

S O M E

REASONS

For continuing the

Present Parliament.

*Necessitas magnum imbecillitatis humanæ
Patrocinium sit, omnemque Legem
frangat.*

Senec. Declam. l. 9.

Declam. 4.



L O N D O N:

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SOME

REASONS

For continuing the

Present Parliament.

Necessity as well as expediency
Patronage of the Government
Franchise.

James Deane, Esq.

Deputy.



LONDON:

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PREFACE.



AMONGST many other pregnant Reasons for continuing the present Parliament, 'till the Prejudices and Spleen with which the Nation is now actuated, abate; the unsteady Condition of the Affairs of Europe is of the greatest Weight; for since 'tis highly probable, the Treaties we have entered into for maintaining the Peace of Christendom, will necessitate us to engage in the War, which is now ready to break out on the Continent, should it be our ill Fortune to have a House of Commons who would begin their Deliberations with Impeachments, and value themselves upon forming Schemes in Opposition to the present Ministry, the
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I shall convince the judicious, sober, and well-meaning Part of the Nation, that nothing can be more dangerous to their Safety and Welfare than a new Election during the present Humour, or rather Phrenzy, that has spread itself on all Sides: And that their Liberties can never be deposited in better Hands than those of their present Representatives, who have given such undeniable Testimonies of their Wisdom and Regard for the Welfare of their Country, by their steady Conduct during the Space of six Years, by the great Number of good and salutary Laws made in that Time, for redressing the Grievances of the Law; extending and encouraging Commerce, and relieving the Unfortunate.

There is nothing that wise Men should guard against with more Assiduity than *Passion*; which the Philosopher call'd, *The Storm or Hurricane of the Soul*,
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and justly too, since it drives *Reason* from the Helm of Government, and hurries her away by its Violence and Impetuosity. I am not entering in this Place, upon a *Physical Dissertation*, on the Nature or various Effects of the *Passions*; but this may be affirmed in general, that they are Enemies to all prudent and rational Deliberations, and that whenever they bear the Sway, and are predominant, it is impossible to comprehend or form a right Judgment of Things: But of all the Perturbations to which the Soul is obnoxious, *Anger* and *Revenge* seem to be the most precipitate and unmanageable.

Various have been the Expedients contrived by several celebrated Personages of Antiquity, for postponing Affairs of Importance while they were agitated with Anger; amongst whom we may reckon two renowned *Roman* Emperors,

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Augustus

Augustus and *Theodosius*, and the Divine *Plato*, who would not even chastise his Slaves while he felt any Emotions of *Anger*; and though it may be objected, that a Parallel cannot be attempted between the Conduct of *Individuals* and *Nations*, or Communities on this Head, I am under no small Concern when I reflect upon a Number of recent Examples, which may convince any one that *Nations* may be delirious as well as *Individuals*. Since it is allowed that none are so fit to be trusted with Power, as those who have exercised it with Equity and Candour, it will be no Paradox to say, That no Parliament ever deserved to be continued more than the present, since none ever deserved so well of the Subject: but as nothing is so easily forgot as good Offices, especially when Spleen and Resentment possess our Hearts, I'll beg leave to enumerate some of the many glorious Laws passed by this Parliament, and that with all possible Brevity. The

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The Act *for relief of Insolvent Debtors*, which passed in their Second Session, must be distinguished from all others of that Kind; for all precedent Laws for relief of such unhappy People, extended no further than 100 *l.* but this discharged all Prisoners who were confin'd for any Sums not exceeding 500 *l.* and to demonstrate their uncommon Sentiments of Humanity and Care of those unfortunate Subjects, whom merciless Creditors had banished to *Foreign Countries*, there was a Clause in the same Act, whereby they were enabled to return to their native Country; nor could any thing be more prudent or humane than that Provision, since it brought back great Numbers of our Countrymen from distant Kingdoms, where some were starving, and others engaged in foreign Manufactories, to the great Loss and Reproach of the Nation.

