not interested, cannot represent them to the House, because they are not in the Secret of Affairs. How then, Sir, are we to receive right Information ? We are to receive it from the very Papers, which we have reason to believe were penned with no Design of imposing on this House. This, I own, Sir, is the only Method by which the Objections I have already formed in my Mind against this Convention can be removed.

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I shall only trouble the House with a Word or two more, with regard to the Indecency of our addressing for Papers that relate to a Negotiation not yet finished. This is an Argument, that I own has had of late great Weight with this House ; and I do believe that formerly it was not very usual to address for such Papers. But I must at the same time observe, that formerly our Negotiations were quite of a different Kind from what they seem now. Our Forefathers acted with Resolution ; they acted with Prudence ; they did not suffer themselves to be deceived by the outward Protestations, or undermined by the secret Treachery of their Enemies ; therefore the first Notice which the Public commonly had of a Negotiation, was by its being notified to the Parliament that it was concluded : So that it was almost impossible for them to call for any Papers relating to a Negotiation that was depending. But we, Sir, have got into a new Method of Treaty-making ; we are always negotiating, but we never conclude. We have been negotiating with Spain these twenty Years, without making one definitive Treaty, that has not been broken before the Parliament could have an Opportunity of calling for any Papers relating to it. For the Breach that followed (such was our Policy) always gave Rise to new Negotiations, which were set on Foot before the next Meeting of Parliament ; then, Sir, when we called for Papers relating to the former Negotiation, we were told that these Papers related to the Negotiation in dependence, and that therefore they were very unfit to be communicated to the House ; — his Majesty would take it amiss ; and the Spaniards would be displeased. This, Sir, I take to be the very Case now. The Treaty of Seville, tho' called a definitive Treaty, was indeed as properly a prelimi-

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nary Treaty as the Convention ; for the most material Points, that then created the Difference betwixt us, were left to the Decision of our Commissaries, in the same Manner as they are now left to Plenipotentiaries. The Stipulations in the Treaty of Seville, being either violated or not fulfilled by the Spaniards, gave Rise to a new Negotiation, which produced the Convention ; and the Convention itself is but a Preliminary to a Negotiation, which Negotiation may continue Heaven knows how long. Thus, Sir, it is evident, that, in the honourable Gentleman's Sense of the Words, this House has not been able for these ten Years past, to call for any Papers relating to Spain, that might not be said to regard a Negotiation not yet concluded.

‘ But, Sir, I must beg Leave to trouble the House with one Reason more why I am for the present Motion. If we may give any Credit to our public News-papers, and to common Report, our Ministers have met with great Difficulties in obtaining from Spain even this Convention, poor as it seems to be ; nay, if some People are not very much misinformed, we could have had better Terms from Spain eight Years ago, than we have got by this Convention. Now, Sir, what Indignation must it raise in the Breast of every considering Man, who reflects that our vast Preparations and Expences have had no Effect but to our own Detriment ! To what can this be attributed ? It must be to one of two Causes : The first is, that it is possible Spain may have so thorough a Contempt of us, as to tell us, that if we will be but peaceable and quiet, she will do something for us from pure Good-Will ; but that we are to expect no Terms, except the most dishonourable and disadvantageous, if we should pretend to do ourselves Justice by our Arms. If that, Sir, is the Case, we are in a more miserable Situation than any People under the Sun ; because there is no People, however weak, whose Repentment is not in some degree or other regarded, even by Powers vastly superior to themselves. But it would seem that we are reduced to so despicable a Situation, that, tho’ we are in a Condition to do ourselves Justice, and tho’ we may be at an immense Expence in putting ourselves in that Condition, yet our Enemies know so well that we dare not make use of our Power, that they despise and insult us for making such vain Preparations. This is a very singular, and I believe an unparalleled Case.

‘ But this Behaviour of Spain may be attributed to another Cause ; it may proceed from our Ministry being so earnest to obtain some Treaty or other, that rather than want one, they were willing to take up with the very worst that could be offered ; that when the Parliament met, they might say something had been done in Consequence of the vast Expences

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we had been at. But Sir, it is impossible for us to know any Thing certainly of this Affair without agreeing to the present Motion, which I heartily give my Voice for.

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1738-39.

Sir William Yonge.

Sir,

‘ I wish with all my Heart that Gentlemen would confine themselves to the Subject of the Debate: I am sure it would save a great deal of Time and Trouble to themselves and others. We have been told, Sir, that the Reason why we ought to agree to this Motion, is because we did not bring the Court of Spain to agree to a definitive instead of a preliminary Treaty; tho’ Gentlemen have not been so kind as to give the House any Reasons why this Preliminary may not answer all the Ends we could have proposed by a definitive Treaty.

‘ But we are told that the Resolutions we came to last Session ought to have directed our Ministers in insisting upon a definitive Treaty, or they ought not to have treated at all. This Sir, I can by no Means agree to. We did not mean by these Resolutions, to tie the Ministry down to enter into an immediate War; they were intended, as the honourable Gentleman well observes, to serve as a Direction to the Ministry in the succeeding Part of their Negotiation: But how does it appear to him, that they they have not? We have, says he, got a preliminary Treaty instead of a definitive one. Give me Leave to ask that Gentleman, Sir, if there was any Thing in these Resolutions that ty’d our Ministry’s Hands from making a preliminary Treaty till such Time as a definitive one could be drawn up? If there is not, wherein are our Ministers to blame, if they have concluded a preliminary Treaty, in which a strict Regard has been had to the Resolutions of Parliament? If the Situation of Affairs betwixt Spain and us absolutely required that we should accept of this preliminary Treaty, can the honourable Gentleman pretend, that the Ends for which we came to the Resolutions he has mentioned, have not been answered? But, says the honourable Gentleman, why was this a preliminary Treaty, and not a definitive one? Did we not furnish Money enough? Have we not fitted out Fleets strong enough to oblige Spain to accept of our own Terms? I think, Sir, that this Objection admits of a very plain Answer. The Resolutions of a House of Parliament and its Proceedings, are founded on the Interests of the Nation, as they appear from her Laws, her Constitution, and her Treaties with other Powers: But Ministers, Sir, have a harder Task; they are tied down to the Resolutions of Parliament, and at the same Time they are obliged to consider how far the Interest of their Prince may be affected by other Circumstances, which

Sir William Yonge.

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which the Parliament, let their Intentions be never so upright, and their Discernment never so just, can have no Opportunity of knowing. These Circumstances, Sir, may depend on the Characters of those with whom they are to negotiate, and the Dispositions that are made at other Courts for entering into or strengthening Alliances. They may depend on Intrigues, which they who are at a great Distance can have no Notion of, and to which perhaps a little must be yielded in order to gain a great deal. For these Reasons it would be the most absurd Thing in the World in us to find Fault with our Ministers for any Measure they shall enter into, unless we are absolutely sure that they had none of the Difficulties I have mentioned to encounter with. 'Tis likewise for this Reason that our Constitution has vested the Crown with the Prerogative of making Peace or War; because it never can be presumed that we, who are confined to an Island, who can know nothing but from Hearsay, whose Deliberations are so slow, and whose publick Capacity determines at a certain Period, can be thoroughly instructed in every Particular that may make more vigorous or more peaceful Measures necessary. But, Sir, should this House always assume to itself, without having regard to any of these Considerations, a Power of censuring the Measures of the Ministry, for not acting strictly up to what they conceive would have been proper; should we on all Occasions, prescribe Rules to the Ministry in what Manner their Negotiations are to be carried on, and on what Terms they are to insist; I think it would be very hard to point out wherein the Prerogative of the Crown in making Peace or War consists.

I hope, Sir, I shall not be mistaken, as if I meant that we are never to offer our Advice to his Majesty, and that we are to wink at every Thing the Ministry shall do. I think the Greatness of a King of Britain depends on his always acting in Concurrence with Parliament, and that the Safety of this Nation consists in our having it always in our Power to censure the Conduct of wicked Ministers. But at the same Time, Sir, we are not to prescribe the Manner in which his Majesty is to act, nor, under the Pretence of calling wicked Ministers to account, are we to persecute or oppress good ones. But, says the honourable Gentleman, if our Ministers had real Difficulties to struggle with, if they met with unreasonable Opposition, why ought this to be concealed from Parliament? This House can make Allowances for that; we will even applaud them, if they have dexterously surmounted those Obstacles; and therefore these Papers ought to be laid before us, that we may know the true State of the whole Affair. Sir, I am of Opinion, that before there is Occasion to call for any Papers whatsoever relating to this
Negotiation

Negotiation, we ought to consider if the preliminary Treaty which has been concluded, is, or is not a proper Measure in itself: If we find that it is a proper Measure, if we find that it answers all the Intentions of the Resolutions we presented to his Majesty last Session, where is the Necessity, where is the Expediency of calling for any Papers at all? If on the other Hand, it should be found a destructive Measure, we are at Liberty to do as we shall think expedient; and his Majesty will doubtless have a great Regard to our Sentiments and Representations.

I cannot help observing, Sir, that had the Convention been a definitive instead of a preliminary Treaty, the honourable Gentleman, according to his own Way of arguing, would have had no Pretence for agreeing to the present Motion. Had it been a definitive Treaty, the Question then, it seems, would have been upon the Merits of the Treaty itself; but as it is a preliminary one, the Question now is not about the Merits of the Treaty, but upon those Steps that were taken previous to it. I am not inclined to anticipate the Debate upon the Convention, by pointing out the small Difference that is betwixt it and a definitive Treaty: Give me Leave to say, Sir, that the Foundation that is therein laid for a definitive Treaty, is entirely agreeable to the Resolutions of this House; and I dare venture to say, that when it shall come to be considered, Gentlemen will think it the best Measure that could have been pursued in our present Circumstances.

But, says the honourable Gentleman, why may we not appoint a Committee of Secrecy for perusing the Papers to be addressed for, who shall make such Extracts from them as are proper for the Information of this House? I am very far, Sir, from questioning the Honour of any Gentleman who may be of such a Committee, or from thinking that they could be capable of making any bad Use of these Papers: But I am humbly of Opinion, that such an Expedient would be far from answering the Ends proposed. A Committee of Secrecy might indeed satisfy themselves; but I cannot see how any Information from them can be satisfactory to the rest of the House. The honourable Gentleman himself says, that he can form a right Judgment of the Convention no other Way than by seeing and perusing these Papers; but, Sir, if he himself were not of that Committee, he must be satisfied with the Report of the Committee, so that he can have it only at second-hand. Besides, there may be such a Connection betwixt those Matters that are improper to be communicated to the House, and those that are necessary for our Information, that the Extracts must be mangled, incoherent, and unintelligible. For my Part, if an Affair happened where it was absolutely necessary that Pa-
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pers should be communicated from the Crown for the better Information of this House, I should not think my self at Liberty to form any decisive Judgment of that Affair upon the Report of the Committee, any more than the honourable Gentleman thinks himself at Liberty to form such a Judgment of the Convention on the Report of the Ministry. The Reason of this will be evident to any Man, who considers what a vast Difference there is betwixt the seeing Things, of which we are to be Judges, with our own Eyes, and seeing them with the Eyes of other Men.

‘ As to our foreign Interests, which have been so much talk’d of on this Occasion ; I think it would be against every Maxim of sound Policy, to revive any manner of Difference that may be betwixt us and any of our Neighbours at this Juncture. I own, Sir, that I am not of Opinion, that the sooner we oblige France to come to a Declaration either one Way or other, the better for this Nation. I think that if we gave France any Handle to join Spain on this Occasion, it may tend very much to our Detriment. Every Gentleman who reflects how much our Trade was ruined by the Privateers of that Nation in the last War, will give his Voice against this Nation being again expos’d to the like Calamities, if we can consistently and with our own Honour avoid it.

‘ The honourable Gentleman, Sir, took up my worthy Friend who sits near me, for saying “ that we enjoy many Branches of our Commerce unrivall’d, and uncomplained of by our Neighbours.” Sir, I can’t help being of this Opinion, especially when I consider the late vast Increase of our Shipping, and Extension of our Trade. These two Particulars, Sir, are undeniable, and must be evident to any Man, who has liv’d along enough to be able to compare the Figure which the Trading Part of the Nation made 30 or 40 Years ago with what it does now. Any Gentleman, Sir, who can do that, must be convinced that it would be the Height of Folly in us to endanger these Advantages by a precipitate ill-timed Breach with any of our Neighbours.

‘ The honourable Gentleman allows that the Spanish West-Indian Trade, so far I presume, as we are concerned in it, ought to be touch’d upon with a very delicate Hand ; yet at the same Time he seems to be of Opinion, that we ought, upon this Occasion, to inquire into the Abuses that may have been introduced by other Nations into that Trade. I think, Sir, it would be going quite out of our Road if we should make the least Enquiry of that Kind. I believe, Sir, the great Abuses committed by our Merchants in the Spanish West-Indies are not unknown to many Gentlemen in this House ; and that the vast Circulation of our own Specie in our Colonies in America, that the vast Plenty of
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Bullion here, and the great Quantities of Spanish Money current in our West-Indies, are in a great Measure, if not wholly, owing to the Advantages which we have reaped by that Trade, and which, if we are to be determined by the Words or Intentions of Treaties, may not be strictly justifiable.

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‘ The honourable Gentleman’s Jealousy of the French, and his Insinuation of their being indulged in Privileges that are denied to us, appear to me to be very ill grounded. If that had been the Case, we must before now have heard of it from our Merchants trading in those Places; and we must have perceived it in the sensible Decay of Trade amongst ourselves. I’m afraid, Sir, that if we should proceed to settle Accounts, as the honourable Gentleman says we ought to do, we should find ourselves under very great Disadvantages in some Particulars. If all our Treaties of Commerce and Navigation with the other Powers of Europe were to be canvassed, Sir, I believe other Powers would have more Encroachments to complain of, and with more Justice too, than we can. Every Gentleman in this House, I dare say, knows very well that by the Treaties betwixt us and Spain, every Ship of ours that is found trading with the Spanish West-Indies is confiscable. But will any Gentleman, Sir, take it upon him to affirm, that our Merchants don’t carry on that Trade in Defiance of all Treaties? This is an Abuse, Sir, that not only the Spaniards but the French and other Nations have a Right to complain of: For we are tied down by our Treaties with them, as well as by those with Spain, not to attempt or carry on such a Trade. Therefore, Sir, I think it would be very unadvisable in us, at this Juncture, to awaken any Differences that may be betwixt our Neighbours and us, as the honourable Gentleman advises. But, Sir, this Nation has nothing to dread as long as that happy Union, which has always subsisted betwixt his Majesty and the Parliament still continues: For tho’ I am persuaded that his Majesty will never encourage any unjust Encroachments in his Subjects on those of any other Power, yet we may be very well assured, while such a Union subsists, no other will dare to make any such Encroachments upon us.

The honourable Gentleman himself allowed, that it never was the Custom of this House to call for Papers relating to a Negotiation not concluded; yet he seemed to be surprized how any Body could think that his Majesty would take our agreeing to this Motion amiss. In the mean Time, Sir, he did not think fit to give us any Reason why the Papers now moved to be addressed for, ought not to be looked upon as Papers relating to a Negotiation still in Dependence. If, Sir, we are to look upon them as such, is there the least

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Doubt that his Majesty will have very good Reason for taking our Proceeding in this Manner amiss?

‘ It is true, Sir, that after the Treaty of Seville was concluded, the Papers relating to that Treaty were laid before this House; but I am far from thinking that that Treaty was but a preliminary one. The Stipulations contained in it appear to be full, express, and definitive. Some Points, indeed, were left to be adjusted by Commissaries, but these were far from being the material Points of Difference betwixt us and Spain at that Time. They related not to national, but private Property; therefore that Treaty can never be brought in as a Parallel with the Convention, which so far as it relates to private Property, is definitive; tho’ so far as it relates to national Property, it is preliminary. His Majesty, who is the Guardian of our national Property, has thought fit to refer the Points relating to our Commerce to a future Negotiation; and shall we so far express our Distrust of his royal Intentions, as, in a Manner, to take the Negotiations out of his Hands? Shall we set a Precedent which in future Times may be so far abused as to deprive his Successors of the fairest Jewel of their Prerogative, that of making Peace or War, independent of any other Branch of the Legislature?

‘ The honourable Gentleman, who spoke last, said that we never yet had been wanting in our Returns of Gratitude to his Majesty for the Regard he has expressed towards us. I hope, Sir, we never shall be wanting in such Returns; if we are, we shall be wanting to ourselves; but unless it can be proved to the House, either that the Papers, now moved to be addressed for, do not relate to a Negotiation still in Dependance, or that it has been usual for this House, to address for Papers relating to such a Negotiation, I must be of Opinion, that his Majesty will have Reason not to think it a grateful Return, should we agree to the present Motion, but to look upon it as a Mark of our distrusting not only his Ministry’s but his own Intentions.

‘ If we have strengthened his Majesty’s Hands, Sir, it is only in order to secure our own Property; if we have been at any extraordinary Expence, it is in order to save a much greater Expence to the Nation. Had this House always acted in the same Manner, had the Parliament always given the Prince, when they had no Reason to think he would make a bad Use of it, sufficient Power to make our Enemies hearken to Reason, the great Waste of Blood and Treasure expended in the late War might have been prevented. To what was the bad Success of all the Measures of King William attributed, but to the unreasonable Jealousy which a Party entertained of his and his Ministry’s Intentions?

Intentions? If he set a Negotiation on Foot, if he entered into Measures that tended visibly to advance the common Interest, he immediately met with Opposition, the Measures were divulged to the Enemy, and himself disabled from reaping Advantage from the best and most publick-spirited Schemes that ever were laid down. And shall we, Sir, at a Juncture, which requires the most prudent Conduct of our Government, to oppose perhaps a more formidable Power than he had to grapple with, fall into the same Errors that rendered all his Endeavours ineffectual? He had only to do with France; she was weaker then than she is now, and he was strengthened with Alliances which it is impracticable for us now to form. If this, Sir, is rightly considered by Gentlemen, as I hope it will be, they will find that the Powers with which we have cloathed his Majesty and his Ministry, are so far from being extraordinary, that they are very moderate, and that if we have any Thing to repent of, it is our not extending them farther.

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‘ I shall now, Sir, beg Leave to add one or two Reasons to those of my honourable Friend who spoke against the Motion. The Dangers which this Nation has to apprehend in her present Situation, are not entirely from abroad. These Dangers, tho’ they are indeed formidable, would be but inconsiderable, were not our Enemies abroad supported by a turbulent, disaffected Faction at Home. A Government, in such a Situation as our Government is now in, would be justified by Posterity, if they made some Stretches of Power not strictly agreeable to Law; since their Enemies commit so many Abuses of Liberty, which are so absolutely destructive of all Subordination and Duty. But notwithstanding the Difficulties this Government has to encounter, the Ministry may appeal to their most inveterate Enemies, if they have ever yet made any such Stretch, if they have ever yet taken any Measures that are not strictly agreeable to the Spirit of the Constitution.

‘ This is what I believe no former Ministry, under the like Discouragements, could boast of. But, Sir, I think, in the mean Time, that his Majesty’s Ministers would be very much wanting in their Duty, both to their Prince and Country, if they should not oppose every Step that may give their Enemies an Advantage to their Prejudice. The Animosities in this Nation are now raised to so great a Height, that a certain Faction amongst us will join with any Enemies, provided they could gratify thereby their unjust and invincible Hatred towards his Majesty’s Ministers. I am apt to believe, that the Faction among ourselves would be the first to cry out against us for laying all the Secrets of a depending Negotiation open to our foreign Enemies, when at the same

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Time they perhaps are concerting Schemes, from the Discovery they thereby make, for the Destruction of their Country. This is no new Game of that Faction; we have known them before this railing at a Ministry for giving Advantages to their foreign Enemies, while in the mean Time they were entering into Plots and Conspiracies with that very Enemy, in order to improve these Advantages. For these Reasons, Sir, I am against the Motion.

Mr. Sandys.