But the Compassion of the Parliament proceeded farther than the Discharging such as were already perishing in Goals in all Parts of the Kingdom ; for in the same Session, another Act passed for preventing the Imprisonment of such as ow'd no Sum exceeding 100 *l.* on delivering up their Effects ; and was intended for the Advantage of those who could not be intitled to the Benefit of the *Bankrupt Act* : For before that Law, an unhappy Debtor, who was not considerable enough to have a Statute taken out against him, must be a Prisoner for Life, or at least 'till an Act passed for *Insolvent Debtors* ; but, Thanks to the present Parliament, a Debtor for any Sum under 100 *l.* has now a Right to be discharged ; or in Case a merciless Creditor does not think fit to comply with the Meaning of that Law, he is obliged to allow the Debtor Subsistence ; which, though very common in other Countries,

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was not known in *England* before; and Experience has proved the great Benefit of that Act, since it has prevented the Imprisonment of great Numbers of poor industrious People, who must otherwise have been starv'd through Cold or Hunger, in loathsome Goals, only to gratify the Humour or Caprice of cruel Creditors; and this has been the Source whence we must derive the surprizing Encrease of the Poor, and consequently that of the Poores Rate through all the Kingdom; for when labouring People (who have generally Wives and Children) happen to be confined, and consequently disabled from any Means of supporting their Families, they must inevitably become a Burden upon the Parishes, which are bound to support them.

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The same excellent Law provides a just and necessary Defence against the Inhumanity and Rapaciousness of *Bailiffs* and their *Under-Strops*, who under Colour of Justice oppressed the Subject with exorbitant Fees, and Impositions; but all those Evils are remedied by that Law, which likewise compels those *Beasts of Prey*, under severe Penalties, to treat the unhappy Persons who fall into their Hands with Humanity; whereas, it is well known, that it had been their Custom to exercise all manner of Cruelty towards their Prisoners in case they refused to comply with their extravagant Demands.

We can never enough applaud another wholesome Law made by the present Parliament, for *regulating Attornies* and *Sollicitors*, who by their Numbers and Interest were become one of the greatest Grievances of the State; since,
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before that Act, any one might assume the Character and Office of an *Attorney*, though never so much a Stranger to the Practice; nay, it is well known, that several had acted in that Station, who were so remarkably *illiterate*, that they could not even read *English*. It is easy to imagine then with what Prudence and Success their *Clients* Affairs must be conducted: But 'tis surprizing that the Judges had never contrived any Method for preventing such *pernicious Practices*, of which there were frequent Complaints, since their Commissions authorized them to do it: But the Work, it seems, was reserv'd for the present Parliament, who, by that excellent Law, preserv'd the Subject from the Attempts of the Ignorant, and the Oppression of others; for now, none can act as *Attornies* without a strict Examination, as well with regard to their *Morals* as *Abilities*: And to guard the Subject against exorbitant De-

Demands, there is a Provision in the Act, That, in case Bills of Costs shall happen to be reduced one sixth Part on the Taxation, the Practicer loses the Whole; whereas, nothing was so common with the Gentlemen of that Occupation, as to load their Clients with ten Times more Charges than were really and *bona fide* due, which several unhappy People were obliged to comply with, to prevent Imprisonment, or the Resentment of their Attornies.

Were it possible that any Thing could excel the Law I have now mentioned, it must be that which requires all legal Proceedings to be in *English*; and it may be affirmed, That no Law since the Conquest can tend more towards preserving the Lives and Estates of the Subject, against the idle and trifling Niceties of the Law it self, and the Snares and Cunning of the Practicers who frequently

quently formed all their Hopes of Success upon the *Ignorance* or *Supineness* of their Adversaries. 'Tis almost impossible to inumerate the Benefits of that Act; now a Man has no Occasion to travel several Miles from his Business or Occupation, in Order to have a *Writ* or *Process* (with which he may be served) explained by an *Attorney*; for there is no Person, who has common Understanding, and whose Education may extend no further than reading *English*, but may comprehend the Purport of any *Process* or *Writ*.

'Tis incredible to conceive the Mischief to which, not only the Ignorant, but even People of Education and Literature were frequently exposed on this Account; for as both were equally incapable of reading these *Processes*, (being writ in Characters only known to the Practitioners) and as nothing is more

terrible to the People of *England* than Law-Suits, some who were doubtful of the Sincerity of their Country-Attornies repaired to *London*, with the utmost Expedition, on these Occasions, in Order to receive better Information, tho' it was found in the End that there were no real Grounds for all their Apprehensions and Fears; such is the Terror of the Law amongst all Ranks of People, and especially, when Things are aggravated by the Artifices of wicked and designing Men; by which great Numbers of industrious People have been frequently undone, not only on Account of the Expences that must necessarily attend such Journies, but likewise the Neglect of their Domestick Affairs.

The same Law provides against the Defects which crept into the Law itself, or at least the Practice; and it is indeed almost incredible, that legal Proceedings,

ceedings, grounded upon Truth and Justice, should be rendred ineffectual on Account of mis-spelling a Word, or any other trifling Mistake with regard to Names or Times; 'tis I say, almost incredible, that Omissions of that kind should vacate any legal Proceeding; yet the Practice was such, and could not be remedied without Law, for which the Nation is highly indebted to the *present Parliament*.