Sir,


Mr. Sandys:

As his Majesty, in his Speech from the Throne, acquainted us, that the Treaty or Convention lately concluded with Spain, would be laid before us in this Session of Parliament; and as we must presume, that when it is laid before us and taken into Consideration, some Sort of Proposition or Motion will be made, either for approving or disapproving of that Treaty; we ought therefore to have every Thing laid before us that may any Way relate to it, or to the long Negotiation that was carried on for bringing it about. When I say so, Sir, I do not mean that we are either to approve or disapprove of any Thing that has been done by his Majesty. In all such Cases we are to look upon what has been done, as done by his Majesty's Ministers, and their Doings we may censure, we may condemn, we have often too good Reason to condemn. What may be the Fate of this Convention, or what Fate it may deserve to meet with in this House, I shall not now pretend to determine; but that we may neither justify nor condemn, applaud nor censure, without a good Reason, I think it is absolutely necessary for us to know how Matters stand, at present, between us and Spain: What are the chief Causes of the Disputes that have so long subsisted between the two Nations: And what Measures have been taken for clearing up, or putting an End to those Disputes.

I am surprized any Gentleman can think, that we can know any Thing of the Convention that is to be laid before us, or of the Negotiation that has been carried on for bringing it about, without seeing the Memorials and Representations that have been made to the King of Spain, or his Ministers, relating to the Spanish Depredations. I hope, that on our Part at least, there are no Secrets between our Ministers and the Court of Spain, but what may be divulged to this House, or even to the whole Nation; I hope the Memorials and Representations drawn up and sent to Spain by our Ministers, contain nothing but a plain Representation of our Rights, and of the Injuries we have suffered, and an honest, tho' preremptory Demand of Satisfaction, Reparation, and Security. If this be the Case,
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laying them before this House can be attended with no bad Consequence: It can no way interrupt the Course of our Negotiations, nor can it bring a Censure upon any Man that was concerned in drawing them up. If I had moved for the Memorials, Representations, or Answers, that had been delivered to his Majesty, or any of his Ministers, in the Name, and by the Order of the King of Spain, it might perhaps have been said, that laying such Papers before this House would interrupt the Course, and might prevent the Effect of our peaceable Negotiations; because the Court of Spain might from thence draw Pretence, for refusing to correspond or treat any longer with those, who could conceal nothing that was wrote or said to them. Tho' I am of Opinion, that we ought, upon this Occasion, to see even these Memorials, Representations, or Answers, yet I purposely avoided including them in my Motion, that there might be no Pretence for making an Objection against it.

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' It is not so much as pretended, Sir, that the Treaty or Convention to be laid before us is a definitive Treaty. His Majesty, in his Speech from the Throne, has told us, that it is not a definitive Treaty: He has told us, that those Grievances and Abuses, which have hitherto interrupted our Commerce and Navigation in the American Seas, and all other Disputes between the two Nations, except that of Reparation to our Fellow-Subjects for their Losses, remain yet to be regulated and settled by Plenipotentiaries. I wish the only Article that is settled, may not appear to have been settled to our Disadvantage. But this is not the only Thing we are to enquire into, when we come to examine this Convention. If the Court of Spain appeared to be in an Humour to give us full Satisfaction, with respect to all the other Matters which they have been allowed of late Years to dispute with us, our agreeing to such a preliminary Convention, and even our yielding a little with respect to the Article that is settled, may perhaps be justified: But if, on the contrary, the Court of Spain appeared to be in no Humour to give us a proper Satisfaction, with respect to any one of the Matters now in Dispute between us, considering the Danger our Trade and Navigation lies exposed to by the unjust, and hitherto unheard-of Claim they have set up of searching our Ships in the open Seas, it was ridiculous in us to agree to any Preliminaries, without having that Point first settled to our Satisfaction, and still more ridiculous to accept of any partial Reparation for the Losses our Merchants and Seamen have already sustained by their Depredations. Therefore, when we come to examine into this Convention, the chief Point that will come under our Consideration must be, to know what Humour the Court of Spain seems to be in,

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in, and what we may expect by the Delay which this preliminary Convention must occasion; and, I should be glad to know, how we can form any Judgment as to this Point, without seeing at least those Memorials and Representations, which our Ministers have thought fit to make to the King of Spain and his Ministers; for, from what his Majesty has told us of the Convention, I am sure we can form no Judgment as to this Point, from any Article in the Convention itself.

I do not know, Sir, what some Gentlemen may think his Majesty means by ordering the Convention to be laid before us. Perhaps they may think, that we ought only to read it over, and thereupon present a polite Address in the modern Way, applauding the Wisdom of his Majesty's Measures, that is to say, the Wisdom of those who advised him to take such Measures. But, I must think, his Majesty does not mean any such Thing. He means, I am sure, that we should not only read it, but examine it thoroughly, and that, after we have examined the whole Affair to the Bottom, we should give him our honest and sincere Opinion. This, I am convinced, is what his Majesty means by ordering the Convention to be laid before us; and this we cannot comply with, till at least the Papers now moved for be laid before us; therefore in Duty to his Majesty, as well as out of Regard to our own Honour, we ought to agree to the Motion.

Sir Robert Walpole

Sir Robert Walpole.

Sir,

I believe no Gentleman who has the Honour to be a Member of this House supposes, that we are not to examine into the Nature of the Convention lately concluded with Spain, or that his Majesty intends we should not. I am sure I do not suppose any such Thing: On the contrary, I hope, that when it is laid before us, we shall not only examine thoroughly every Article of it, but also that we shall examine into the present Circumstances of Affairs both at home and abroad; which we must do, before we can form a right Judgment of the Convention his Majesty has agreed to. When the several Articles are particularly examined, and all Circumstances duly considered, we ought then to give our most sincere Opinion and Advice to his Majesty; and, from the View I have of our present Circumstances, and what I have heard or know of that Convention, I believe the Opinion of this House will be, that the concluding and ratifying the Convention was one of the wisest Measures his Majesty could take; and our Advice, I doubt not, will be, that his Majesty should proceed upon the Foundation laid by that Convention, and endeavour, by peaceable Methods to put

put an End, by a definitive Treaty, to all the Disputes now subsisting between the two Nations.

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I shall grant, Sir, that in order to examine thoroughly into the Nature of the Convention, and into the Circumstances of our Affairs both at home and abroad, it will be necessary for us to have a great many Papers laid before us. But in calling or addressing for Papers of any Kind, we ought at all Times to be extremely cautious, especially in calling for Papers relating to any Transaction which is not then finally concluded. The Gentlemen who have already spoke against this Motion, have said so much with regard to the Danger and Inexpediency of it at this Time, that I have nothing to add on that Head. Only, Sir, I beg Leave to advance one general Observation upon what they have said, and that is, that when we find ourselves obliged to take an Affair into our Consideration, before it is brought to a final Conclusion, I do not think it would be bad Policy in this House, to lay it down as an established Maxim, never to address for any Papers upon such Occasions, but to leave it entirely to his Majesty, to order such Papers to be laid before us, as he might think necessary for giving us a proper Light into the Affair, and such as he knew might be safely communicated.

‘ To apply what I have said to the Case now before us : It must be allowed, Sir, that the Convention lately concluded with Spain, relates to an Affair not yet finally ended. It relates to an Affair now under Negotiation between the two Courts ; for, I shall readily agree, that the Articles of the Convention can at best be called but a Sort of preliminary Articles, which are to be further explained and perfected by a definitive Treaty ; and if a satisfactory Treaty may be obtained by peaceable Means, and in Consequence of these preliminary Articles, which no Man can say is impossible, it would be wrong in us to do any Thing, or to call for any Paper, which by being made publick, might disappoint so good an Effect. Now, as this Convention was, as every preliminary Agreement must be, preceded by a Negotiation, some Things may have passed during that Negotiation, which the Court of Spain would not desire to be made publick, and would even look on it as a high Affront, in case they should be made publick. We know how jealous Princes are even of what is called the Punctilio of Honour ; and therefore we must know, that it is always dangerous to publish the Transactions of a Negotiation till some Time after it has been concluded. While such Transactions remain secret, many Things may be said and done by both Parties without much Notice, which either Party would think himself in Honour obliged to resent in the highest

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highest Manner, in case they should be made publick. Therefore, with regard to those Memorials and Representations that have been sent to the Court of Spain, and must consequently be already known to that Court, it would not, perhaps, at present, be very prudent to publish them ; because it might alter the present good Humour which the Court seems to be in, and might render it impossible for us to obtain either Satisfaction, Reparation, or Security, any other Way but by Force of Arms.

‘ I shall grant, Sir, that in order to know how Matters stand at present between us and Spain, the Causes of our present Disputes, and the Measures his Majesty has taken to put an End to them, it would be proper for us to see all the Papers that have been mentioned, and a great many more than have been now moved for. We cannot propose to acquire a full and perfect Knowledge of these Matters, and of the Circumstances of Affairs at home and abroad, without having a compleat Knowledge of all the Negotiations that have been lately carried on, or are now carrying on, not only between us and Spain, but between us and every other Power in Europe ; but this is a Knowledge, which every one must admit, his Majesty neither can, nor ought to communicate to Parliament. I have shewn, that the communicating all those Papers that are now moved for, might be of the most dangerous Consequence ; and even the honourable Gentleman himself who moved for those Papers, allows, that we ought not to desire all the Memorials, Representations, and Answers received from the Court of Spain, to be laid before us ; because our rendering the Contents of some of them publick, might put a stop to our Negotiations, and make the Court of Spain refuse to treat any longer with us. Are not we, Sir, to apprehend the same Consequence, from our rendering publick the Memorials and Representations that have been made to the King of Spain, or his Ministers ? For the Memorials and Representations that have been made by us, must relate to, and may probably recite a great Part, if not the whole Substance, of those we have received.

‘ What are we then to do in such a Case, Sir ? We cannot desire a full and perfect Knowledge of all such Affairs. We must content ourselves with such a Knowledge as may be safely communicated to us, without injuring the publick Affairs of the Nation : And we must leave it to his Majesty to judge, what may be safely communicated. We may depend upon his Goodness, and the Regard he has for his Parliament, that he will, upon this Occasion, communicate to us every Paper, and every Transaction relating to the Spanish Depredations, that can be safely communicated : But his Wisdom, and the Regard he has for the Honour

Honour and Interest of his Kingdoms, must prevent his communicating to us any Thing that ought not, that cannot be safely made publick ; and we ought not, by an unseasonable Address, to raise a Contest in his Royal Breast, between his Goodness and Wisdom, or between the Regard he has for his Parliament, and the Regard he has for the Honour and Interest of his Kingdoms.

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‘ The Resolutions we have already come to, I did not, it is true, oppose ; but it was not, Sir, because I entirely approved of them. It was, because I did not see any Thing in them, but what his Majesty, I thought, might comply with : I did not apprehend that by any of them, there were Papers called for that might not be safely made publick : But with regard to the last Resolution the honourable Gentleman has been pleased to propose, the Case is very different. At first View of it, I see, that there are Papers called for, which it may not be safe to make publick : Some of those Papers, I think, may probably be such, as would disclose the Secrets of our Government, or interrupt, if not put a full Stop to, the Course of our Negotiations : Therefore I must look upon the Addresses proposed by that Resolution, to be of such a Nature, that there is the highest Probability of his Majesty’s not being able to comply with them ; and whilst I have the Honour to have a Seat in this House, I shall always be ready to give my Testimony against our resolving to desire any Thing of his Majesty by an Address, which I think he cannot, consistently with the Honour of his Crown, or the Interest of his Kingdoms, fully comply with.

‘ From what I have said, Sir, I hope every Gentleman will see, that there is a great Difference between the Addresses we have agreed to, and the Address now proposed. By the former we desire nothing of his Majesty, at least so far as we can comprehend, but what he may comply with, without divulging the Secrets of his Government, and running the Risk of defeating those Negotiations he is carrying on, for securing the Trade and Navigation of his Kingdoms. By the latter we are to desire of his Majesty, what I think I have shewn he cannot, in all probability, safely comply with. This is the proper Distinction between the Addresses we have agreed to, and the Address now proposed ; and every Gentleman that makes this Distinction, may easily see a good Reason for his giving a Negative to the latter, notwithstanding his having given his Assent to the former ; for all those who think there is any Thing desired by the Address now proposed, which his Majesty cannot safely comply with, must, I think, in Duty to their Sovereign, give their Negative to the Question.

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‘ I shall conclude with observing, Sir, that it would be highly imprudent in us at present, to present any Address that his Majesty could not fully comply with; for if foreign Courts, and particularly the Court of Spain, should be informed, that the Parliament had begun to present Addresses which the King could not comply with: If they should hear that his Majesty had, in the least Article, refused to comply with the Request of his Parliament, they would immediately begin to presume, that a Breach was to ensue between King and Parliament: They would then begin to believe, that there is some Truth in what they have so often been told, by the Libels spread about this Kingdom; that the People of this Kingdom are a divided People; that they are disaffected to their Sovereign; and that the Parliament had now begun to do, what they have often done, what I hope they will always do, when there is a just Occasion, which I am sure is far from being the Case at present: I mean, that the Parliament had begun to espouse the Cause of the People against the King and his Ministers. This Presumption, Sir, would make not only the Court of Spain, but every Court we have any Difference with, less pliable, or more unreasonable than they are at present; and at the same Time, it would give the other Courts of Europe such a contemptible Opinion of us, as would of Course prevent their joining in any Alliance with us; by which Means, we should render it not only impracticable to obtain Satisfaction from the Court of Spain by fair Means, but impossible to obtain it by Force of Arms; and as this would be one of the most unfortunate Situations this Nation could be reduced to, I am sure every Gentleman that has a Regard for his native Country, and views the Question now before us in this Light, will join with me in putting the Negative upon it.’

William Pultney Esq;

Mr. Pultney.

Sir,

‘ I wish his Majesty’s Name were not so much made use of in this House, as it usually is. Some Gentlemen seem to affect talking in his Majesty’s Name of every publick Measure that happens to be mentioned in this House, tho’ they know that when we enquire into any publick Measure, or into the Management of any publick Transaction, we enquire into it, and we pass our Judgment upon it, as a Thing done, not by his Majesty, but by his Ministers. Therefore, I wish they would alter a little their Manner of talking, and instead of the Word Majesty, make use of the Word Ministers, or if they please, Minister. If they should say now, for Example, in the present Case, that we ought never to desire any Thing of the Minister, which we think he cannot safely comply with; it would be a more proper Manner of

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expressing themselves, and more conformable to the Rules of Proceeding in Parliament, than to say, that we ought never to desire any Thing of his Majesty, which we think he cannot safely comply with ; and I must leave it to Gentlemen to consider, what Sort of a parliamentary Maxim it would be, to resolve, that when we find ourselves obliged, when the unfortunate State of the Nation is in makes it necessary for us, to take an Affair into Consideration before it is finally concluded, we ought never to call for any Papers upon such an Occasion, but to leave it entirely to the Minister, to lay, or order such Papers to be laid before us, as he knew he might safely communicate to those whose Business it is to enquire into his Conduct. This, I confess, would be a Maxim extremely convenient for Ministers, and therefore I am not at all surprized to hear it come from the Corner from whence it does.

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‘ But, Sir, to be serious upon the Subject now before us ; for considering the unfortunate Situation the Affairs not only of this Nation, but of Europe, are in at present, it is a Subject of as serious a Nature, as ever came before a British Parliament : I must observe, that when this House resolves to take any particular and extraordinary Affair into Consideration, it is impossible for his Majesty to know what Papers, or other Things may be necessary for giving us a proper Light into the Affair. His Ministers may perhaps know, but in former Ages, Ministers have been known to conceal industriously from their Sovereign, many Things they knew ; and such as they ought in Duty to have acquainted him with ; and therefore our Parliaments never trusted to the King’s Ministers for giving him Information in this Particular. They considered themselves the Affair which was to come before them ; they considered what Papers, or other Things, would be necessary for giving them a proper Light ; and if those Papers were such as must be communicated by the Crown, they addressed his Majesty, that he would be pleased to give Directions for laying such or such Papers before them. It is therefore from the Addresses of this House only, that his Majesty can know what Papers may be necessary to be laid before us upon any such Occasion ; and, when his Majesty sees what we address for, he may then judge, whether the Papers called for, or any of them, be such as ought not to be made publick :

‘ If the honourable Gentleman’s Maxim were to be admitted as an established Maxim for our Conduct in this House, we could never address for Papers relating to any publick Affair that had been transacted within the same Century ; for there is no publick Affair but what may probably have some Papers belonging to it that ought not to be



made publick. At this Rate, Sir, we must always leave it entirely to his Majesty, that is to say, to his Majesty's Ministers, to lay no Papers before us but such as they think may be safely communicated to Parliament; in which Case, every one must see, that we could never enquire into the Conduct of any Minister, while he continues a Favourite of the Crown; for no Minister will ever think it safe to lay any Paper before Parliament, that may be a Foundation for, or may any way support, an Accusation against himself; and, upon this Maxim, he would always have an Excuse for not laying such Papers before Parliament, by saying, that they contain Secrets relating to some Affair in Agitation, which must not be discovered till the Affair is brought to a Conclusion.

' This shews, Sir, how ridiculous it would be to establish such a Maxim, and therefore, I hope we shall continue to follow the antient Maxim of this House, which has always been, to call for all such Papers as we thought might contribute towards giving us a full and perfect Knowledge of the Affair we were to enquire into, without regarding whether or no the Papers we thought necessary for this Purpose were such as might probably contain some Secrets of State. If any of them are of such a Nature, we may appoint a secret Committee for examining into them, and reporting such Parts of them as are necessary for our Information; but, till his Majesty has acquainted us that some of them are of such a Nature, we have no Occasion for appointing such a Committee. This therefore can be no Objection against our addressing for all or any of the Papers now proposed to be addressed for; but, for my own Part, I cannot so much as imagine, that there are any important Secrets, I mean such as the Honour or Interest of the Nation is concerned in keeping; I say, I cannot imagine, that there are any such in our late Negotiations with Spain, or in any of our late Transactions relating to the Spanish Depredations. I am sure they have made no Secret of the Claims they have lately set up against us, nor of the Insults they have put upon us: On the contrary, they seem to be fond of publishing them, that the World may know how contemptuously they have used us. I do not know but that there may be some Secrets that ought to be discovered, Secrets, in the discovering of which, both the Honour and Interest of the Nation may be deeply concerned; but this surely can be no Argument against our calling for Papers by which such a Discovery may be made; and, if any of the Papers now called for can be supposed to contain Secrets of such a Nature, it is a strong Argument for agreeing to the Motion; for, without such an Address, we can hardly expect to have them laid before us.

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‘ If a Presumption, that the Papers to be called for were such as ought not to be made publick, should be allowed to be an Objection of any Weight against the Resolutions now proposed. it must be allowed, Sir, that it was an Objection of equal Weight against every Resolution we have agreed to. If the Governors of our Plantations, or any Commander in Chief, or Captains of his Majesty’s Ships of War, had not got a full Reparation, nor so much as the Promise of a full Reparation, for the Losses our Merchants and Seamen have sustained : If it should appear, that we have got no Security, nor so much as the Promise of any Security, for our Trade and Navigation in Time to come ; it would then, Sir, be incumbent upon us, to appoint a Day for resolving into a Committee to take the State of the Nation into our Consideration ; and, in that Case, I shall grant, that it would be necessary for us to address his Majesty, that he would be pleased to give Directions for laying before a secret Committee to be appointed for that Purpose, a full and exact Account of all our late Negotiations ; in order that we might have a full View of the Circumstances the Nation is in, not only with respect to its domestick Affairs, but also with respect to foreign Affairs. Without such a View, it would be impossible for this House to come to any proper Resolutions, or to give his Majesty any proper Advice. If the Nation has been brought into such Distress, as to be obliged to accept of such a dishonourable and disadvantageous Treaty, rather than attempt to vindicate our Honour and our Rights by Force of Arms, we cannot expect that those who brought us into such Distress will ever be able to relieve us. If any Relief be possible, it must come from Parliament ; and it is not the first Time the Parliament has relieved this Nation from the utmost Distress. But, in such Cases, we must have a full View of our Affairs ; we must not shew such a Complaisance for our Ministers, as to deny ourselves any necessary Information, for fear of bringing them into Difficulties.


‘ From what I have said, Sir, I hope it will appear, that there is nothing in the Address now proposed, but what his Majesty may comply with, but what he certainly will comply with. If there be any of the Papers now proposed to be called for, of such a Nature as ought to be kept extremely secret, his Majesty may tell us so, and we may then appoint a secret Committee for inspecting them, and reporting such Parts of them as may be safely communicated. This may perhaps be the Case, with regard to some of the Papers we have already resolved to address for : There is as great a Probability, that this may be the Case with regard to some of them, as there is of its being the Case with regard

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gard to some of the Papers now proposed to be addressed for : But if there were not, it would be no Reason for our not calling for a Sight of Papers that are absolutely necessary for our Information, in a Case that is to come before us, a Case in which both the Honour and Interest, I may say, the very Being of this Nation, make it necessary for us to be fully informed.


‘ In all Parliamentary Enquiries, the Sovereign of these Kingdoms can never be led by Motives founded upon the Honour of his Crown, or the Interest of his Kingdoms, to refuse his Parliament any Thing they think necessary for their Information, with respect to the Affair they have resolved to enquire into : He may be led so to do, by the Advice of bad Ministers, who never give him such Advice, but for the Sake of screening themselves from that national Vengeance that is ready to fall upon them. But his present Majesty has too much Wisdom and Goodness to follow any such pernicious Advice : He knows, that the following such Advice, has sometimes proved fatal even to the Crown itself ; and has never as yet, thank God ! long preserved the guilty Criminal. His Majesty’s Goodness will in all Cases induce him to give the utmost Satisfaction to his People, and from his Wisdom we must presume he knows, that in giving Satisfaction to his People, consists the Security of his Crown and the Happiness of his Kingdoms.

‘ Therefore, Sir, what his Majesty may, or may not comply with, is a Question that cannot enter into the present Debate. The only Question that can enter into the present Debate is, what Papers may, or may not be necessary for our Information, with regard to the Affair that is soon to come before us ; for whatever Papers we may think necessary for that Purpose, his Majesty will, upon our Request, signify to him in the usual Manner, certainly order to be laid before us.

‘ For this Reason, Sir, the only Question now under our Consideration is, Whether the Papers now proposed to be addressed for, are such as are necessary for giving us such a Light into the present Circumstances of our Affairs, with regard to Spain, as may enable us to form a right Judgment of the Convention that is, I hope, soon to be laid before us ? And with respect to this Question, Sir, the honourable Gentleman who made the Motion, has fully shewn, That the Papers now proposed to be addressed for, are not only necessary, but more necessary upon the present Occasion, than the Papers we have already resolved to address for. Nay, it is a Question that seems not to be disputed, even by those who have spoke against the Resolutions now proposed ; for they have grounded the whole of their Reasoning upon a Supposition,

sition, that some of the Papers now proposed to be addressed for, may be such as ought not to be made publick ; and as I have shewn that this can be no Argument against our addressing for them, I am persuaded every Gentleman who has a real Design that we should examine thoroughly into the Nature of the Convention, that is be laid before us, or that we should be able to form any Judgment of it, will be as ready to give his Assent to the Resolution now proposed, as he was to give his Assent to those we have already agreed to.

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‘ As there is nothing, Sir, in the Resolution proposed, but what his Majesty may comply with, as there is nothing but what he will certainly comply with ; therefore, from our agreeing to the Resolution, no foreign Court can presume, that a Breach is like to ensue between his Majesty and his Parliament ; nor can they from thence be induced to believe, what the honourable Gentleman says has been told them by some Libels lately published in this Kingdom. For my Part, I know of no such Libels : I do not know that it has been asserted in any Libel lately published, that the People of this Kingdom are generally disaffected to his Majesty and his Family. I am persuaded no such arrogant Lye has been asserted in any Libel lately published, unless it be in some of those lately published in Favour of keeping up numerous Armies in Time of Peace. But suppose such a Lye to have been published in some such a Libel, I do not believe that foreign Courts are such minute Politicians as to build any Hopes upon, or give any Credit to what is asserted in such villainous Libels. They build upon a better Foundation, because they generally send such Ministers here, as can give them a true Information of the Disposition of the People ; and from them they know, that the People are generally well affected towards his Majesty and his Family, however much they may be dissatisfied with some of his Majesty’s Ministers.

‘ This, thank God ! Sir, is as yet the Disposition of our People. But if they should long continue under the Insults they have met with ; if they should be long amused with tedious and fruitless Negotiations, or sham Treaties ; if they should find the Parliament supporting and applauding such Measures, God knows where they may fly for Relief. They may then, indeed, become generally disaffected, as well as dissatisfied ; and this perhaps is what some foreign Courts are driving at ; but it is to be hoped they will, by the Wisdom and Integrity of this House, be disappointed in their Aim. If they are not, the most perfect Harmony between King and Parliament, would add but little Weight to our Negotiations at any foreign Court ; for it is upon the Affections of the People

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People that the Weight and Credit of our Government must always depend.

‘ From hence we may see, Sir, that we may happen to be in such Circumstances, that a Harmony between King and Parliament would be a Misfortune, instead of being a Blessing to the Nation ; for, if our People should ever become generally dissatisfied with an Administration, the happiest Thing that could befall this Nation, would be the Parliament’s espousing the Cause of the People, not against the King, but for the King, and against his Ministers ; for the Cause of the King and People must always be the same ; but that Cause and the Cause of a Minister may often be different, may sometimes be in direct Opposition. Therefore, if this Nation should ever happen to be so unfortunate as to be under an Administration generally disliked by the People, the wisest Thing the Parliament could do, would be to advise, or even render it necessary for the King, to make a thorough Change, as to the Persons employed in the Administration. Such a Breach as this would be, upon such an Occasion, the only Means that could effectually restore the Influence and the Character of the Nation, at all foreign Courts ; because they would then expect to see, in this Nation, a new Set of Ministers, and new Measures. They would expect to see a Ministry chosen, and Measures concerted, by the Advice of a free and independent Parliament, and with the Approbation of a brave and a free People ; and from such a Ministry, and such Measures, this Nation has always reaped great Honour, and great Advantage.

‘ I shall conclude, Sir, with supposing the worst that can be supposed from our agreeing to this Resolution : Suppose that his Majesty should be induced by bad Counsel to refuse so reasonable a Request in his Parliament. This indeed, is hardly to be supposed ; but if it should unfortunately happen to be the Case, it would be a full Proof that there are some bad Counsellors about his Majesty, and this Discovery would be a great Advantage to the Nation ; for it would then become our Business and our Duty to find out those bad Counsellors, and to remove them from his Majesty’s Counsels. Could the removing of bad Counsellors from about the Person of our King, any Way derogate from the Weight or Influence of his Negotiations at foreign Courts ? No, Sir, it would give great Satisfaction to his whole People, and new Vigour to all his Counsels, and consequently would greatly add to the Weight of his Negotiations at every Court in Europe. So that in the worst Light in which we can put the Question now before us, we must allow, that our agreeing to it is not only necessary, but that it will be attended with great Advantages to his Majesty in particular, and to the Nation

Nation in general; and as this plainly appears to be the Case, I therefore hope it will be agreed to.

Upon a Division, the Question passed in the Negative. Ayes 120, Noes 200.

Feb. 8th. The House received the Convention with the several Ratifications thereof.

Feb. 10th. The House agreed to the Report of Yesterday's Resolution on the Supply: Viz. Resolved that 12,000 Seamen be appointed for the Service of the Year 1739.

Feb. 13th. Ordered an Address to his Majesty to lay before them Copies of several Memorials, &c. since the Treaty of Seville, touching the Rights of Great-Britain or any Infracti-
tion of Treaties which have not been laid before them.

Feb. 14. The House having resolved itself into a Committee of Supply, Sir William Yonge stood up, and spoke to the following Effect.

Sir,

' As it is the Business of this Committee, not only to provide for the Army, but to determine the Number of Forces that is to be kept up for the Service of the ensuing Year, I think it my Duty to propose to you the Number, which I think necessary for that Purpose. It is at present, Sir, so evident, that we are in a precarious Situation with regard to our Affairs abroad, and that there is still, to our Misfortune, subsisting amongst us, a restless and disaffected Faction at Home, that I should not think it necessary to say any Thing in Favour of the Motion I am to make, if great Pains had not of late been taken to persuade People, that there is no Difference between a numerous standing Army kept up within the Kingdom in Time of Peace, without Consent of Parliament, which can never be kept in such a Manner, but with a View to destroy our Liberties, and a proper Number of regular Forces kept up, from Year to Year, by Authority of Parliament, for no other Purpose but to preserve the Tranquility of the Nation, protect us against our foreign or domestick Enemies, and assist the civil Magistrate in the due Execution of the Laws of the Kingdom.

' As to the present Circumstances of our Affairs abroad, Sir, particularly with regard to Spain, it may be properly said, we are as yet in a State of War. The Number of Land Forces we have kept up, and the powerful Squadrons we have from time to time fitted out, have, 'tis true, prevented that Nation from coming to an open Rupture with us; and have, at last, compelled them to agree to a reasonable Convention for settling all Differences between the two Nations in an amicable Manner; but that Convention can be said to be no more, than a Preliminary towards a future definitive Treaty of Peace: The principal Differences between

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Division; Ayes 120,
Noes 200.

The Convention
laid before the
House.


The Reports for
employing twelve
thousand Seamen for
the Year 1739,
agreed to.

An Address for
Memorials &c. since
the Treaty of
Seville, ordered.

Committee of
Supply.

Sir William Yonge
moves that 17704
Land Forces be ap-
pointed for the
Year 1739.

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the two Nations remain, as yet, to be adjusted by a future Treaty; and if we keep ourselves in a proper Posture of Defence, I do not doubt but that they will be adjusted to our Satisfaction; but it was never yet heard, that either of the Parties engaged in War, began to disband their Armies, as soon as Preliminary Articles for a Treaty of Peace were agreed on. In such a Case, both Parties rather encrease than diminish their Forces, in order to convince the other, that they are ready to continue or to recommence War, if the Preliminaries should not, in due Time be carried into Execution, by an equal and solid Treaty of Peace. Therefore, if we duly consider the present Circumstances of our Affairs abroad, we must resolve to keep up the same Number of Land-Forces we had last Year.

Then as to our Affairs at home, Sir, can any one say that the Number of the Disaffected and Seditious is less than it was last Year? Can any one say that they are more quiet, or less apt to take the first Opportunity for raising civil Wars and Commotions in their native Country? Sir, the many virulent, false, and seditious Libels, that are daily published against his Majesty and his Government, are sufficient Testimonies, that the Disaffected are neither less numerous, nor more inclined to remain quiet, and submit to that Government, which protects them in the free Enjoyment of what they possess, than they were last Year. It is amazing to think, what an infinite Number of infamous Libels are daily, weekly, monthly, and occasionally, printed and dispersed through the whole Kingdom, highly reflecting upon his Majesty, and upon every Man he is pleased to employ in conducting the publick Affairs of the Nation. When we reflect upon it, we cannot but admire the Lenity of his Majesty's Government, and the Patience and Good-nature of almost every Man that has any Influence upon his Counsels. With regard to Printing and Publishing, no Man can say, that the Disaffected and the Seditious amongst us, have of late Years kept themselves within the Bounds of Decency; but if it were not for the Number of Land-Forces we keep up, we could not expect that they would keep themselves within the Bounds of Law. They would openly, and in Defiance of the civil Magistrate, transgress, in the most flagrant Manner, the known Laws of the Kingdom; because it would be impossible for any civil Magistrate to put the Laws in Execution against them: The Consequence of which would certainly be Anarchy and Confusion; and this would as certainly end in a Dissolution of our Constitution, and an Establishment of arbitrary Power. Of this we have a recent Example but in the last Century, which ought to be a Warning to us, not to leave our Government destitute of those Means, which are necessary for supporting it against the Disaffected and Seditious,

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as well as against those who are fond of Changes, and of new-modelling our Constitution. Therefore, while there is such a Faction amongst us, we ought to keep up such a Number of Land-Forces, from Year to Year, by Authority of Parliament, as may be sufficient for keeping that Faction, if not within the Rules of Decency, at least within the Bounds of Law: As that Faction cannot be said to be now less numerous, or less turbulent, than they were last Year, we must resolve to keep up the same Number of Land-Forces for the Year ensuing.

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‘ To this, I must add, Sir, that as a Reduction of our Army would increase the Hopes of the Disaffected and Seditious, and consequently make them more apt to raise publick Disturbances, or to join with any foreign Power for that Purpose, it would of Course derogate from the Authority, and diminish the Weight of our Negotiations at foreign Courts, and would make such of them, as had any Disputes with us, more haughty in their Behaviour towards us, and more obstinate in their Demands; for we could expect no Regard or Esteem from our foreign Enemies, if our Government were in so weak a Condition, as not to be able to keep its domestick in Awe. They would insist upon high Demands, and would make no Compliances, because they would expect that our Government would grant them any Thing, rather than come to an open Rupture; and because they would suppose that, if contrary to their Expectations, we should come to an open Rupture, they would be able to prevent us from doing them any Mischief, by giving our Government enough to do to defend itself against the disaffected Party at home, encouraged by the Weakness of our Government to rebel, and supported by the Supplies, which our foreign Enemies might send from Time to Time to their Assistance.

‘ From hence, Sir, we may see the Disadvantage we should be under by not keeping up a sufficient Body of regular Troops, with regard to our Enemies, or such foreign States as we may have any Disputes with; and with regard to Allies, we could not expect to have any; for as all Alliances are established upon the mutual Advantage or Security of the two contracting Parties, and can be no longer preserved, than while that Advantage or Security continues mutual, what Advantage or Security could any State in Europe expect from this Nation, if our Government, so far from having any regular Troops, to send to their Assistance, had not a sufficient Number to protect itself against domestick Enemies? In such a Case, ’tis certain, no foreign Nation could expect any Advantage or Security from an Alliance with this Nation, and consequently would neither stipulate to give us any Assistance, nor perform any Stipulations they have already made

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for that Purpose ; which would be an additional Encouragement those that are now our Enemies, or that may hereafter become our Enemies, for to insult us in every Part of the World.

‘ Thus, I think, Sir, it is plain, that we must necessarily keep up a sufficient Number of Land-Forces, at least for this ensuing Year ; and as our Circumstances are now, in every Respect, the same they were last Year, no less a Number can be supposed to be sufficient for the ensuing Year, than what was deemed by the Parliament last Session, necessary for the Service of the Year now near expired. Tho’ we have made a Step, and I hope it will be a successful one, towards establishing a solid and lasting Peace ; yet it must be acknowledged, that our Affairs abroad are as yet in a very uncertain Situation ; and as to our Affairs at home, we find the Libels published against the Government as numerous and as virulent, and Mobs and Riots among the People as frequent, as they were about the Beginning of last Session of Parliament, or indeed, as ever they were in this or any other Nation, where there was a certain Form of Government regularly established.

‘ But, Sir, whatever Number of Land-Forces you may think sufficient for the ensuing Year, as long as they are kept up by Authority of Parliament, and from Year to Year only, they must be widely different from a standing Army, kept up without any such Authority. For as the keeping up of a standing Army in Time of Peace, but for one Day, without the Consent of Parliament, is of itself an Invasion upon our Constitution ; such an Army can be kept up for no other Purpose but to destroy our Constitution, in order to secure those who have, by so doing, made an Invasion upon it, against that Punishment which is due to them for transgressing the most fundamental Laws of their Country. Whereas a sufficient Number of regular Troops, kept up by Authority of Parliament, and from Year to Year only, can be kept up for no other End, but to preserve our Constitution ; because the Parliament will never consent to the keeping up of a greater Number than is sufficient for that Purpose ; nor will they consent to the keeping up of any Number longer, than it appears absolutely necessary for preserving the Constitution, and defending us against our foreign and domestick Enemies.

‘ For these Reasons, Sir, I must think the least Number we can propose to keep up for the ensuing Year, for Guards and Garrisons in Great Britain, and for Guernsey and Jersey, must be, including 1815 Invalids, and 555 Men, (which the six independent Companies consist of for the Service of the Highlands) 17704 Men, Commission and Non-Commission Officers included.

Mr,

Mr. Shippen.

Sir,

‘ I must say, I am not a little surpris’d at the Motion I have now heard made to you. When the preliminary Convention between this Nation and Spain was laid before us, I perus’d it with great Attention, in order to see what Advantages we had got by it ; and when I could find no one Advantage we had got, with regard to the Disputes between the two Nations, I concluded that our Ministers had got some private Assurances from Spain, that all would be set right in a short Time by a definitive Treaty of Peace, and that they had in the mean Time agreed to this preliminary Treaty and a Suspension of Arms, with a View to save ourselves some Expence by a Reduction of our Land Forces.

‘ Spain has, it is true, Sir, for many Years, been in a State of War against this Nation, tho’ we have never once committed any real Hostility against them. But after the moving Application that was made last Year to Parliament, after the strong Resolutions both Houses then came to, and after the expensive Preparations we made last Summer, I did imagine, that we were at last to begin Hostilities in our Turn ; and when I heard that a Treaty was on foot, I concluded that Spain had been so wise as to apply to us for a Suspension of Hostilities, and for that Purpose, had propos’d to make such Concessions, by preliminary Articles, as might serve for the Basis of a solid and honourable Treaty of Peace.

In Treaty-making, Sir, it is usual to leave such Articles as require a long Discussion, to be settled afterwards by Commissaries ; but Preliminaries to a Treaty, between two contending Nations, are never concluded, at least they are seldom formally and solemnly agreed on, except when one of the Parties is afraid of suffering by an open Rupture, or by a Continuance of the War. When this is the Case, the Party in Danger applies for having a Suspension of Arms upon certain Preliminaries, and generally offers to give some Pledge, as a Security for the Performance of such Preliminaries as shall be agreed on. Most of us remember, that the Treaty of Utrecht was preceded by Preliminaries, and a Suspension of Arms between France and us ; but then, as we were in no Danger by a Continuance of the War, we would agree to neither, till France put Dunkirk into our Hands, as a Pledge for her Performance of the Preliminaries. This, I say, was the Method of Treaty-making at the Time of the Treaty of Utrecht, and, I believe, for all Ages before that Time ; but what has been our Method since that Time, I cannot take upon me to say : So far however I may say, that whatever has been our Method of Treaty-making since that

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Mr. Shippen.

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that Time, and God knows we have made enough of them; we have got nothing by it; for, if we have preserved ourselves in a Sort of Peace, we have made no Advantage of that Peace: Our Taxes are more numerous, and our publick Debt as great as it was at the End of the War; and, I believe, our Trade is not near in such a flourishing Condition as it was during the War.


‘ Therefore, Sir, I cannot say that I entirely depended upon our having observed the usual Method of Treaty-making; but for the sake of my Country, I hoped we had; and as I could not suppose that we were in Danger of being Sufferers by an open Rupture with Spain, I concluded, that by the preliminary Convention I heard talk’d of, they had agreed to make some general Concessions with regard to the Disputes between us, and to put some Pledge into our Hands, as a Demonstration of their Sincerity, which, I am sure, we have had great Cause to doubt of, for almost these 20 Years past.

‘ But when I saw this Convention, how greatly was I disappointed! Instead of their making Concessions to us, we have made, I think, most dangerous, I shall not say dishonourable, Concessions to them, and have got nothing in Return, no not so much as a Suspension of their usual Hostilities. Instead of their giving us a Pledge, we have given one to them, by agreeing that Things shall remain in Florida and Carolina, in the Situation they are in at present, without increasing the Fortifications there, or taking any new Posts. In short, Sir, by this Convention, Spain has not even agreed even to suspend Hostilities, yet we have agreed not to provide for our Defence; from whence it should seem as if we had sued to Spain for a Suspension of Arms, upon any Preliminaries they might think fit to prescribe; and yet I cannot think the Nation had any Reason to be afraid of an open Rupture with Spain, whatever some Persons amongst us may have; for, from our agreeing to such Preliminaries, I must either think that there are some Persons amongst us that are most terribly afraid of it, and are therefore willing to yield to any Thing, rather than come to an open Rupture with that Nation; or I must think, as I have said, that our Ministers had some private Assurances of the Court of Spain’s being inclined to do us Justice, in a short Time, by a definitive Treaty, and that they accepted of these Preliminaries, with a View of saving something to the Nation, by a Reduction of our Land Forces for this ensuing Year.