To pursue the Order of Time, I will in the next Place take notice of another Law that must ever be remember'd in all Ages, by those who have any Sentiments of Compassion or Pity; 'tis that memorable *Act for Regulation of the Fleet-Prison*, which may in some measure be call'd, a Prison of Ease for all unhappy Debtors in the Kingdom, since they may be removed thither from any other Prison. The Cruelties exercised

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by the Wardens and Officers of that Place are still fresh in every one's Memory.

It would however be Injustice to the House of Commons, to pass over in Silence their unparallel'd Care in appointing a Committee to inspect all the Goals and Prisons in and about this City, which they performed with the greatest Exactness and Care; and as the Enquiry itself was highly necessary, for preventing the Barbarity of Goalers and their Officers, so I may say there is not in History any Instance where Men of equal Rank with the Lords and Gentlemen, who compos'd that Committee, condescend-
ed to submit to so many Inconveniencies as occur'd in that Affair; to see Gentlemen of Condition blest'd with the greatest Affluence, condescend, I say, to visit loathsome Places, where they could see nothing that was not offensive to the
Sight,

Sight, nor hear any thing but the Cries and Groans of their unhappy Fellow-Subjects, languishing with Want and Infirmities, naked and miserable.

But those Gentlemen did not think it enough to take a bare or transitory View of those hideous Places, no, they continued their Meetings 'till they had received full Information of all the Wrongs and Injuries of the unhappy Prisoners. Nor must I forget the just and necessary Prosecutions carried on by those Gentlemen, or at least by their Directions, against some renowned Goalers; and though it was their Fortune to escape Punishment, yet I am persuaded that Prosecution will ever deterr all other Goalers from murdering or oppressing the unhappy Wretches who may fall into their Hands; and that the Conduct of both Houses in the whole Course of that Affair, will likewise prevent the

the Countenance given to Goalers by those who are in high Stations, who, to their eternal Reproach, were but too inclinable to support their Iniquities, for Reasons too obvious.

The great Care of the present Parliament for the *Liberty of the Subject*, cannot be more conspicuous than in perpetuating the Act for preventing frivolous and vexatious Arrests; which effectually secures us against the Designs of cunning Attornies, or malicious Neighbours; and though we always valued ourselves upon our Freedom more than any other Nation, yet 'tis certain, that before that Act, no Peoples Liberty in the World was more precarious than ours, since any one might take it away at Pleasure, under Pretence of Debt, tho' in truth there had been nothing due, nor any other Foundation for such Violence but Spleen or Malice, which often proved fatal

fatal to many fair Traders; for as nothing is more nice or delicate than Credit, so when a Man in Trade happened to be arrested by a malicious or envious Neighbour, his Creditors, without Enquiry into the Merits or Truth of the Proceedings, loaded the unhappy Debtor with all their Demands; and there are numberless Instances of several honest Men who have been ruined by such shameful Practices, at the same Time they were possess'd of Effects enough to discharge their Debts.

Nothing can give a stronger Testimony of the Vigilance and Care of the present House of Commons, for the Lives and Liberties of the People, than the inestimable Law for *regulating Juries*; which cannot appear in a proper Light without considering the Danger to which they were before exposed; for it was in the Power of a *corrupt Sheriff* to impanel
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such *Furors* as he had Reason to think would favour the Cause he had espoused; but by this salutary and equal Law, the Names of all the Freeholders in the respective Parishes, Hundreds, &c. out of which the *Sheriff* is to strike the *Fury*, are to be put into Boxes, and the Parties have a Right to draw twelve indifferently; so that the abominable and wicked Practice of *packing Furies* is at an End, which ought to be looked upon as a General Blessing to the whole Nation.

The Act for preventing Bribery and Corruption in the Election of Members of Parliament, is another signal Proof of the Uprightness and Candour of the present House of Commons, who being well apprized that the Preservation of the Peoples Liberty depends entirely upon a proper Choice of Representatives, have by that Law restrained the shameful Methods which were but too often
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practised upon *Elections* ; for the Corrupter as well as the Corrupted, are, on Conviction, put under the greatest Incapacities : And it must be observed besides, to the Honour of the present House of Commons, that this is the first Instance since the Conquest, where any House of Commons condescended to have any Question relating to the Election of their Members try'd by a Jury of twelve Men ; which is a Glorious Proof of their Integrity and Candour.