‘ Now, Sir, as I always judge charitably, I supposed that this last was the Case; and therefore when the honourable Gentleman, who made this Motion, stood up, I expected an elegant Panegyrick upon the Wisdom of our late Measures,

tures, and the great Care that was taken to embrace every Opportunity of saving Expence to the Nation ; for no Man is more capable than he ; and I expected that he would have concluded with a Motion for no more than 12,000 Men for the ensuing Year, as an Earnest of the Benefits we are to reap by this new Convention, and as a Proof of the Assurances the honourable Gentleman's Friends have of the just and good Inclinations his Catholick Majesty has towards this Nation. This, I say, was what I expected ; but how much was I surprized, when I heard him begin to argue for the same Number of Land Forces that were voted last Year, at a Time when every Man, at least every Man that was not in the Secret, imagined we were upon the Brink of a furious War !

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‘ If we have no Dependence upon this Treaty, Sir, why was it made ? For ’tis impossible, since the Time it was ratified, we could have had Cause to alter our Sentiments. If we have a Dependence upon it, why not make the proper Advantage of it, by lessening the publick Expence ? Every one knows that our Land Forces have no Influence upon the Counsels of Spain : It is our Naval Force they are afraid of : That we have already reduced ; and therefore if it be said that Spain must be frightened into a Performance, as well as they were into the Treaty, we have begun at the wrong End. But I cannot have such an Opinion of so wise an Administration : From the Reduction of our Naval Force I must conclude, that they are assured of Spain's being inclined to do us Justice by the definitive, tho' they have done us none by the preliminary Treaty ; and therefore the Circumstances of our Affairs abroad, can be no Argument for our keeping up the same Number of Land Forces we had last Year ; nor can it be said, our foreign Affairs are in the same Situation they were the Beginning of last Session of Parliament. We had then no preliminary Treaty, nor any Assurances of a satisfactory definitive Treaty : Now we have both, or otherwise the honourable Gentleman's Friends have transgressed the Rule he himself has laid down ; for they have already begun to disband their Armies, and those Armies too which are the only effectual Armies against Spain, I mean our Squadrons of Men of War. Let us then follow their Example : The honourable Gentleman will, I hope, admit we cannot follow a better : Let us begin to reduce our Land Forces.

‘ But suppose, Sir, we were still in a precarious Situation with regard to Affairs abroad, can it be thought, that our Influence at foreign Courts depends upon the Number of Land Forces we keep in continual Pay ? No, Sir, our Influence depends upon the Riches and Number of our People,

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and not upon the Number of our regular Regiments, or the Appearance they make at a Review. We have many thousands that would make as good an Appearance in the Day of Battle, if their Country were in Danger, tho' they are not at present Masters of all the Punctilios proper only for a Review. We have a Navy, which no Nation in the World can equal, far less overcome, by which we may carry the Dread of this Nation into every Country that is visited by the Ocean: And we have Money, notwithstanding the bad use we have made of a long Peace, to hire as many foreign Troops as we can have Occasion for, and to support them as long as we can have any Service for them. Therefore, while we are unanimous amongst ourselves, while our Government possesses the Hearts and Affections of the People in general, which every virtuous and wise Government must necessarily do, this Nation must always have great Influence upon the Counsels of every Court in Europe, nay of every Court in the World, where it is necessary for us to extend our Influence.

' From hence we may see, Sir, that in this Nation, we can never have Occasion for keeping up a great Number, or any Number, of regular Troops, in order to give Weight to our Negotiations; and, if any Power in Europe should refuse to observe or perform the Treaties they have made with us, we ought not to seek for Redress by Negotiation: We may make a Demand, but it is beneath the Dignity of a powerful People to sue for Justice. Upon the first Refusal or affected Delay, we ought to compel them, not by keeping an Army at home, which would be ridiculous, but by sending an irresistible Fleet, with an Army on board, to ravage their Coasts; or by getting some of their Neighbours, with our Assistance, to attack them; both which will always be in the Power of every Government of this Country, that preserves their Influence abroad, by preserving the Affections of the People at home; and that without keeping any Number of regular Troops always in Pay; for whilst the Spirit of Liberty, which is the nursing Mother of Courage, is preserved among our People, we shall never want a great Number of brave Men of all Degrees amongst us, that will be ready to venture their Lives in the Cause of their Country; and such Men may, in a few Weeks, be sufficiently disciplined for Action, tho' they might not, perhaps, observe all the Punctilios so exactly as a Parcel of idle mercenary Fellows, who have had nothing perhaps to do for seven Years together, but to dance thro' their Exercises.

' The keeping up of a standing Army in this Nation, can never therefore be necessary, either for preserving our Influence amongst our Neighbours, or for punishing such of them

shall offend us; and with respect to our own Defence, as we have no Frontier but the Ocean, while we preserve a Superiority at Sea, a popular Government in this Country can never be under the least Necessity of keeping up any Land-Forces, especially if they would take Care to have our Militia but tolerably armed and disciplined; for no Nation will be mad enough to invade us, while we are united among ourselves, with a Handful of Troops, who must either all die by the Sword, or be made Prisoners of War, because we could, by Means of our Navy, prevent their being able to return. And, if any of our foreign Neighbours should prepare to invade us with a great Fleet and a numerous Army, we would not only have Time to prepare for their Reception, but we might lock them up in their Ports, by Means of our Navy, or we might give them enough to do at home, by stirring up some of their Neighbours upon the Continent to invade them.

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Thus it appears, Sir, that no Government in this Island can ever have Occasion for keeping up a standing Army in Time of Peace, unless it be to subdue the Liberties of the People. This, every Man in the Kingdom, whose Judgment is not biassed by his Hopes or his Fears, must be sensible of; and therefore every Government that does keep up a standing Army in Time of Peace, whether with or without the Consent of Parliament, must forfeit the Affections of the People. Then, indeed, a standing Army becomes necessary for the Support of that Government, not against Foreigners, but against their native Country; but no Army, even the greatest they can keep up, will give them an Influence at foreign Courts, or an Authority among their own People. Abroad they will be despised, at home they may be dreaded, but they will be hated; and, in that Case, a small Handful of foreign Troops, thrown into any Corner of the Island, might be of the most dangerous Consequence to the Government, because they would be joined by the whole People, and perhaps, by a great Part of the Army.

To pretend, Sir, that there is still a great disaffected Party amongst us, is, I am sure, no Compliment to his Majesty, or to his illustrious Family; and therefore I wonder to hear any Gentleman, that has the Honour to serve the Crown, insist upon it. There are, 'tis true, many discontented, but few or none disaffected; and the Discontents that are so general amongst us, proceed from our having so long kept up a numerous standing Army, and from some other Measures I could mention. Change but your Measures, reduce your Army, put a Confidence in the People, and the Discontents will soon vanish, your People will put a Confidence in you, and will be a better Safe-guard for the Government,

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than any Army that can be kept up. Your foreign Enemies will then fear you, and your Friends will respect you; because the former will be afraid of that Vengeance, which they know you are able to pour down upon them, and the latter will depend upon that Assistance, which they know you are capable to give. If any of our Allies should want Land-forces for their Assistance, we can hire as many foreign Troops for their Service as they may stand in Need of: If we could not hire such Troops, we could soon raise a Body of Troops within our own Dominions, tho' we had not a regular standing Regiment in the Kingdom; and we could transport them by our Fleet, wherever our Allies might stand most in Need of them. By our Alliances, I know, we sometimes engage to send a Body of Troops to the Assistance of our Allies; but I do not remember, we ever engaged, that those Troops should be all Subjects of Great-Britain, or that they should be such as we had kept in Pay for several Years preceding. Therefore we may perform our Engagements to our Allies, and may afford them a proper Support and Assistance, without keeping a standing Army always in Pay.

' I shall grant, Sir, that the keeping up of a numerous standing Army in Time of Peace, by Authority of Parliament, is not contrary to Law; but I will aver, that it is contrary to, and inconsistent with our Constitution. If some future venal Parliament should pass a Law for enabling the King to impose Taxes, and raise Money by Proclamation, the Money so raised would not be contrary to Law, but surely it would be contrary to our Constitution. To tell us that the Parliament will never consent to the keeping up of a greater Number of Land-forces, than is sufficient for preserving the Constitution, or that they will never consent to keep up any Number, longer than it appears necessary for defending us against foreign or domestick Enemies, is to tell us what no Man can answer for. Suppose there should be a Majority in each House of Parliament, consisting of Officers of the Army, and other Instruments of an Administration; can we suppose that such a Parliament would have any Regard to the Preservation of the Constitution, if it should appear to be inconsistent with the Preservation of the Minister upon whom they depended? And suppose we had the Misfortune to have, at that Time, a Prime Minister, contemned abroad, and hated by every Man at home, except those who were his immediate Tools; can we suppose that such a Parliament would not give their Consent to keep up a standing Army, not for preserving the Constitution, but for preserving the Minister, by destroying the Constitution?

' Sir, a numerous standing Army, kept up by Authority of Parliament, is more dangerous to our Liberties, than such
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an Army kept up without any such Authority ; because in the latter Case, the People would immediately see their Liberties were struck at, and would therefore take the Alarm ; but in the former, they would probably, by the Interposition of Parliament, be lulled asleep, till their Fetters were riveted. This I have long endeavoured to prevent : This while I live, I shall always endeavour to prevent ; and therefore I am now for reducing the Army to 12000 Men ; for even that Number I think greater than is altogether consistent with the Safety of our Constitution. The very Resolution this House comes to yearly, with respect to the Number of our Land-forces, shews that it is. By the Words of that Resolution, we ought to have no marching Regiments quarter'd up and down the Country, to the Oppression of our Innholders, Victuallers, and other publick Houses, and to the debauching of the Morals of all Ranks of People. We ought to have none but Guards and Garrisons. Our Guards ought never to consist of above 4000 Men ; and I should be glad to know where the Garrisons are in Great-Britain, or in Guernsey or Jersey, that require no less a Number than 8000. Therefore we ought to alter the Words of our Resolution, or we ought to reduce our Army even below 12000. However, as other Gentlemen seem willing to allow 12000 for the Service of this ensuing Year, I shall not be against that Number.'

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Mr. Littleton.


Sir,

' I am really surprized at the Silence on one Side of the House. — Sure this Question is of Importance enough to deserve a Debate. — How great an evil soever a standing Army may be, this Way of treating such a Question is worse ; it is the highest Contempt of the Constitution imaginable. — Sir, if we go on thus, will People be silent out of Doors too ? I wish they may ; for if they talk of our Proceedings, they will talk in a Language that won't be much for the Honour of the House.

Mr. Littleton.

' Sir, as a good deal has been said about the Abuse of the Press, by one of the very few Gentlemen who have deigned to speak in this Debate, I beg to be indulged in a few Words upon that Article. — A free Examination of all Measures of Government, and of the Characters of Ministers, so far as their Characters are inseparable from their Measures, is the Life of a free State. It is what no good Minister will ever call an Abuse of the Press : It is what no good Minister would desire to restrain. But attacking the private Character of a Minister, his private Defects or Frailties, in which the Publick is not concerned, this indeed is libellous, and this cannot be justified : Nor can

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Abuse thrown out upon private Persons, be excused in those who are the dirty Tools of Calumny, or in the more dirty Patrons who employ and pay such Tools: This, Sir, is infamous, and this should be restrained. But how restrained? By Contempt, by Disregard of it, by a fair and safe Appeal to the candid Sense of Mankind; or in very flagrant Cases, by the due Course of Justice and Law: Not by Strains of Authority, not by Star-Chamber Work, not by the extraordinary Exercise of discretionary Powers, from which the Guilty and the Innocent may suffer alike: This should be carefully avoided in a Country of Freedom, not for the Sake of these Writers, but for the Sake of the Constitution, for the Sake of Liberty, and that the Law of the Land may be the Rule and Measure of all Men's Security. But for God's Sake, Sir, how comes the Abuse of the Press to be a Point insisted on in the Debate of To day? What has that to do with eighteen thousand Men? Are our Dragoons to be Licensers of the Press? I hope they are not.

As to the uncertain Situation of Affairs abroad, (that I think, was the Term used by the honourable Gentleman over the Way) I will say but one Word. — Why have we called home our Fleets? To deprive ourselves of the only Means we have of hurting our Enemies, by recalling our Fleets upon the Presumption of a Peace and then to deprive ourselves of the Fruits of a Peace, by keeping up our Army to the Number of last Year, is, I confess, a Policy which I don't comprehend. Is this Convention, which we have concluded, something or nothing? Sir, I think it worse than nothing; but as there are some Gentlemen who speak very highly of it, if it deserves the Encomiums, I should be glad to know, for what this Number is ask'd? Why, to support the Peace, it seems. — To support it, Sir, against whom? Not against ourselves I hope, not against the Nation. If the Peace be what it ought to be, we shall have no Enemies, and it will support itself; if it be bad and dishonourable, to have it supported by an Army, is a sad Resource indeed: It is such a Support as Despair only could want: It is such a Support as I won't imagine possible.

But Gentlemen say, it will give Weight to our Measures abroad. — What Weight has it given? I appeal to Experience: Is not the Period of our keeping up this Number of Men, the most inglorious Period of the English History? Has not every Year been mark'd out by some new Indignity, some new Dishonour, some new Proof of Contempt? Have we been arm'd of late to any other Purpose, than to make our Tameness appear more ridiculous? For my own Part, Sir, I must say, that were I determin'd to suffer myself to
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be robb'd without any Resistance, I should think it was
judging very ill, to travel with Arms.

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' Sir, with regard to Disorders at home, neither what has been said by the honourable Gentleman who spoke just now, nor by another Gentleman in my Eye, who enlarged much upon them, has any Weight in a Question, whether 18,000 Men or 12, should be the Number kept up. For, surely, 12 thousand Men are Force enough to quell these Rioters. But from what all those Gentlemen have said, I draw a further Conclusion, that for Disorders of this Kind, an Army is not, cannot be the proper Remedy, since the Evil encreases under it, as Experience proves. — The proper Remedy is giving Authority to the Law; and this can only be done by right Measures of Government. An Army may give Strength to a bad Administration, but a good Administration only can give Strength to Laws, and to that we must have Recourse, or these Disorders will continue, tho' we should augment our Troops to 50,000 Men. Confirm his Majesty in the Affections of his Subjects, and he will want no Security in his own Dominions.—Sir, I have seen a Proof of this. I have lately had the Satisfaction to see all Sort of Respect from all Sorts of People, paid to two of the royal Family, when they had no Guards. They could not have been safer, they could not have been respected so much, if they had been attended, in the Journey they made, with all the household Troops of the King of France. Sir, I saw the People clinging to the Wheels of their Coach, out of Affection to them, to the King, and to his Family. I say, I saw them clinging to the Wheels of their Coach. — Had there been Guards about it, they must have kept further off.

' As I can see no good Use that can be made of these Troops, and as I won't suppose that any bad one is intended, I must conclude they are kept up for Ostentation alone. But is it for his Majesty's Honour to put the Lustre of his Crown, to put his Dignity upon that, in which he may be rivall'd by every petty Prince of any little State in Germany? For, I believe, there are few of them now, that can't produce at a Review, an Army equal to ours both in Number and Show. If the Greatness of a State is to be measured by the Number of its Troops, the Elector of Hanover is as great as the King of England. — But a very different Estimation ought to be made of our Greatness: The Strength of England is its Wealth and its Trade: Take Care of them, you will be always formidable: Lose them, you are nothing, you are the last of Mankind. Were there no other Reasons for reducing the Army, it should be done upon the Principle of OEconomy alone. It is a melancholy Thought to reflect
how

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how much we have spent and to how little Purpose, for these 16 Years past.

' Sir, could it be said, We are indeed, loaded with Debt, but for that Charge we have encreased our Reputation, our Commerce flourishes, our Navigation is safe, our Flag is respected, our Name honoured abroad; could this be said, there is a Spirit in the People of England, would make them chearfully bear the heaviest Burdens. — On the other Side, could an opposite Language be held, could it be said, We have indeed, no Victories, no Glory to boast of, no Eclat, no Dignity; we have submitted to Injuries, we have borne Affronts, we have been forced to curb the Spirit of the Nation, but by acting thus, we have restored our Affairs, we have paid our Debts, we have taken off our Taxes, we have put into the Power of the King and Parliament, to act hereafter with more Vigour and Weight; could this be said, this also might be satisfactory. — But to have failed in both these Points at the same Time, by a Conduct equally inglorious and expensive, to have lost the Advantages both of War and Peace; to have brought Disgrace and Shame upon the present Times, and national Beggary upon Ages to come, the Consequence of which may be national Slavery; such a Management, if such a Management can be supposed, must call down national Vengeance upon the guilty Authors of it, whosoever they be, and the longer it has been suspended, the more heavy it will fall.'

The Question being put the Resolution was agreed to. On a Division, Ayes 253. Noes 183.

Division, Ayes 253,
Noes 183.
Resolutions of the
Committee of Supply
agreed to.

After the Division, the Committee came to the following Resolutions besides: Resolved, That six hundred and forty-seven thousand five hundred and forty-nine Pounds eleven Shillings and Three-pence Half-penny be granted for maintaining the above Number of Men: That two hundred twenty-eight thousand and sixty-two Pounds be granted for the Garrisons of Minorca, Gibraltar, Georgia, &c. That twenty-seven thousand one hundred and seventy-two thousand Pounds be granted for Out-Pensioners of Chelsea Hospital: That five thousand and forty-one Pounds be granted for defraying several extraordinary Expences not provided for by Parliament.

Division on the
Report, Ayes 129,
Noes 73.

Feb. 15. The Report of Yesterday's Resolutions was received and agreed to. On a Division, Ayes 129, Noes 73.

Received divers Letters relating to the Spanish Depredations.

Resolutions of the
Committee of Ways
and Means agreed
to.

Feb. 20. Received the Report of Yesterday's Resolution in a Committee of Ways and Means, and agreed to it, viz.

Resolved, That eleven thousand nine hundred and forty-five Pounds seventeen Shillings and nine Pence, remaining in the Exchequer, being the Over-plus of the Grant for 1738,
be

be applied towards making good the Supplies granted in this Session of Parliament.

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The House was then called over:

Call of the House?

Feb. 21. Received Copies of several Memorials, Letters, &c. on the Affairs of Spain.

Feb. 22. Received the Reports of Yesterday's Resolutions in a Committee on the Supply, and agreed to them, viz.

Resolutions of the
Committee of Supply
agreed to.

Resolved That 222,689 Pounds, two Shillings and six Pence, be granted for the Ordinary of the Navy, including Half-Pay to Sea-Officers for 1739. That 80,088 Pounds six Shillings and three Pence be granted for the Charge of the Office of Ordnance for Land Service for 1739. That thirty thousand five hundred and three Pounds eleven Shillings and six Pence be granted for defraying the extraordinary Expences of the Office of Ordnance for Land Service not provided for by Parliament.

Feb. 23. There was presented to the House a Petition of divers Merchants, Planters, and others trading to and interested in the British Plantations in America, in behalf of themselves and many others, and read; shewing that the Petitioners made their most humble Application to this House the last Session of Parliament, setting forth the continued Depredations committed by the Spaniards on the high Seas of America upon the British Shipping and Property, their barbarous and inhuman Treatment of the British Sailors on the taking of their Ships, and their carrying them afterwards into Slavery in Old Spain, (the Spaniards making it their constant Practice to attack and board all British Merchant Ships they met with in the American Seas, under Pretence of searching for Goods, which they deemed contraband, according to their arbitrary Will and Pleasure contrary to the Law of Nations, and in manifest Violation of the Treaties subsisting between the two Crowns,) and that by these unjust and violent Proceedings of the Spaniards, the Trade and Navigation to and from America was rendered very unsafe and precarious, insomuch that the Insurances had greatly risen on these Accounts only; and that the Petitioners having been heard by their Counsel before a Committee of the whole House, did, as they apprehend, fully make out in Proof every one of the Allegations of their said Petition, to the intire and unanimous Satisfaction of the House, upon which Application this House came to the following Resolutions:

Petition of the
West-India Mer-
chants.

‘ That it is the natural and undoubted Right of the British
‘ Subjects to sail with their Ships on any Part of the Seas of
‘ America to and from any Part of his Majesty's Dominions,
‘ and that the Freedom of Navigation and Commerce which
‘ the Subjects of Great Britain have an undoubted Right to by
‘ the

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the Law of Nations, and by Virtue of the Treaties subsisting between the two Crowns of Great Britain and Spain, has been greatly interrupted by the Spaniards under Pretences altogether groundless and unwarrantable; that before and since the Execution of the Treaty of Seville, and the Declaration made by the Crown of Spain pursuant thereunto, for the Satisfaction and Security of the Commerce of Great Britain, many unjust Seizures and Captures have been made, and great Depredations committed by the Spaniards, attended with many Instances of unheard-of Cruelty and Barbarity; that the frequent Applications made to the Court of Spain for procuring Justice and Satisfaction to his Majesty's injured Subjects, for bringing the Offenders to condign Punishment, and for preventing the like Abuses for the future, have proved vain and ineffectual, and the several Orders or Cédulas granted by the King of Spain for Restitution and Reparation of great Losses sustained by the unlawful and unjustifiable Seizures and Captures made by the Spaniards, have been disobeyed by the Spanish Governors, or totally evaded or eluded; all which Violences and Depredations have been carried on to the great Loss and Damage of the Subjects of Great Britain trading to America, and in direct Violation of the Treaties subsisting between the two Crowns.

That an humble Address be presented to his Majesty, humbly beseeching his Majesty to use his Royal Endeavours with his Catholick Majesty to obtain effectual Relief for his injured Subjects, and to convince the Court of Spain, that how desirous soever his Majesty may be to preserve a good Correspondence and Amity between the two Crowns, (which can only subsist by a strict Observance of their mutual Treaties, and a just Regard to the Rights and Privileges belonging to each other) his Majesty can no longer suffer such constant and repeated Insults and Injuries to be carried on, to the Dishonour of his Crown, and to the Ruin of his trading Subjects; and to assure his Majesty, that in case his royal and friendly Instances for procuring Justice, and for the future Security of that Navigation and Commerce, which his People have an undoubted Right to by Treaties and the Law of Nations, shall not be able to procure from the Equity and Friendship of the King of Spain such Satisfaction as his Majesty may reasonably expect from a good and faithful Ally; this House will effectually support his Majesty in taking such Measures as Honour and Justice shall make it necessary for his Majesty to pursue.

That

That a Convention hath since been entered into between this Crown and that of Spain, which his Majesty has been most graciously pleased to order to be laid before this House; and the same being published by Authority, the Petitioners observe with the utmost Concern, that the Spaniards are so far from giving up their groundless and unjustifiable Practice of visiting and searching British Ships sailing to and from the British Plantations, that they appear to have claimed the Power of doing it as a Right, by having insisted that the Differences which have arisen concerning it should be referred to Plenipotentiaries, to be discussed by them, without even agreeing to abstain from such Visitation and Search during the Time that the Discussion of this Affair may last; that the Petitioners are under the greatest Apprehensions, since Spain has contended, that a Point so incontestably clear both by the Law of Nations and all the Treaties subsisting between the two Crowns, should come under Debate, that the Spanish Plenipotentiaries will be instructed not to give it up; and if the Freedom of our Navigation to and from our own Colonies should be left in Suspence, and precarious, it must be attended with the most fatal and pernicious Consequences to the Petitioners, whose Persons and Fortunes will thereby be in the Power of the Spanish Guarda Costas, without any Prospect of Relief, the Petitioners having already too severely experienced the Justice of the Spanish Courts and Governors, to consider them as any Security; and therefore praying, that the Petitioners may have an Opportunity of being heard, and that they may be allowed to represent to this House the great Importance of our Trade to and from our own Plantations in America, the clear and indisputable Right which we have to enjoy it, without being stopped, visited, or searched by the Spaniards on any Pretence whatsoever, and the certain and inevitable Destruction of all the Riches and Strength derived to this Kingdom from that Trade, if a Search of British Ships sailing to and from the British Plantations be tolerated upon any Pretext, or under any Restrictions, or even if the Freedom of this Navigation should continue much longer in this State of Incertainty.

This Petition was ordered to be referred to the Consideration of the Committee, who were to consider of the Convention; and that the Petitioners, if they thought fit, might be heard upon their Petition, by themselves, before the said Committee.

Referr'd to a Committee.

At the same Time the Sheriffs of the City of London presented to the House a Petition of the Lord-Mayor, Aldermen, and Commons of the City of London, in Common-Council assembled; which Petition being brought up and read, set forth, That the Citizens of London are too deeply inte-

Petition from the City of London.

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rested in whatever affects the Trade of this Nation, not to express the utmost Anxiety for the Welfare of that only Source of our Riches; and it is with a Concern the Petitioners are unable to express, that they perceive the Trade to his Majesty's American Colonies still continues exposed to the Insults of the Spaniards, who under unwarrantable and injurious Pretences continue to stop, search, and make Prizes of British Vessels navigating the American Seas, in manifest Violation of the Treaties subsisting between the two Crowns; and that the Petitioners apprehend that the Trade from these his Majesty's Kingdoms to his American Colonies is of the utmost Importance, and almost the only profitable Trade this Nation now enjoys unrivall'd by others; and that the Petitioners were induced to hope, from his Majesty's known Goodness and paternal Care of his Subjects, supported by the vigorous Resolutions of both Houses of Parliament, and the Equipment of a very powerful Fleet, that his Majesty's trading Subjects in the Seas of America, as well as in all other Parts of the Ocean, would not only have received a full Satisfaction for their Losses occasioned by the Depredations of Spain, but also an undoubted Security for their Commerce for the Time to come; and that a reasonable and adequate Reparation would likewise have been obtained for the Barbarities and inhuman Cruelties exercised by that Nation on the English Seamen who have had the Unhappiness of falling into their merciless Hands; and expressing their great Concern and Surprise to find by the Convention lately concluded between his Majesty and the King of Spain, that the Spaniards are so far from giving up their, as the Petitioners apprehend, unjust Pretensions of a Right to visit and search our Ships in the Seas of America, that this Pretension of theirs is among others referred to the future Regulation and Decision of Plenipotentiaries appointed on each Side, whereby the Petitioners apprehend it is in some Degree admitted; and that the Petitioners conceive they have too much Cause to fear, if the Right pretended to by Spain of searching British Ships at Sea be admitted in any Degree whatsoever, that the Trade of his Majesty's Subjects to America will become so precarious, as to depend in a great Measure upon the Indulgence and Justice of the Spaniards, of both which they have given, for some Years past, such Specimens, as the Petitioners think this Nation can have no Cause to be satisfied with; and expressing the Apprehensions of the Petitioners, that such a precarious Situation as this is, must inevitably expose the Trade to the American Seas, to continual Interruptions and Alarms, as well as several Losses; and that to these unhappy Causes, the Petitioners apprehend the present low State of the British Colonies in America may in
in a

a great Measure be attributed; and if the cruel Treatment of the English Sailors, whose hard Fate has thrown them into the Hands of the Spaniards, should be put up without any Reparation, the Petitioners apprehend it may be the Means of deterring Seamen from undertaking Voyages to the Seas of America, without an Advance of Wages which that Trade, or any other, will not be able to support; and that the Petitioners therefore having laid before this House the high Importance this Trade is of to the Kingdom in general, and this City in particular, thought it their indispensable Duty to represent to this House the fatal Consequences of leaving the Freedom of Navigation any longer in Suspence and Uncertainty; and therefore expressing their Hope, that this House will take it into mature Deliberation, and do therein as to the House shall seem meet.

Which Petition was referred to the same Committee.

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Likewise at the same Time a Petition of the Master, Wardens, Assistants, and Commonalty of the Society of Merchants Adventures within the City of Bristol, under their common Seal, was presented to the House, and read: Which Petition being the same in Substance as that of the West India Merchants just recited, was referred to the same Committee; and it was ordered, that the Petitioners, if they thought fit, might be heard upon their Petition by themselves, before the said Committee.

Referr'd to the same Committee.
Petition from the British Merchants.

Referr'd to the Committee.

And also at the same Time, a Petition of the several Persons whose Names were thereunto subscribed, Owners and Freighters of two British Ships taken by the Subjects of his Catholick Majesty, after the signing of the preliminary Articles of Peace by the two contending Powers, Great Britain and Spain, in behalf of themselves and the rest of the Sufferers, was presented to the House and read; setting forth, that one of the aforesaid Ships, called the Betty Gally, commanded by Richard Copithorne, was taken on the 29th of June 1727, N. S. in the Mediterranean-Sea, on her Voyage from Messina, by a Spanish Privateer under Turkish Colours, after five Hours Engagement, wherein three of his Men were killed, the Petitioner Richard Copithorne and three more wounded, and for nine Days kept naked; and after other inhuman Usage, the said Ship was carried into Malaga, and on the 14th of October following was there condemned; and that the other Ship, called the Loyal Gally, commanded by William Pugsley, was also taken on the said 29th of June 1727, N. S. in the same Seas, on her Voyage from Leghorn, by another Privateer, and carried into Malaga, and on the 14th of October following was also condemned; and that the preliminary Articles were signed at Paris the 31st of May 1727, N. S. which was twenty-nine

Petition of Copithorne and the Owners of the Betty Gally.

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Days before the said Ships were taken; and upon the 19th of June 1727, his Catholick Majesty accepted and signed the said Preliminaries; and upon the 23d following all Hostilities ceased at Gibraltar and the Camp of St. Roche; and upon the 26th of the same Month, the Cessation of Arms was published on board the British Fleet, and also at the same Day at Malaga; and that the Petitioners apprehend they are entitled to Satisfaction, as being expressly provided for by the 5th and 7th Articles of the Preliminaries in the following Words:—Article the 5th, ‘Immediately after the signing of the present Article, all Hostilities whatsoever, if any have happened to be begun, shall cease; and, with respect to Spain, within eight Days after his Catholick Majesty shall have received the signed Articles.’—Article the 7th, ‘If after the signing of these Preliminaries, any Disturbances should happen to be raised, under any Pretext whatsoever, or Acts of Hostilities committed between the Subjects of the contracting Powers, either in Europe or in the Indies, they shall by joint Assistance repair the Damages sustained by their respective Subjects.’—And that frequent Applications have been made in the most respectful Manner by the Petitioners, who have hitherto received no Satisfaction, although they have given in their respective Claims upon Oath, conformable to the Method prescribed for that Purpose in the London Gazette of the 9th of April 1730; and that the Petitioners fear they are excluded from any Satisfaction by the present Convention, they having lately been informed by a Message from one of the Commissaries, that the King of Spain would not allow of any Claims to be good, but for such Ships only as were taken in Europe after the 2d of July 1727, N. S. and therefore praying the House to take the Hardships the Petitioners labour under into Consideration, that they may have such Assistance and Relief as the Case requires, and as to the House shall seem meet.

Referred to the said
Committee.

This Petition was likewise referred to the same Committee.

Petition from the
Merchants of Liver-
pool.

On the 26th a Petition of the Merchants trading from the Port of Liverpool to his Majesty's Plantations in America, on behalf of themselves and many others concerned in that Trade; was presented to the House, and read; setting forth the same in Purport and Manner as that of the West-India Merchants.

Petition of the
Owners of the Ship
Sarah.

Likewise a Petition of George Packer, Richard Farr, Thomas Ross, and Thomas Roach, of the City of Bristol, (Owners of the Ship Sarah, Jason Vaughan Master) in behalf of themselves and others interested in the said Ship, her Cargo and Freight, was presented to the House and read; setting

setting forth, That on the first Day of June, in the Year 1738, the said Ship sailed fully laden from the Island of Jamaica, directly for the Port of Bristol, but, after attempting the Windward Passage for about seventeen Days without Success, was obliged to return and make her Voyage through the Gulf of Florida; and on the 29th Day of the same Month, in the Latitude of twenty-four Degrees and twenty-eight Minutes, as the said Ship was proceeding on such her Voyage, and being then about fifty-five Leagues distant from the West End of the Isle of Cuba, she was with her whole Cargo seized by a Spanish Man of War, and carried into the Havana, there condemned as a Prize, contrary, as the Petitioners presume, to the Law of Nations and the subsisting Treaties; the Value of which said Ship and Cargo, at the Time of such Seizure, as the Petitioners are advised, was nine thousand Pounds Sterling and upwards; and that the Master and Mariners of the same Ship were imprisoned, and otherwise most inhumanly treated by the Captors, and carried by them into Old Spain, where the said Master yet continues a Prisoner; and therefore praying the House to take the Premises into Consideration, hear the Petitioners by themselves or Counsel, and grant such Relief thereupon, as to the House shall seem meet.

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And also a Petition of the Trustees for establishing the Colony of Georgia in America, was presented to the House and read; setting forth, that his Majesty, by his Royal Charter bearing Date the 9th of June 1732, granted to the Petitioners and their Successors for-ever, seven undivided Parts of all those Lands, Countries, and Territories in that Part of South-Carolina in America, which lies from the most Northern Stream of the Savannah River, all along the Sea-Coast to the Southward, unto the most Southern Stream of the Alatomaha River, and Westward from the Heads of the said Rivers in direct Lines to the South-Seas, with the Islands in the Sea lying opposite to the Eastern Coast of the said Lands, within twenty Leagues of the same; all which his Majesty thereby made, erected, and created one independent and separate Province, by the Name of Georgia; that John Lord Carteret (the Proprietor of the other undivided eighth Part of the said Lands, Countries, and Territories, which his Majesty granted to the Petitioners) by Indenture bearing Date the 28th Day of February 1732, granted and released all his Right and Property in the undivided eighth Part of Georgia, in the same Manner, to the Petitioners and their Successors for-ever; and that the Province of Georgia was granted to the Petitioners in Trust for settling and establishing a regular Colony in the Southern Frontiers of Carolina, and not for any Benefit or Profit

Petition of the
Trustees for Georgia.

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whatsoever to the Petitioners ; and that by divers Sums of Money granted by Parliament for this Purpose, and by voluntary Contributions, the Petitioners have been enabled to send at several Times poor British Subjects, and Foreign persecuted and other Protestants, to settle in Georgia, who, as well as others that went thither at their own Expence, have erected Houses and cultivated Lands in several Parts of the Province, and particularly in the Northern and Southern Parts thereof ; and whereas in a Letter from Monsieur Geraldino (then Agent for the King of Spain) to his Grace the Duke of Newcastle, bearing Date the 21st of September 1736, (a Copy whereof was sent to the Petitioners by the Command of her late Majesty when Guardian of the Kingdom, for the Petitioners Answer thereto) it is asserted, that the Colony of Georgia, being to the Southward of the Colony of Carolina, is without Dispute on the Territories of the King his Master ; and whereas by a Convention between Great Britain and Spain concluded at the Pardo the 14th of January last, N. S. it is agreed, that the Regulation of the Limits of Florida and Carolina should be committed to Plenipotentiaries to confer and finally regulate the respective Pretensions of the two Crowns, according to the Treaties therein mentioned ; that therefore the Petitioners, in Discharge of that great Trust, which his Majesty has been graciously pleased to repose in them, and being fully satisfied of the undoubted Right and Title of the Crown of Great Britain to the said Province of Georgia, think it their indispensable Duty to lay this State of their Case before this House, and to implore their Protection in behalf of this Part of the Dominions of the Crown of Great-Britain in America, intrusted to the Care of the Petitioners ; and also in behalf of his Majesty's Subjects in Georgia, for whose Safety and Welfare the Petitioners are deeply concerned.

Debate upon hearing the Petitioners' Counsel.

Some Doubt arising in the House whether the Merchants should be heard by their Counsel, Mr. Alderman Perry spoke to the following Effect.

Sir,


Alderman Perry.

‘ From the Number of Petitions that are now ready, or preparing to be presented to us, against our late Convention with Spain ; from the Rank and Character of the several Petitioners ; and from the Allegations set forth in the Petition that is now before us ; we have great Reason, I think, to conclude, that our Convention is far from being such a one as it ought to be. From the great and considerable Bodies of Merchants that have petitioned, or are preparing to petition against it, and from our seeing not so much as one Petition in its Favour, we must conclude, that the whole Body of our Merchants think it a most dishonourable, disadvantageous,

vantageous, and dangerous Treaty. On the other hand, Sir, we ought in Charity to believe, that our Ministers who negotiated this Convention, and our Ministers who advised his Majesty to ratify it, thought it either a good one, or at least, the best that our present Circumstances would permit us to insist on. Therefore, when this Convention comes to be examined in this House, we ought to consider ourselves as Judges in an Affair in which the whole Body of our Merchants, Planters, and Sailors are Plaintiffs, and our Ministers and Negotiators Defendants; and in an Affair of such Importance, an Affair in which the Parties concerned are of so great Consequence, surely it will be allowed, that it behoves us not only to have the best Information both as to Matters of Right and Matters of Fact, but also to have all the Proofs and Arguments that can be brought upon either Side of the Question, stated and laid before us in the most methodical, the fullest, and the clearest Light.

For this Reason, Sir, it is, I think, absolutely necessary for us, not only to refer this Petition to the Committee who are to consider of the Convention, which I am confident no Gentleman will oppose; but I likewise think it absolutely necessary to allow the Petitioners to be heard before that Committee, either by themselves or Counsel, with regard to this Convention, which they so heavily, and, I am afraid, so reasonably complain of; and, if our Ministers and Negotiators have a Mind to justify their Proceedings, they may move, or get one to move for them, that Counsel may at the same Time be heard in favour of this Child of theirs, which, like other monstrous Births, is in some Danger of being smothered upon its first Appearance in the World. As I have no intimate Correspondence with them, nor with any one of them, I cannot pretend to guess at what they may in this Case resolve on; but, as I have always had a good Correspondence with our Merchants and Planters, I may venture to say, that such of them as are now Supplicants at our Bar, will be glad of being admitted to be heard by their Counsel upon this Occasion; and will be far from grudging any Expence, that may be necessary for giving us a full and clear View of the important Affair that is soon to come before us: Therefore I shall conclude what I am to say upon the present Occasion, with a Motion to this Effect, That the Petition now presented to us be referred to the Consideration of the Committee of the whole House, who are to consider of the Convention between Great-Britain and Spain, concluded at the Pardo, Jan. 14, 1739, N. S. and the separate Articles belonging thereunto, with the several Ratifications thereof; and, that the Petitioners, if they think fit, be heard upon
their

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their Petition, either by themselves or Counsel, before the said Committee.

‘ This, Sir, I take to be so reasonable a Proposition, that I hope no Gentleman will oppose it. However, before I make my Motion, I shall beg leave to observe, that in all Trials at Law, even in criminal Trials, where by the common Method of Proceeding Counsel are not admitted to be heard, wherever a Point of Law comes to be disputed, Counsel are always admitted to speak to such Points for the better Information of the Judges ; and yet, I hope, I may be allowed to presume, that our Judges, especially of late Years, are as much Masters of the Laws of their Country, as the several Members of this House can be supposed to be of the Law of Nations, and of the several Rights and Privileges which are founded upon that Law, or upon the particular Treaties now subsisting between us and Spain. Therefore, when any such Right or Privilege comes to be disputed before us, there is at least as great a Necessity for admitting Counsel to be heard upon such Points for our Information, as there can be for admitting Counsel to be heard upon any Point of Law for the Information of our Judges.