To this I must subjoin the Laws passed against those crying Evils, *Perjury* and *Forgery*, under which the Nation has labour'd for some Ages, the Levity of the Punishments in those Cases encouraging Offenders ; but that Defect is now supplied, for the first is punishable with Imprisonment for seven Years, besides other Penalties,

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and the other is made a Capital Crime.

Let us now cast our Eyes upon the *Vigilance* and *Penetration* of the present House of Commons, in examining the Conduct of some Offenders, who looked upon themselves to be shelter'd from Danger, by their Wealth and Figure in the World; but they have been convinced that nothing could secure them against the Resentments and Censure of a *British* House of Commons, who abhor all Frauds, of which we have evident Proofs, in the late Enquiry into the Contrivances and Management of some of the Commissioners for Forfeitures, with respect to the Sale of the late Earl of *Derwentwater's* Estate.

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To this I must naturally subjoin the Iniquity of the Directors of the *Charitable Corporation*, and the *York-Buildings Company*, in discovering whereof, the Commons have given the most undeniable Testimonies of their Sagacity and Candour, and likewise their Tenderneſs and Humanity in finding Expedients for relieving the unhappy Sufferers.

Let us now conſider the many good Laws that have paſſed for mending Highways, than which nothing can be of more univerſal Uſe to the whole Kingdom: Performances of that kind were ſo highly eſteem'd amongſt the *Romans*, that Medals were generally ſtruck to tranſmit the grateful Acknowledgment of the People, for the Benefits received by ſuch publick Acts of Beneficence.

The Laws *for making Rivers navigable*, deserve no less Applause, since, by that means, the Highways will be preserved, and Carriage of Goods become cheaper and more expeditious.

Many Laws have likewise passed for securing or extending Commerce, amongst which I must mention that relating to the Sugar Trade, (which has for some Years been in a decaying State) and preventing the *Running of Wool*.

The Settling the Fees of the *Civil and Ecclesiastical Courts* in the Kingdom, will be of the greatest Benefit to all Ranks of People; for could any Thing be so melancholy, as to see the Subject ruined by new and exorbitant Fees and Demands, which had no other Foundation than the Will and

and Pleasure of those who presided in publick Offices; and tho' it may perhaps be objected, that the Settling these Fees is a *Royal Act*, yet it must be acknowledged that it owes its Rise to the Addresses of the present House of Commons.

The Act lately passed for serving Process out of Chancery, is the first of that kind that was ever attempted, and I am persuaded it will appear, upon Examination, that it was highly necessary, considering that as the Practice of the Courts of Equity stood before, there was no Method of proceeding against a Person who was a Prisoner who absconded, or left the Kingdom, whereby Justice was eluded and made a Jest, and Suits in Equity continued to an unreasonable Length; but all those Mischiefs are now remedied by this Act, of which great Numbers have already

already reaped the Benefit. But it would be an endless Task to enumerate the many excellent Laws made by the present Parliament for *promoting* and *securing* Trade, relieving the Distressed and Unfortunate, punishing *great* Offenders, and remedying the Defects or Abuses of the Law; so that I think proper to conclude this Topick, with mentioning the Law passed last Session in favour of the Citizens of *London*, by which no Cause can be removed to the Courts at *Westminster*, from any Court of Record in the City, where the Debt or Damage does not exceed Twenty Pounds, which will prove highly advantageous to honest and well-meaning Citizens, who frequently chose rather to lose a small Debt than pursue it through the whole Circuit of the Law; nay, sometimes even to the House of Lords. And, as this Act

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will be of infinite Advantage to the Citizens, 'tis hoped they will always remember the Makers with Sentiments of Gratitude and Acknowledgment.

Having now concluded what I had to offer with regard to the great Number of good and salutary Laws made by the present Parliament, in the Space of six Years, it will be proper in the next Place to consider,

1st, Whether the Peoples Rights and Liberties can be deposited with more faithful and vigilant Guardians than those who have already given them such signal and continued Proofs of their Care and Tenderneſs on all Occaſions?

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adly, Whether a Choice of Representatives of a different Cast from the present House of Commons, may not be attended with the most pernicious and dangerous Consequences ?

Though there is the greatest Reason to believe, that if the People would reflect with Temper and Candour upon the Merit and Services of their present Representatives, they would make Choice of them again in case of a new Election, in spite of all the frightful Pictures that have been made of the *Excise Scheme*, yet I am entirely of Opinion, it would be much more for their Advantage to have the present Parliament continued, than to have another called, while such a Spirit of Resentment and Fury is so predominant; and there is no doubt,
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but they would one Day or other look upon it as a publick Blessing, whatever Sentiments they may have at present.