‘ If we attend, Sir, to the Petition now upon our Table, we shall from thence see, that when the Convention comes to be taken into Consideration, there are several Matters of Right that must be enquired into, and some of them may, perhaps, be disputed even by some Gentlemen in this House. We know that the Spaniards have lately pretended to a Right to visit and search British Ships, sailing to and from the British Plantations : This is a Right which I believe no Gentleman in this House will pretend to justify ; however, as the Spaniards do pretend to justify it, or at least have exercised it, it is a Point of Right which ought to be fully enquired into, before we can judge of the Convention. But there is another Point of Right or Law that will, I believe, be disputed even in this House, and that is, Whether this Right of Visiting and Searching our Ships in the open Seas, which the Spaniards lay Claim to, is not in some Degree admitted by us, by our agreeing to refer this Pretension of theirs to the future Regulation of Plenipotentiaries ? For if there is the least Ground even for the Spaniards to alledge, that we have by such Reference in any Degree admitted of this Pretension, surely every Gentleman who has a Regard for the Honour and Happiness of his Country, will condemn a Treaty which gives the Spaniards any Ground to say so. And whether they may not from this Treaty have, or pretend to have some Ground for saying so, is a Point of Right which the Petitioners seem to apprehend, and which several Gentlemen in this House, as well as I, think we have Reason

son to apprehend, though our Apprehensions will certainly be said to be groundless, by all those who are Favourers of the Convention. But as this is a Point which will, and must be judged of by Foreigners as well as by us, we ought to have it fully argued, before we pass any Judgment upon it.

‘ As this Point in particular, Sir, depends upon the Law of Nations, and upon the Construction that is usually put upon preliminary Articles or Conventions, we cannot suppose that the Petitioners are capable of giving us any Light into this Affair; and therefore, if it were but for the Sake of this Point only, we ought to allow them to be heard by their Counsel upon this Occasion. There may be other Points of Right, which ought to be enquired into: I believe there are several others which we ought to insist on, as the undoubted Rights and Privileges of this Nation; and yet the general Reference contained in this Convention, may hereafter give Spain a Pretence to say, that even we ourselves admitted them to be such as were disputable. For this Reason, Sir, before we pass any Judgment in an Affair of so great Consequence to the Honour, Trade, and Navigation of this Kingdom, we ought strictly to examine into the Import and Meaning of those Words in the first Article, by which it is agreed, ‘ That the Plenipotentiaries respectively named by ‘ their Britannick and Catholick Majesties shall confer, and ‘ finally regulate the respective Pretensions of the two ‘ Crowns, as well with relation to the Trade and Navigation ‘ in America and Europe, and to the Limits of Florida and ‘ of Carolina, as concerning other Points which remain ‘ likewise to be adjusted.’ I say, Sir, we ought strictly to examine into the Import and Meaning of this unlimited Reference, before we pass any Judgment; and as the Import and Meaning of these Words must intirely depend upon the Law of Nations, and the Nature of preliminary Conventions, we cannot expect full Satisfaction as to this Point from the Petitioners; we can no way expect full Satisfaction, but by hearing learned Gentlemen argue upon it, who have made such Points their particular Study.

‘ I believe, Sir, it will be admitted by every Gentleman, both within Doors and without, that a definitive Treaty, containing a full and express Acknowledgment of all our Rights and Privileges, would have been much better than this preliminary Convention: Considering the vigorous Resolutions of both Houses of Parliament last Session, considering the Spirit which at present prevails among all Ranks and Degrees of Men in this Kingdom, and considering the great Expence the Nation was put to last Summer, I believe it was what most Men expected: Yet notwithstanding, if none of our undoubted Rights or Privileges are rendered doubtful, or

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any way invalidated by this preparatory Way of Treating we may excuse our Negotiators for agreeing to such Preliminaries for the Sake of Peace, provided it appears they had good Reason to hope that those Preliminaries would be soon followed by a sincere and satisfactory Treaty ; but, I hope, Sir, this Nation is not yet brought so low, nor are we so fond of Peace, as to give up any of our Rights, or agree to any thing for present Ease, that may lay a Foundation for contesting some of our most valuable Rights in Time to come. Such an unlucky Situation, I hope, I am convinced, the Nation is not yet reduced to, whatever some Gentlemen may be, who perhaps consider their own immediate Ease, more than they consider either the Honour or the Interest of their Country.

‘ But suppose, Sir, there were no Matters of Law or Right to be explained to us, suppose it were no Way necessary to have the Law of Nations, or the Nature of preliminary Conventions explained to us, yet the Facts that are to be laid before us upon the present Occasion, are so numerous, and of such various Kinds, that it is not possible to have them methodically and regularly summed up without the Assistance of Counsel. We must see that it will be necessary for us to examine a great many Witnesses with regard to those Depredations that have been committed by the Spaniards both before and since the Treaty of Seville ; with regard to the Importance of our Trade to and from our Plantations in America ; with regard to the Dangers that Trade may be exposed to, if a Search of British Ships sailing to and from the British Plantations should be tolerated upon any Pretext, or under any Restrictions ; and with regard to several other Points I could mention : Every one of these Witnesses may be able to give us an Account of some of the Facts he knows ; but from daily Experience we may suppose, that even those Accounts will be but lamely and indistinctly given, unless we have Counsel at our Bar, who know how to put the proper Questions to them ; and when all the Witnesses have been examined, we cannot suppose that any of the Petitioners will be able to sum up the Evidence, to digest all their Testimonies under their proper Heads, and to make such Remarks upon each Point of Evidence, as may be necessary for putting it in the clearest and strongest Light ; for when a Subject is very copious, and a great many Facts of divers Kinds to be related, it is not possible for any Gentleman not exercised in the Art of Speaking, or not accustomed to speak before a numerous Assembly, let his Qualifications otherwise be never so great, to give a regular, distinct, and full Account of the Whole.

‘ From what I have said, Sir, I think it must appear, that it will be extremely proper for us to have the Assistance
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of Counsel upon this important Occasion. Nay, it is what I it is what I think those Gentlemen must be fond of, who are the greatest Friends to the Convention; for if it any way deserves those high Encomiums that have been made upon it, by some Gentlemen without Doors, the more clearly, the more distinctly, and the more fully this whole Affair is laid before the House, the more we shall be sensible of the great Honour and Advantage the Nation may reap by this preliminary Treaty; the more easy will it be for them to answer any Objection that may be made against it: For this Reason I cannot suppose, that the Motion I am to make will meet with any Opposition; and therefore I shall add no more, but conclude with moving, That the Petitioners may be heard by themselves or Counsel, as I have before mentioned.

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Mr. Pelham.

‘ Though I am as fond as any Gentleman in this House can be, of receiving all possible Information relating to the Convention we have lately concluded with Spain; tho’ I shall be glad to have that Information laid before us in the most full and methodical Manner, yet I cannot altogether approve of what the honourable Gentleman has been pleased to propose. And indeed it is because I am for having all proper Information relating to that Affair, and for having that Information laid before us in the most natural, clear, and succinct Manner, that I shall be against agreeing to some Part of his Proposition. I shall willingly concur with him in ordering the Petition now presented to us, to be referred to the Committee who are to consider of the Convention: I shall likewise concur with him in allowing the Petitioners to be heard by themselves before that Committee; but I cannot concur with him in giving them leave to be heard by themselves or Counsel; because in the Case now before us I do not think it proper to admit either those who have already petitioned, or any of those who may hereafter petition, to be heard by Counsel; and, my Reasons for being of this Opinion, I must beg leave to lay before you.

Mr. Pelham.

‘ I have a great Respect Sir for the learned Gentlemen of the Law, and shall always be glad to hear them hold forth at our Bar upon every proper Occasion; but I hope they will excuse me if I say, that I do not think their Manner of stating the Case, or relating Facts, the most natural: I hope they will pardon me, even if I should say, that it may sometimes serve to confound, instead of instructing their Hearers. Nay, as it is the Custom among them to be ready to take a Fee upon either Side of any Question, that may occur either in this House or any other Court of Judicature, they must make it their Business to learn how to

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dress up a bad Cause in such fine Trappings, as to make it pass for a good one. Therefore, in Cases where no Matter of private Right or Property is to be disputed, I shall always be against exposing myself, or any other Gentleman in this House, to the Danger of being confounded or imposed on by Flowers of Oratory, or by an artful Manner of stating the Case, either on the one Side or the other; because, I can say, for my own Part at least, that I am afraid, lest I should by such Means be persuaded to think that a good Cause which is really a bad one, or that a bad Cause which is really a good one! and my Fears in this Respect always encrease in Proportion to the Importance of the Case, in which I am to give my Judgment.

‘ After having thus shewn, Sir, the Danger of admitting Counsel to be heard before us, in any Case where it is not absolutely necessary, I must observe, that with regard to Facts, we can, in no Case suppose that Counsel can give us any Information, but such as they are instructed to give by those that employ them. In the present Case it is the Petitioners that must instruct them what Facts they are to insist on, what Witnesses they are to call for proving those Facts, and what may be the proper Questions to be put to each Witness; and, if we suppose the Petitioners capable of instructing their Counsel in all these Particulars, we must suppose them capable, by themselves of instructing this House, and of giving us all the Information as to Facts, that we could expect from their Counsel. I say, we must not only suppose them capable of doing it, but I am convinced they will do it in a more natural and succinct Manner, than the learned Barristers equally do. Facts, Sir, are plain Things, they may be disguised, but they cannot be cleared up by Eloquence; therefore, in all Cases where nothing but Facts are to be enquired into, the more numerous the Assembly is that is to judge them, the more Danger there is in allowing them to be stated or summed up by those whose Profession it is to be eloquent; and for this Reason I think we ought, in the present Case, to have all those Facts that may be necessary to be laid before us, stated in the most plain and natural Dress, which we may expect from the Petitioners themselves, but cannot from their Counsel.


‘ Then, Sir, as to Points of Right or Law, I do not think it possible that any such can arise with regard to the Convention. As to those the honourable Gentleman has been pleased to mention, I do not think that any one of them will be disputed in this House. Surely no Gentleman in this House will say, that the Spaniards have a Right to search any British Ship upon the High Seas: Nor do I believe that any Gentleman in this House will deny the Importance of
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our Plantation Trade, or that it will be exposed to great Dangers and Inconveniences, in case the Spaniards should be allowed to search our Ships sailing on the High Seas, upon any Pretext, or under any Restrictions. And as to the Point, whether we can be supposed to have admitted in any Degree of such a Search, by referring all Matters in Dispute between the two Nations to be regulated by Plenipotentiaries? It is a Point in which I think there can be no Question: I am sure no Gentleman in this House will say, that from such a Reference any such Thing can be supposed. If a Man should claim 1000 Pounds of me, may not I submit to hear his Reasons, and examine his Vouchers, though I know I owe him nothing? Does this Submission shew any Acknowledgment in me, that that Sum, or any other Sum, is really due? So far otherwise, Sir, that I should think myself bound in Charity to confer with him upon the Subject, to the End that I might have an Opportunity to convince him of the Unreasonableness of his Demand, or Falsehood of his Vouchers, and thereby prevent his being induced to ruin himself by commencing an unjust Law-Suit against me. This, I say, I should think myself bound in Charity to do, especially if that Neighbour and I were in such Circumstances as made it our mutual Interest to cultivate a mutual Friendship; and, that this is the Case between Spain and us, I believe no Gentleman will deny. This, Sir, is all we have done with regard to the present Disputes between Spain and us: We have agreed to hear what they have to say, for no other End but to convince them that there is not the least Foundation for the Claims they have lately set up; and this we have done out of Charity to them, as well as out of Regard to our own Interest, in order to prevent an open Rupture between two Nations, whose mutual Interest it is to live in mutual Friendship. By the Reference we have agreed to, we cannot be supposed to have given up, or in the least invalidated any of our Rights or Privileges. We cannot be supposed to have admitted, in any Degree of any of their Claims: At least no such Supposition can be made by any but those who have a Mind to suppose so, only for the Sake of finding Fault with the Convention.

‘ This Nation, thank God! Sir, is far from being in any unfortunate Situation. I hope it will never be reduced to the fatal Necessity of giving up any of its valuable Rights or Privileges, for the Sake of Peace. I hope no Man has any Influence in his Majesty’s Counsels, that for any selfish Consideration would advise him to do so. I am sure his Majesty would reject such Advice with the utmost Disdain; and therefore no Man, if he were wicked enough, will be so bold as to give it. But there are some Persons in the Nation, tho’
none

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none in this House, who are Enemies to his Majesty and his Family ; and as such Persons place all their Hopes in Insurrections and Invasions, they endeavour to make the World believe, that this Nation is reduced to the lowest and most contemptible Condition, by which they hope to serve a double Purpose ; for at the same Time that it contributes towards rendering our own People disaffected, they think it will encourage Foreigners to invade us, or provoke us to War, by refusing to do us Justice. This may have some Effect upon some ignorant and unthinking People, but no Man of Sense can be so imposed on ; and it is now, I hope it will always be, in our Power, as soon as we think it necessary, to make our Enemies sensible, that our Forbearance proceeded from our Wisdom, and not from our Weakness or Pusillanimity.

‘ From what I have said, Sir, it will appear, that none of those Points of Right that have been mentioned, can come to be disputed in this House ; and surely we have no Occasion to hear Counsel, as to Points of Right which no Man will contest. But now suppose they were all to be contested, even in that Case, we could have no Occasion to take up our Time with hearing Counsel. All the Points that have been mentioned, and all the Points of Right that can come before us upon the present Occasion, are of a publick Nature ; and, with respect to Matters of publick Right, there are many Gentlemen in this House, that understand them better, and can explain them more fully and clearly, than any Lawyer, whose Time is chiefly employed in studying the municipal Laws of his Country. I believe there is not a Gentleman in this House but would chuse, I am sure I would chuse, to hear the honourable Gentleman himself upon such a Subject, rather than any Lawyer in the Kingdom. It is in Matters of private Right of Property only, where the hearing of Counsel can be of any Advantage to us ; because, as such Matters are generally more perplexed than Matters of a publick Concern, Gentlemen who do not make it their particular Study, cannot be supposed to know all the Laws and Customs that may relate to them, or the Precedents by which they ought to be regulated.

‘ In such Cases, Sir, in all Cases, where the private Right or Property of any Man in the Kingdom is to be affected by any Thing that is to pass in this House, I know it is usual to admit their Petitioners to be heard by the Counsel ; but I know no Instance where Counsel have been admitted, in any Case, where national Right or Privileges only could be said to be affected. I am far from thinking that any national Right or Privilege can be in the least affected, by our late Convention

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tion with Spain; but, if this were the Case, I think it would be a bad Precedent to admit Counsel to be heard upon such an Occasion. I know the Subject has a Right to a petition, even upon such Occasions: I shall always be not only for preserving that Right, but for encouraging the Practice. But, in all Cases, we have a Right to hear them or not, as we see Cause; and in Matters of a publick Concern we seldom hear them even by themselves. In Money Bills we never do: It is almost a general Rule, not so much as to receive Petitions against such Bills; and it would be extremely inconvenient to introduce the Practice of hearing Counsel in Cases of a publick Nature. If such a Practice should become frequent, our Sessions of Parliament would become not only annual, but continual. We shou'd be obliged to sit from one Year's End to the other; in which Case, it wou'd be necessary to revive the ancient Custom of paying Wages to our Parliament Men; and, as Money is now of much less Value than it was when that Custom prevailed, it would likewise become necessary to increase those Wages, which would be a new and a heavy Charge upon all the Counties, Cities, and Boroughs in the Kingdom.

Whoever therefore may be the Parties, Plaintiff and Defendant, when we come to take this Convention into our Consideration, it must, I think, Sir, appear to be a Precedent of a very dangerous Nature, to admit the Petitioners against it to be heard by their Counsel. For my own Part I am far from thinking, that the whole Body of our Merchants, Planters and Seamen, will appear as Plaintiffs against it. What Means may have been used for spiriting up Petitions against it, I shall not pretend to determine; but, I believe, if any Means had been made use of for spiriting up in its Petitioners Favour, we should have had as many Petitions of the one Side as the other; for I cannot but think, that the greatest Part of our Merchants, Planters, and Seamen, will always be for preserving Peace, if possible. And as to those who were concerned in negotiating this Treaty, I believe they think it stands in no Need of Counsel for its Justification: I believe they think it will sufficiently speak for itself; and therefore will not desire to have it recommended by the Arts of Eloquence; and, as I think the admitting of Counsel to be heard against it, is not only unnecessary, but in several Respects dangerous; as I think it would be taking up a great deal of our Time to little Purpose, I shall therefore conclude with moving for an Amendment to the honourable Gentleman's Motion; which is, That the Word *either*, and the Words *or Counsel*, may be left out of the Question.

Sir

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Sir W. Windham.

Sir William Windham.

Sir,

‘ I am glad to find that the honourable Gentleman who spoke last, is for shewing some Sort of Regard to the Petition now before us. I confess I had some Apprehensions, that this Petition would have been treated as the Petition of the City of London against the late infamous Excise Scheme was treated; that you would only have ordered it to lie upon the Table; because, I am convinced the Petitioners, if they are allowed to be heard, either by themselves or Counsel, will be able to make out all they have alledged, and more than they have alledged in their Petition.

‘ But, for my own Part, Sir, I must say, with respect to this Scheme of Peace, this Convention now before us, I do not think I stand in need of any Information the Petitioners can give, for assisting me to form a right Opinion of it. Upon the very Face of it, and at first View, it appears to me to be not only the most disadvantageous, but the most dishonourable Treaty we ever made. Nothing I think can in the least excuse our agreeing to it, but our being in the most unfortunate, the most contemptible Situation, an independant Nation was ever in; and this, I am sure the Petitioners cannot shew. If we are in such a Situation, which God forbid, it is those only who made this Treaty that can shew it; but if they should tell us that this was their Reason for advising his Majesty to ratify such a Treaty, it is far from being an Argument for our approving it. Unlucky Circumstances, either at home or abroad, may be a Reason for suspending our Resentment, but it can never be a sufficient Reason for our agreeing to a dishonourable Treaty; and, if we are in such Circumstances, it is the Duty of this House to enquire into the Conduct of those who have brought us into such Circumstances, and to punish them for their Wickedness or Folly; for this Nation can never be brought into such Circumstances but by the extreme Wickedness or Folly of those who have been intrusted with the Administration of our publick Affairs.


‘ This, I say, Sir, is the Opinion I have already formed: It cannot be made worse by any thing the Petitioners or their Counsel can say against, and I do not believe it will be made better by any Thing that can be said in Favour of this Convention. But as some Gentlemen may not yet look upon this new Treaty, or rather Preliminary to a Treaty, in the same Light I do, and as I think it necessary we should be as unanimous as possible in an Affair of so great Importance, I shall be for giving as much fair Play as possible both to our Merchants, and to those whom I must upon this Occasion look

look on as their Antagonists, I mean our Negotiators, and others who were concerned in cooking-up this whetting Morsel, which they seem to have contrived on Purpose to make us digest any Treaty Spain, in all her Haughtiness, shall please to vouchsafe. I say, Sir, I shall be for giving both these Parties as much fair Play as they can desire, and therefore I shall be for allowing the Petitioners to be heard by themselves or Counsel. When we have given them this Liberty, they may then chuse which they think best ; and as they know their own Abilities, and the several Matters they have to lay before us, much better than we can pretend to, they are certainly better Judges than this House can be, whether it will be necessary for them to have Counsel ; for unless they think it absolutely necessary for them to employ Counsel, we may depend on it they'll save themselves the Expence.

I am sorry to find, Sir, that those who are against this Question, should think it necessary upon this Occasion to say any thing that may look like a Reflection upon the learned Gentlemen at the Bar. As they are not to set themselves up as Judges in any Case they are employed in, it is their Business, it is their Duty, where no palpable Fraud appears, to state their Client's Case in the fairest Light they can ; and if, upon one Side of the Question, the Case be designedly put in a confused, or in a false deceitful Light, or if any sophistical Arguments be made use of, it is the Business of those who are employed on the other Side, to state the Case in a clear Light, to expose the Falshood or Deceit, and to shew the Sophistry of the Arguments made use of by their Antagonists. This renders it almost impossible for the Judges, or indeed for any Hearer, to be deceived or imposed on by the Art of the Speaker, upon either Side of the Question ; and therefore the admitting Counsel to be heard in any Case, either of a publick or private Nature, can never be of the least dangerous Consequence, but on the contrary, must always be of great Use for giving the Judges a clear and distinct Notion of the Case in which they are to give Judgment, and of the Arguments that may be made use of upon both Sides of the Question.

As the Gentlemen at the Bar are never, in any Case which they plead, to give their Judgment or their Vote, they may therefore lawfully, honestly, and honourably take a Fee for pleading any Cause they undertake ; but where a Man is to give his Judgment or his Vote, I am sure every Gentleman in this House will agree with me, that it is neither honourable, honest, nor lawful to take a Fee, or any other Reward, either for speaking or voting. He ought not so much as to accept of a Favour, or a Present from either of the Parties concerned in the Case, in which he is to

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give his Vote or Judgment. Nay, in such Cases, if a Man has any particular Attachment to one Side more than the other, he ought not to look upon himself as an impartial Judge in that Affair; for which Reason he ought to avoid giving his Opinion. In all Cases therefore where there are two Parties concerned, Gentlemen ought to examine themselves strictly, before they venture to give their Judgment or their Vote upon either Side of the Question; for though the Heart cannot perhaps be corrupted, the Judgment may be misled, by Favours received, or by personal Attachments.

As to Facts, Sir, I shall allow they are plain Things, more plain perhaps than some People desire. They are so plain, that I do not find they can be disguised by all the mercenary Eloquence in the Kingdom. But, as plain as they are, it requires some Art, some Practice to state them in their proper Light, especially where they are numerous and of various Kinds. But with regard to Facts, we know that true Eloquence consists in relating what are necessary, and no more than what are necessary; therefore, for saving Time, we ought to admit the Petitioners to be heard rather by their Counsel than by themselves; for as none of them are practised in the Art of Speaking, they may forget, or omit, to give us an Account of some of the most material Facts, and dwell upon others that are nothing to the Purpose; so that a great deal of our Time may be taken up in hearing a prolix Account of Facts that are of no great Signification, and yet at the End we may have but a very lame Account of those Facts which are the most material. Counsel, 'tis true, must have Instructions from those who employ them: They must have an Account from their Clients of the Facts that may be proved, and of the Witnesses that can prove them; but in the Course of the Examination some material Facts may be hinted at, which the Petitioners did not know of before. If Counsel were present at the Bar, they would immediately lay hold of such Hints, and by putting proper Questions might have them fully explained: Whereas, otherwise, such Hints may probably pass unobserved, and by that Means some of the most material Facts may remain in Obscurity. From whence we may see, that it is not always from the Client that the Counsel are to learn what may be the proper Questions to be put to each Witness. The Client may in general say, that such a Witness is to be examined as to such a Point; but it is the Counsel that must think of the proper Questions to be put to him, in order to make him give an Account of all he knows relating to that Point; and those Questions cannot so much as be thought of, but in the Course of the Examination; which no Man can be supposed so capable of, as those who

are daily conversant in such Affairs. Thus, Sir, it appears that, with regard to Facts, if we admit the Petitioners to be heard by themselves only, we may probably have a great deal more of our Time taken up, than if we were to admit them to be heard by their Counsel, and that we cannot expect so full and distinct an Account of all the material Facts, as we ought to have in an Affair of so great Importance. As we shall probably have a great many Petitions besides this now before us; as every one of those Petitions may complain of some particular Point that affects them only; the Examination of Witnesses must last for several Days, and must relate to Points of a very different Nature. In such a Case, can we suppose that any Gentleman, who has never made it his Business, will be able to sum up the Evidence? Let every Gentleman of this House apply the Case to himself: Let him lay his Hand upon his Heart and declare, whether he thinks he should be able to sum up the Evidence, notwithstanding his being acquainted with, and perhaps accustomed to speak in this Assembly. What then can he expect from any Gentleman that never was of this House, nor ever perhaps spoke before any public Assembly?

Now, Sir, as to Matters of Right or Property, the honourable Gentleman endeavoured first to shew, that no such Matter could come to be disputed before us. Sir, I believe the Rights of this Nation, that have been lately disputed by Spain, will not be in the least controverted before us. No Man will dare to stand up in this Assembly, and deny any of those Rights, that Spain has been lately allowed to dispute with us. It was inconsistent with the Honour of the Nation to allow them to be disputed in any Negotiation. That of a free Navigation upon the open Seas, is a Right so plain and evident, and of such Consequence, that we ought to have broke off all Manner of Negotiation, as soon as the Spaniards pretended to deny it; and since they had pretended to set up a Claim that was inconsistent with this Right, we ought never to have renewed our Negotiations with them, till they had previously relinquished that unjust Claim, and expressly acknowledged our Right. Whereas it now appears, that we have not only negotiated, but have treated without any such Relinquishment or Acknowledgment: Nay, we have expressly, by this Treaty, referred it, amongst others, to be regulated.

What the Meaning of this Reference may be, Sir, what Interpretation may be put upon it, is a Matter of Right that must be inquired into, before we approve of this Treaty. It is not what Meaning may be put upon it by this House, or by any Gentleman in this House, that we are to enquire into. It is what Meaning may be put upon it by Spain, or by Foreigners; for if the Court of Spain, or any foreign Court

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whatever, can suppose, that by this Reference we have in any Degree admitted of those Claims the Spaniards have lately set up against us, it will with them bring this Nation into Contempt; and surely the Parliament of Great Britain is not to approve of a Treaty that will bring Great Britain into Contempt, at any Court in Europe. It is not, Sir, because I have a mind to find Fault with this Treaty, that I suppose this Reference will be interpreted as an Admission of the most dangerous Claim Spain has set up against us: It is because I think such a Reference cannot be otherwise interpreted, that I must find Fault with this Treaty. Spain pretends to a Right to search our Ships upon the open Seas, and to confiscate the Ship and Cargo, if one Shilling's Worth of any Goods be found on Board, which they may please to call the Produce or Manufacture of their Plantations. This Right, among the rest, we have referred to be regulated. Is not this acknowledging the Right? Is it possible to regulate a Right that never was in Being? Let us put the Case the other Way. We pretend, and most justly pretend, to free Navigation on the open Seas. Formerly we pretended to a Dominion over the Seas; but now we are reduced to pretend only to what every independant State has a Right to by the Law of Nations; and even this Right we have, by this Treaty, referred to be regulated by Spanish Plenipotentiaries. Is not this the greatest Indignity that ever an independent Nation submitted to? Shall we allow Spain to prescribe Rules to the Freedom of our Navigation in the open Seas? If we should now say, we cannot admit of any such Thing, Spain may justly reply, you have already admitted it by your preliminary Articles; the only Thing the Plenipotentiaries have to do, is, to settle and agree upon those Rules which we are to prescribe.

If any Man should claim of me, Sir, 1000 £. which I knew he had not the least Pretence for, I should, perhaps, out of Charity, vouchsafe to hear what he could say in Justification of his Claim, but I should think myself a Madman, if, to avoid a Law-suit, I should submit such a Claim to Arbitration. We have heard the Reasons alledged by Spain, for every one of the unjust Claims they have lately set up against us. We have had the Patience to hear them over and over again, during the long Course of our Negotiations. We ought, I am sure we could, and I hope we have shewn them, that there is no Weight in any of the Reasons they have alledged, nor the least Foundation for any one of the Claims they have set up. This we might have done for once, without doing ourselves any notable Injury; but we negotiated too long, and now at last, by this Treaty, we have submitted all the unjust Claims they have set up against

us to Arbitration. They must have been convinced long before now, that they had no reasonable Pretence for refusing to do us Justice ; but, if they were not, can we hope that they will be more tractable, or less obstinate, in conferring, than we have already found them in negotiating ? Can we expect that the Arguments of Mr. Keene the Plenipotentiary will have greater Weight than the same Arguments had when urged by Mr. Keene the Envoy ? No, Sir, they will not now admit him to say, ' You have no Right to search out Ships upon the open Seas, under any Pretence whatsoever : ' They will tell him, ' You have already, by the preliminary Convention, admitted our Right ; your only Business now is, ~~we~~ propose to our Plenipotentiaries such Regulations as may make our Right of searching as little hurtful to your Trade as possible.' This is what I am convinced the Spaniards will say ; and whether or no they may have a Right from the Words of this Treaty to say so, is a Question of Right, which we ought to hear argued by Counsel, before we pass Judgment upon this Convention. If there be the least Pretence for their saying so, they have already got a great Advantage over us, by his Majesty's Ratification ; but they will get a much greater, by the Parliament's Approbation of that Treaty, which furnished them with such a Pretence.

Added in Gen. M.
1718-19.



I am glad to hear, Sir, from the honourable Gentleman, that the Nation is far from being in any unfortunate Situation ; because he ought to know, and I am convinced he never speaks contrary to what he thinks ; but whatever we may think or say within Doors, I am afraid a very different Opinion generally prevails without Doors. The People do not judge from what they hear, but from what they see and feel. They have felt themselves insulted, plundered, and cruelly used, by the Spaniards : They have as yet found no Reparation, nor do they know of any Vengeance that has been taken. On the contrary, it is well known both abroad and at home, that we have ~~not~~ submitted to repeated In-
sults and Depredations for many Years. We have submitted so long, that the Spaniards seem to think they have acquir'd a Right by Prescription to plunder our Merchants, and abuse our Seamen as often as they have a mind. From our suffering such Injuries and Indignities to pass unpunished, not only our own People, but every Foreigner that hears of it, may have some Reason to conclude, that the Nation is in a weak and contemptible Condition, or that some of those that have an Influence in our Counsels, are swayed by Motives inconsistent with the Honour and Interest of their Country. It is not from the Reports of his Majesty's Enemies, but from the Conduct of his Majesty's Ministers,
that

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that People form their Judgment; and therefore, if there be any one, either at home or abroad, that supposes this Nation to be in an unfortunate Situation, it must be imputed to his Majesty's Ministers, who, in this Respect, might indeed be justly called his Majesty's greatest and most dangerous Enemies.

In the Case now before us, Sir, we ought to consider rather what the People without Doors may think, or what Foreign Nations may think, than what any particular Gentleman of this House may think of our present Situation. From our past Conduct, I am afraid, Foreign Nations have already begun to form a very unfavourable Opinion of our Circumstances; but, if they should see a Treaty approved of by Parliament, containing any Words that can be interpreted as an Admission of a Right, which no independent Nation ever submitted to, they must form a most contemptible Opinion of us, and certainly will treat us accordingly. Therefore, I think it is absolutely necessary for us to hear Counsel, upon what may be thought to be the Import of that general Reference, which seems to be the chief Article of this Treaty.

I do not question, Sir, but that there are several Gentlemen in this House, who are pretty well acquainted with the Law of Nations, and the Nature of Treaties; I have one in my Eye, who must be allowed to be a great Master in this Way; for tho' he never made it his Profession, he is well known to have had great Practice; and, I make no Doubt of our having his Assistance, when this Treaty comes to be explained. But, no Gentleman, who never made this Study his Profession, can be supposed to be so well acquainted with it, as those that do. In one of our Courts of Justice, I mean our Court of Admiralty, we know that the Barristers or Advocates are obliged to make this Study their particular Profession; and as our other Barristers may happen to be employed in Appeals from that Court, most of them are obliged to make themselves thorough Masters of the Law of Nature and Nations, especially with regard to maritime Affairs. Therefore, when an important Question of any such Nature is like to come before us, it must always be of great Use to hear Counsel, before we give our Opinion upon the Question.

In any such Case, Sir, our admitting Counsel to be heard can never be a dangerous Precedent. If it were established as a general Rule, it could be attended with no bad Consequence; because such Cases rarely occur. But, if they were much more frequent, it would be no Argument against doing our Duty, which is, in all Cases, to endeavour to be thoroughly informed before we give our Opinion. If this should

Should prolong our Sessions of Parliament, and if the Length of our Sessions should make it necessary to revive the antient Custom of paying Wages to our Parliament Men, I cannot think that either would be a Loss to the Nation, or an Innovation of our Constitution. The last would certainly be an Advantage, because it would make our little Boroughs do as many of them have formerly done: It would make them petition to be freed from the Burden of sending Burgeses to Parliament; and if no little Borough in the Kingdom sent a Member to this House, it would, in my Opinion, be an Advantage to the Nation, and an Improvement of our Constitution; because the People would be much more equally represented.

‘ But now, Sir, suppose it were allowed to be an established Rule in our Proceedings, never to admit Counsel to be heard in any Case, where no private Right or Property is concerned; yet this could be no Argument against our admitting Counsel to be heard with regard to this Convention; because it must be granted, that the private Property of great Numbers of his Majesty’s Subjects is deeply concerned. The Claims of our Merchants, the Property they have been robbed of, amounts to above 400,000 Pounds. The very Petitioners now before us have a great Share in this Property; and shall we say their private Property is no way concerned, when that whole Claim is to be given up for 95,000 Pounds? Can a Man’s private Property be said to be no way concerned, when he finds himself in Danger of being obliged, by Authority of Parliament, to accept of less than five Shillings in the Pound, from a Debtor who does not so much as pretend to be Bankrupt or Insolvent?

‘ The People of Georgia and Carolina, Sir, have a Property in the Lands they possess, founded upon what ought to be held one of the most sacred Rights in the World, the King’s Grant, and their own Industry; and can their Property be said to be no way concerned, when Limits are to be settled, by which some of them must, and, for what they or we know, all of them may be stripped of their Possessions? I say, Sir, some of them must, and all of them may; for if we happen to be infected with the same complaisant Humour when we conclude the definitive Treaty, with which we seem to have been infected when we concluded the Preliminary Articles, I do not know but the Whole, or a great Part of South Carolina may be made a Present for keeping the Spaniards in good Humour. At least, some of the Southern Parts of Georgia must be given up; for it would have been ridiculous in us to refer the Limits between the Spaniards and us in Florida to be settled by Plenipotentiaries, if at the same
Time

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Time we had been resolved not to part with an Inch of what we then pretended to.

‘ The South-Sea Company, Sir, have a Right and Property in the Assiento Contract ; a Property that would have been a great Value to them, as well as to the Nation, if we had taken Care to resent in a proper Manner every Invasion that was made upon it. Can it then be said, that the private Property of the South-Sea Company is no way concerned in a Treaty, when by the fundamental Article of that Treaty, I mean the King of Spain’s Declaration, agreed upon with reciprocal Accord, we have, in some Measure, acknowledged his Right to suspend the Assiento Contract, unless that Company subjects herself to pay, within a short Term, a large Sum of Money, which he has no good Right to demand, and which, though he had, he ought to allow in Part of Payment of a much greater Sum due by him to them ?

‘ Sir, the private Property of the South-Sea Company must be so deeply concerned in any Question that can come before us relating to this Convention, and has, in my Opinion, been so greatly injured by our receiving or agreeing to this Declaration, that I am surpris’d they were not the first to petition against the Convention. I know of no Means that have been made use of, either publick or private, for spiriting up Petitions against it, except that of its being printed and published : I believe there was no Occasion for making use of any other Means. But, if the South-Sea Company do not petition against it, I shall be convinced that some under-hand Means have been made use of for preventing such Petitions ; and from thence, I shall be apt to suspect that, if it had been possible to procure any one Petition in its Favour, no proper Means would have been wanting.

Sir, I think I have made it appear, that the private Property of a great many of his Majesty’s Subjects, must be concerned in any Question that can come before us relating to this Convention : I think it is evident, that the private Property of those whose Petition we have now before us, must be deeply concerned : And therefore, if Counsel are ever to be heard in any Case where private Property is concerned, they ought to be heard when we come to take this Convention into our Consideration. For which Reason I shall be for agreeing to the Motion without any Amendment.

John Talbot, Esq;

John Talbot, Esq;

Sir,

‘ Tho’ I am far from thinking it dangerous to hear Counsel upon any Case whatever, yet I cannot think it is always necessary ; and in Parliamentary Affairs, when it is not absolutely

solutely necessary, I must think it ought not to be allowed; because, by so doing, we take up a great deal of our Time, and lay those who have Business before us under a Temptation, at least, of putting themselves to Expence to no Purpose. This, Sir, is far from being a new Opinion, or a new Way of thinking; for however necessary some may think it to hear Counsel in every Case that comes before Parliament, or before our Courts of Justice, it was not thought so of old: So far otherwise, that by the Common Law of England, neither the Plaintiff nor Defendant, in any of our Courts of Justice, could appear by his Attornay, without the King's special Licence signified to the Court, by his Writ or Letter: Every Man of old was obliged both to prosecute and defend his Suit in his own Person; and upon this Custom, the learned Coke observes, that it made Law-Suits less frequent, which, I believe, was no Loss to the Kingdom in general, whatever Inconvenience it might be to particular Persons.

I may say upon the present Occasion, that it would be very unadvisable to introduce the Custom of permitting every Man to be heard by his Counsel, that might think himself aggrieved, by any Regulation proposed in Parliament for the publick Good. In some Cases of an extraordinary Nature this perhaps has been allowed; but it cannot yet be said to be an established Custom; and I hope it never will. In Cases where the Rights and Properties of private Men appear to be concerned, it may sometimes be necessary to hear Counsel; but even in such Cases, we ought to distinguish between those in which some nice Point of Law may probably arise, and those in which no such Point of Law can come to be canvassed before us. In Cases of private Right or Property, where some nice Point of Law may probably arise, it becomes necessary for us to have that Point argued by Counsel learned in the Laws of the Kingdom; and for that Reason we ought, in such Cases, to admit the Parties or Petitioners to be heard by themselves or Counsel: But in Cases where no such Point can be expected to arise, notwithstanding there being such as may affect the Property of some private Men, it is no Way necessary; nor ought we to take up our Time with hearing Counsel as to Facts for clear Points of Law, which every Gentleman in the House may comprehend as readily and as fully, as the most learned Lawyer that can be brought to plead before us.

This, I believe, Sir, will be allowed to be the Case, with regard to the Convention. The Rights of some private Men may perhaps be affected by some of the Resolutions we may come to upon that Occasion; but no one, I think, can expect, that any difficult Point of Law, relating to that

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Right or Property, can come to be disputed. And if in the Course of our Examination some Point of Law should arise, which may be thought proper to be explained by Counsel, we may then order, that the Petitioners shall then be heard by themselves or Counsel, as to that Point only.

‘ In this Way, Sir, we may save ourselves a great deal of Time and Trouble, and may prevent the Petitioners putting themselves to a needless Expence ; and if this Method were established as a general Rule in all our Proceedings, even in Cases where the Right or Property of private Men may be affected, no Man could say it would be any Way inconsistent with our Constitution ; for in criminal Cases of the highest Nature, in Cases of ~~Belony~~ ^{High Treason}, the Prisoner is not admitted to be heard by Counsel, unless upon the Trial some Point of Law arises, and then he is to be heard by Counsel as to that Point only ; and even in Cases of High Treason our Constitution was the same, till it was altered by a late Statute ; for where the Law is plain, there is certainly no Occasion for Counsel in any Case either before Parliament or any inferior Court of Judicature ; and as to Facts, they ought to be related and explained so as to make the Truth appear by the Depositions of honest and sincere Witnesses, and not by the Glosses that may be put upon them by ingenious and artful Pleadings.

‘ Therefore, Sir, by the antient Form of our Constitution which I think, for the Sake of Dispatch, ought to be observed as a Rule in our Proceedings, we have no present Occasion to order the Petitioners to be heard by their Counsel. Nay, they themselves seem to be conscious that it ought not to be done ; for they have not so much as petitioned to be heard by themselves or Counsel, they have petitioned only in general to be heard. If any Question should arise relating to Matters of publick Right, or the Meaning of Words in this or any other Treaty, we have the good Fortune to have several Gentlemen amongst us, that can speak to it as fully, and as learnedly, as any Counsel the Petitioners can employ ; and as an Addition to our good Fortune in this Respect, I believe, those Gentlemen will not be all of one Side : I even hope they will be of different Opinions, in order that we may hear the Point as fully argued in that Case, as we usually do in other Cases of the same Nature. Then as to managing or summing up the Evidence, we have the same good Fortune. We have Gentlemen amongst us, that are as capable of putting proper Questions to the Witnesses during the Examination, and summing up the Evidence after the Examination is finished, as any Lawyer that ever appeared at our Bar ; and as some of those Gentlemen may probably be of the same Opinion with the Petitioners, and some of a contrary

trary Opinion, we may expect to have the Examination well managed, and the Evidence fully summed up on both Sides.

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‘ I am surprized, Sir, any Gentleman can imagine, that less of our Time will be taken up in hearing the Petitioners both by themselves and their Counsel, than in hearing them by themselves only : For the Case is really that if you order them to be heard by themselves or Counsel, they will chuse to have Counsel, not because it is necessary, but because after the Counsel have opened the Subject-Matter of their Complaint, such of them as can say any Thing upon the Subject, will be called as Witnesses, and may in that Shape say as much, and take up as much of your Time, as if they were to be heard by themselves only. By this Means they will have the Advantage of having their Case twice laid before you, and in a two-fold Manner, first by their Counsel, and then by themselves ; and therefore, I think, it is certain, they will chuse to be heard by their Counsel, in case you give them Leave.

‘ But there is another Reason, Sir, why I think they will chuse to be heard by their Counsel, which, in my Opinion, ought to be a strong Reason with us not to hear them by Counsel. ’Tis certain we have not obtained so much by this Convention as some sanguine People might expect : ’Tis certain we never did obtain so much by any Treaty we have made, nor ever shall by any Treaty we can make. Wise Men will always give up something of what they may have Reason to expect, rather than risk the Whole upon the doubtful Event of a War ; and what they do give up, will always be in Proportion to the Chance that is against them. To set this Chance in its proper Light, the Power of your Enemies and your own Weakness must be truly represented, without magnifying either the one or the other ; but as it is, and always will be, unpopular to talk of the Strength of your Enemies, or of your own Weakness, therefore the popular Side of the Question will be always against any Treaty or Convention you can make ; and as there is always the greatest Scope for Eloquence upon the popular Side of any Question, the Petitioners will certainly chuse to have as much Eloquence upon their Side as possible, and for that Purpose will chuse to have Counsel, if we give them the Liberty : But with us this ought to be a Reason for not admitting them to be heard by their Counsel ; because we are to consider, not what is most popular, but what appears from the present Circumstances of Things to be most for the publick Good. As this is certainly the Duty of every Member of this House, I do not believe that any Gentleman,

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who has the Honour of being a Member, will allow himself to be influenced by the Eloquence either of the Petitioners or their Counsel ; and therefore, if there were none here present but Members, I believe, neither Side would attempt to take up our Time with their Eloquence ; but as there is upon Occasions a great Number of Persons present, besides those that have a Right to Counsel, they will consider rather what they may say to the Audience, than what they ought to say to the Judges ; and that consequently a great Part of our Time will be unnecessarily taken up, in hearing florid Harangues upon the Riches and Strength of the Nation, upon the Courage of our People, and upon our war-like Exploits in former Ages.

I hope I have now shewn, Sir, that it does not yet appear to us, that it will be any Way necessary for us to hear Counsel upon any Thing relating to the Convention ; therefore, I hope I shall be excused, if I give my Vote for the Amendment proposed.

Samuel Sandys, Esq;

Sir,

Samuel Sandys, Esq;

' The Gentlemen who have spoke upon this Occasion, against admitting the Petitioners to be heard by Counsel, put me in Mind of the old fabulous Story of *Proteus*. When they find themselves like to be overcome in one Shape, they turn themselves to another. In the former Part of this Debate they told us, Counsel was never to be heard, but in Cases where the Rights or Properties of private Men were like to be affected, by what was to come under the Consideration of Parliament. In Answer to this, it was, I think, demonstrated, that the Right and Property of private Men must be greatly affected by this Convention, especially if it should meet with the Approbation of Parliament. This they could not deny, and therefore they have now turned themselves into another Shape, by saying, that Counsel are not to be heard, even where the Property of private Men may be affected, unless some nice Point of Law, relating to that private Property, arises, during the Course of the Examination. This they say ought to be the Rule in all our Proceedings. They could not say it is, or that it ever was a Rule. They could not say so ; for every one knows, that it is contrary to the whole Tenour of our Proceedings, as far back, as we can trace our Journals. It would be ridiculous to attempt to shew it to be so by Precedents : They are so numerous that they may be said to be numberless. But what is still more extraordinary, they have endeavoured to shew, that this ought to be a Rule, by mentioning some old Customs, which, because of the Inconveniences or Injustice of them, have been abrogated.

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‘ In ancient Times, Sir, it was perhaps a Rule, that no Man should be allowed to sue or defend by his Attorney, without the King’s License ; and this could be attended with but little Inconvenience to the Subject, whilst almost all Causes were heard and determined in the County where the Parties resided : But as soon as the King’s Courts began to be fixed at Westminster, it was necessary to allow every Man to sue or defend by his Attorney ; for which Reason the King’s License became a Writ of Course, and at last, as being a needless Expence to the Suitors, was intirely laid aside ; so that for some hundreds of Years past, Parties in all civil Causes have been constantly allowed, without any Warrant by the King’s Writ or Letters-Patent, to appear by Attorney, and to have their Cause pleaded by Counsel ; which without doubt makes Law-Suits more frequent than they would otherwise be ; for if Parties were now obliged to attend a tedious Law-Suit, and neglect all their other Business, no Man would either prosecute or defend his Right, unless it were of a very great Value.

‘ Then, Sir, as to criminal Causes, I know that those who were accused of Treason or Felony, were not of old allowed Counsel, unless some difficult Point of Law happened to be started upon the Tryal ; because, as our Lawyers say, the Judges are to be of Counsel for the Prisoner. But every Man will, I believe, grant, that this was a Severity, introduced in favour of the Crown, nor very favourable for the Subject. Our Volumes of State-Trials will make it appear, how seldom the Judges have acted the Part of being Counsel for the Prisoner. They often appear rather to have acted the Part of being Counsel against him, and have treated a Man as a Traytor before he was condemned either by God or his Country. Thank God ! with regard to Treason, we have got free of being obliged to have none other but such Counsel : We have got this ridiculous Custom altered by Means of the Revolution, which has in some Measure restored our original Constitution, though not so fully as it ought to have done ; for a Revolution introduced and established upon the Principles of Liberty ought to have rooted out every Stem of arbitrary Power, whereas in some Cases it may rather be said to have planted it ; which shews the Weakness of human Foresight, and how necessary it is for the Patrons of Liberty to be always upon their Guard.

‘ With respect to Felonies, ’tis true, Sir, the antient Custom still remains ; but I am surpris’d it has not in this Case likewise been altered by Statute. ’Tis better twenty Guilty escape than one Innocent suffer ; and I am convinced, this Custom has been the Occasion of many an innocent Man’s
being

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being condemned, who, if he had been allowed Counsel, would have made his Innocence as bright as the Sun-shine. 'Tis impossible for an ignorant Man to tell when a Point of Law arises; and the more innocent he is, the more ignorant we may suppose him: Those that are never guilty of any Crime, are seldom at the Pains to study the criminal Laws of the Kingdom, or the Methods of Trial in such Cases; and therefore the more unfit are they, of themselves, to conduct the Examination of Witnesses, or to take notice, and make the proper Advantage of any Point of Law that may arise in the Course of the Examination. They must depend intirely upon their Judges, and the Judges may in the Case of Felonies behave as they have hitherto done in the Case of Treason: They may brow-beat the Prisoner, and thereby prevent his taking notice of, or insisting upon those Points of Law, which he may have good Reason to insist on.

‘ But, Sir, whether this Custom of allowing Persons accused of Treason or Felony to have Counsel, be a laudable Custom or not, it is a Custom that has always been observed by Parliament. Was there ever a Person accused in Parliament of any Crime or Misdemeanor, that was not allowed Counsel, if he desired it? In Bills of Pains and Penalties, are not those against whom the Bill is designed, always allowed to be heard by their Counsel against the Bill? In Impeachments in the other House, the Person impeached, though for High Treason, has always been allowed Counsel, even when the Custom prevailed of not allowing Counsel to Persons that were to be tried for such Crimes in inferior Courts. It is therefore wrong to draw Arguments from what is now, or ever was the Practice of inferior Courts, for shewing what is or ought to be the Practice of Parliament; and if we follow the Custom of inferior Courts with regard to Treasons and Felonies, the Petitioners ought to be allowed Counsel, but our Treaty-makers none.

‘ However, Sir, as this Custom was never yet introduced into Parliament, if our Treaty-makers, upon their Treaty's being censured by Parliament, which I hope it will, should be prosecuted either by a Bill of Pains and Penalties, or by any other Parliamentary Method of Prosecution, I should be for allowing them more Favour than some of their Friends seem willing to allow to the Petitioners: I should be for allowing them to be heard by their Counsel against any such Bill or Prosecution.

It is a little extraordinary to say, we must not allow the Petitioners to be heard by their Counsel, because they have not expressly petitioned for it. Sir, they have petitioned to be heard, but they have been so modest as to leave it intirely to us to appoint which Way they shall be heard. Their Modesty

deſty ſhews their Reſpect for this Houſe ; and ſhall we make People ſuffer for ſhewing us a decent Reſpect ? If we ſhould ever do ſo, I think we ſhould deſerve to meet with none, upon any future Application ; and now it has been moved to order them to be heard by themſelves or Counſel, if we ſhould reſuſe to give them the Liberty of being heard by their Counſel, I am afraid it will be looked on, by People without Doors, as a preliminary Step towards our approving of this preliminary Treaty, which the whole Nation diſapproves of, and conſequently will very much tend towards diminſhing that Reſpect, which the People of this Nation have always hitherto had for their Parliaments. They will deſpair of ever meeting with any Relief from Parliament, and as ſoon as this Deſpair becomes general, they will begin to think of other Methods for obtaining Relief, which may be attended with the moſt dreadful Conſequences, that may be fatal to our Religion and Liberties, but Conſequences that may, much more probably, be fatal to the Royal Family now upon the Throne.

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‘ I ſhall readily grant, Sir, that wiſe Men will give up ſomething of what they may reaſonably demand, rather than riſk the Whole upon the doubtful Event of a War, eſpecially when the Chance of War ſeems to be againſt them. But whatever the Precepts of Chriſtianity may inculcate, I am ſure the Precepts of Wiſdom, eſpecially in political Affairs, can never direct that, if an Enemy takes our Cloak, we ſhould give him our Coat alſo, or that, if he gives us a Box on one Ear, we ſhould hold up to him the other ; which ſeems to be our Caſe with regard to Spain. They have taken from us our Cloak, and by this Convention, we ſeem willing to give them our Coat alſo : They have given us a moſt hearty Blow, I may ſay ſeveral Blows, on one Ear, and by this Convention, we ſeem to hold up to them the other. They let a Captain of one of our Merchant Ships eſcape, ſome Years ſince, with the Loſs of but one Ear ; but if a Britiſh Parliament approves of this Convention, every Britiſh Subject, that ſhall hereafter have the Miſfortune of falling into their Hands, muſt expect to loſe both.

‘ I ſhall likewise grant, Sir, that in order to determine whether the Chance of War be for us or againſt us, the Power of our Enemies and our own Weakneſs muſt be conſidered, and that, in order to judge whether we ought to have accepted of this Convention, we ought to view both in their proper and true Light ; but if Spain is to be aſſiſted by none of the other Powers of Europe, I am ſure, neither their Power nor our Weakneſs can be urged for our giving up any Thing we have a juſt Pretence to. I am ſure, Spain is not now near ſo powerful as it was in the Days of Queen Elizabeth,

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beth, and considering the Union of the two Kingdoms of England and Scotland, and the great Improvements we have made in our Trade and Plantations, since the Queen's Reign, tho' we have been upon that Decline for some Years past, I must think we are now more powerful than we were at that Time; and yet that wise Queen was so far from bearing tamely any Injury that was offered by the Spaniards, that she always pursued them with immediate Vengeance, and provoked them to Battle in every Corner of the World. Therefore, if Spain is not to be assisted by any of the other Powers of Europe, we could be under no Necessity to accept of this Convention; and if the Spaniards are to be supported by France, in the unjust Claims they have set up against us, and the Piracies and Cruelties they have committed upon our Merchants and Seamen, I must say, we have shewn a great deal of Complaisance to that Kingdom, for almost these twenty Years past, to very little Purpose.

But these Things, Sir, the Counsel that are to be heard for the Petitioners can have nothing to do with. They are only to shew us what we have given up, or what we may be supposed to have given up, by this Treaty; and the Consequences of the Concessions we have made, or are like to make, with regard to the Nation in general, and with regard to the Rights and Properties of the Petitioners in particular. It is this House only, that is to consider, whether we are in such Circumstances as to render it necessary to make such Concessions. The Counsel have nothing to do with, nor can they be supposed to know, any Thing either of the Circumstances of this Nation, or of the Circumstances of our Enemies; therefore we cannot expect to hear from them any florid Harangues, either upon our own Strength or Courage, or upon the Weakness and Cowardice of our Enemies; and consequently we need not be afraid of having our Time taken up with hearing eloquent Addresses made by them to the Galleries. But after they have finished and are withdrawn, I shall expect to hear from some Gentlemen in this House as florid Harangues, as they are capable of making, upon the Utility and Wisdom of peaceable Measures, which in a trading Nation is certainly a more popular Subject, and consequently a Subject which affords a greater Scope for Eloquence, than the Subject of War can afford to any Orator in the Kingdom. The Love of Peace and peaceable Measures will always be a popular Subject among a rich and industrious People, as long as there is nothing done for the Sake of Peace, that is either dishonourable or disadvantageous to the Nation. But when this happens to be the Case, I shall admit that War then becomes
the

the popular Subject, which I am afraid, indeed, is too Anno 12. Geo. II.
much our Case at present.

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Sir, it seems now, as I have said, to be allowed, even by the Gentlemen who have spoke upon the other Side of the Question, that the Rights and Properties of private Men may be greatly affected by this Convention; but, say these Gentlemen, shall we allow every Man to be heard by his Counsel, that may think himself aggrieved by any Regulation proposed in Parliament for the public Good? I shall grant, Sir, that the public Interest is to be preferred to the Interest of any private Man; but I hope it will be likewise granted, that if any particular private Man, or Set of private Men, is to suffer a real Loss by what is to be done for the public Good, the Public ought to make him all possible Atonement; and therefore, if any Set of private Men think that they in particular will be aggrieved by what is proposed for the public Good, and we see Cause to believe that it may be so, we generally ought not only to receive their Petition, but to allow them to be heard by their Counsel; and that, even altho' there be no Likelihood that any difficult Question in Law, relating to their Property, can arise upon our Examination into the Affair. For if a private Man must suffer for the Sake of the Public, we ought to give him an Opportunity of making the Amount of what he is like to suffer appear as clearly as possible, in order that we may provide a Remedy, or make him an adequate Satisfaction.

However, Sir, as the Gentlemen of the other Side have allowed, that, in Cases where difficult Points of Law relating to the Rights of private Men may probably arise, the Petitioners ought to be allowed Counsel, I think this alone is sufficient for convincing us that, in the present Case, the Petitioners ought to be admitted to be heard by themselves or Counsel. For, I think, it is evident, that a very nice Point of Law must arise, when we come to take the Convention into Consideration. We must then enquire into the Import and Meaning of those Words in the Convention, by which we submit all the Claims set up by Spain to be regulated by Commissaries. I hope these Words do not import an Admission of any of their Claims; but I am far from being clear as to this Point; and I am sure it is a Point in which the Property of every one of our Planters in the West-Indies, especially Jamaica, is deeply concerned. I could mention several other nice Points that will probably arise in the Course of our Examination; but this I take to

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be sufficient for shewing the Necessity of admitting the Petitioners to be heard by Counsel, even according to the Maxims laid down by those that argue against it.

Now, Sir, as to our Time, I must confess that an honourable Gentleman has fallen upon a very ingenious Method for persuading us, that more of our Time will be taken up in hearing the Petitioners by their Counsel, than by themselves only. He has told us, that if we order them to be heard by themselves or Counsel, it will in Effect be, to hear them both by themselves and Counsel; because, says he, we shall first hear their Case stated by their Counsel, and then we shall hear it stated again by them, when they come to be examined as Witnesses. I wish the honourable Gentleman had considered, for surely he knows, what is the Business of Counsel, and what is the Business of Witnesses upon such Occasions. It is the Business of Counsel to state the Case, before the Examination of Witnesses begins, and to sum up the Evidence after it is over; both which they are to do in as clear and as short a Manner as they can; and it is likewise their Business to take Care, that every Witness shall give an Account of all the material Facts he knows, in as plain and clear Terms as possible. Then it is the Business of every Witness to give a true and sincere Account of all he knows, relating to the Affair upon which he is examined, and to give plain Answers to such Questions as shall be put to him. This is their respective Duties, and it is the Business of the Judge to keep them to their Duty; therefore, after the Petitioners Case has been stated by their Counsel, none of them can, and I believe, none of them will presume to state it over again, when they come to be examined as Witnesses: If any one of them should, any Member may rise up, and by giving him a proper Check, confine him to his Duty. But if we do not admit the Petitioners to be heard by Counsel, what must be the Consequence? Some of themselves must supply the Place of Counsel. Some of them, by the Appointment of the rest, must state the Case at the Beginning of the Examination, and some of them must sum up the Evidence after the Examination is over; and those very Petitioners, who are appointed to state the Case, or sum up the Evidence, may, nay, probably must, be examined as Witnesses, for proving some of the Facts that may not, perhaps, be known to any of the other Witnesses; for otherwise, you would lay the Petitioners under a very great Disadvantage, because the best Speakers among them may be the best Witnesses, and if you should refuse to hear them in a double Capacity, the
Petitioners

Petitioners must be deprived of having their Case stated by the best, perhaps the only Spokesmen among them, or of having their best Witnesses admitted to be examined. Therefore, in this Way, as well as the other, they will have an Opportunity, if they should think proper, and you should allow them, to lay their Case twice before you, first as Petitioners, and next as Witnesses. But the Difference between the two Methods of hearing them, is, that, if you hear them by themselves only, as they are not accustomed to such Things, and may be more sanguine than they ought to be, most People are in their own Cause, they will, probably, be more tedious, both in stating their Case, and summing up their Evidence, than Counsel would be : And even when they are examined as Witnesses, their Fear of forgetting any Thing material, will make them more apt to fall into Repetitions and Tautologies, than they would be, had they Counsel at the Bar to direct them, and to put them in mind of any material Fact which they knew, and had forgot to give an Account of. From whence, we must conclude, that more of our Time will be unnecessarily taken up in hearing the Petitioners by themselves only, than in hearing them by their Counsel.

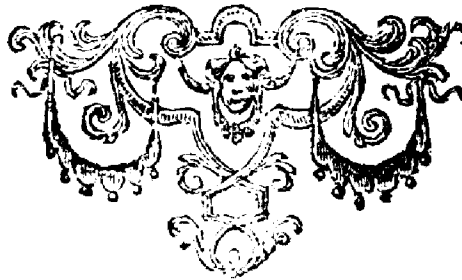
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I have as good an Opinion in general of the Talents and Qualifications of those, who have the Honour to be Members of this House, as any Man can have : I have a very great Opinion of the Abilities of some among us ; but, Sir, as we are Judges, we cannot be Counsel in any Affair that comes before this House ; unless we take up that Office which, the Lawyers say, is the Duty of those who are the Judges of our inferiour Courts, I mean that of being Counsel for those that are accused of any Crime or Misdemeanor. If we consider ourselves in this Light, we must be of Counsel against the Petitioners, we must be of Counsel for those who, the Petitioners say, have brought their Country into a most dishonourable and disadvantageous Treaty ; and in this Light, surely, we must allow the Petitioners to have Counsel, as other Prosecutors have ; because we are all to be of Counsel, rather against them than for them. But suppose it were otherwise, since no Gentleman can be supposed to be so well acquainted with the Laws, as those who are in daily practice ; therefore, I think, it will be extremely proper, if not absolutely necessary, for us to hear Counsel upon the Point I have mentioned, and upon several other Points of Law, that may probably arise in the Course of the Examination ; and as I think a great deal less of our Time will be taken up in hearing the Petitioners by their Counsel,

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 consequently I must be against the Amendment proposed.

Upon a Division, it was carried against hearing by
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The End of the SIXTEENTH VOLUME.





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