How happy has it often been for private Persons and Families to be put sometimes under Restraint, and disabled from indulging the Excesses which they must otherwise have fallen into during the Violence of some raging Passions? For the Truth whereof I appeal to every one's Experience from his Domestick Affairs; and as the first Plan of Government was taken from the Example and Conduct of Families, so is it very certain that both are equally obnoxious to the same Passions and Disorders.

One of the chief Arguments for the Continuance of the first Parliament of the late Reign, was taken from the tumultuous and unsettled Condition of Peoples Minds; and no doubt, but several who then looked upon that Step as an Evasion of their Liberties, were afterwards of contrary Sentiments, since a new Election would certainly have stirred up fresh Animosities, while Peoples

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Minds were wavering and unequal ; whereas, by that prudent Conduct of the Legislature, the Nation had Time to cool, which alone preserved them ; for as the *Roman* Orator justly observes, *Time frequently effects what Reason cannot*, which daily Experience confirms in the Course of private Affairs ; and whatever Clamours and Noise may be raised on Occasions of that kind, there is no doubt but the Legislature ever had, and ought to have the Power of repealing, altering, or mending any Laws or Constitutions, when the Necessities of the State require it

Plato tells us in his *Common Wealth*, upon a Topick of this kind, “ That
 “ Governours should imitate a good
 “ Physician, who sometimes forces the
 “ Sick to take Medicines, which,
 “ though very disagreeable for the
 “ present, yet save them in the End,”
 and Experience has since effectually proved, That the *imaginary* Dangers and Mischiefs, apprehended from the Alteration made in the Act for *tri-annual* Parliament, were meer Phantoms, invented for no other end but to alarm weak and ignorant People, since
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it was not attended with the least Inconveniences to the Peoples Rights or Liberties ; of which they were so thoroughly convinced, that all, or most of the same Members were returned in the succeeding Parliaments, which certainly would not have been the Case had the Electors looked upon the Alteration made in that Act, as an Invasion of their Rights.

But let us now reflect upon the Consequences of dissolving the present Parliament, and suppose, for Argument sake, a new Election of Representatives, who will act in diametrical Opposition to the Conduct and Measures of the present House of Commons; what a gloomy and dismal Prospect does such a Supposition create? what Confusion and Disorder must naturally follow Instead of deliberating or consulting about salutary Laws, we shall hear of nothing but male Administration, Impeachments, Commissions of Accounts, secret Committees, &c, tho' it is but too notorious, that Proceedings of that cast never produce any thing but Noise and Tumults, being rather grounded upon Resent-

ment and Spleen, than a sincere Desire of punishing Offenders.

But the great Mischiefs to be apprehended from a new House of Commons, which might act in Opposition to the present, would be a Change of that *able Statesman*, who by his Prudence and Resolution, has for many Years preserved the Peace and Tranquility of *Europe*, amidst the greatest Dangers, and though his Management has often been represented as injurious to the Honour and Commerce of the Kingdom, with regard to some Piracies and Depredations of the *Spaniards* in *America* ; yet 'tis certain, that one Year's War would be infinitely more severe and prejudicial to us than all the Injuries and Losses that are pretended to have been received from that Quarter for ten Years last past.

It must be allowed that there has been Foundation enough for Complaints of that kind, but it must be considered at the same Time, that our Losses have been magnified beyond measure, and the true Cause of those Captures unfairly represented;
for

for no Distinction was ever made between the Case of Ships *detain'd* or *plunder'd* by *Spanish* Pirates, and such as were taken or seized for carrying on an illicit or contraband Trade to *Campeachy-Bay*, or other Parts of the *Spanish West-Indies*, where no Foreigners are allowed to traffick under pain of Confiscation or Death ; on the contrary, both were jumbled together, in order to aggravate the Supineness or Indolence of the Ministry, who have on all Occasions taken the most prudent Measures to procure Satisfaction from the King of *Spain*, for all Injuries received by fair Traders, for which end several Remonstrances have been made to the *Spanish* Court, and Commissioners have lately been nominated in order to adjust all lawful Demands on that Head.

But to obviate the unreasonable Cries of those who pretended that the Depredations of the *Spaniards* were pointed at the *English* only, 'tis notorious that the *Dutch* and even the *French*, who are regarded by the *Spaniards* as *Gens-amicissima*, were
treated

treated with the same Severity, when their Ships were taken in carrying on contraband Trade.

On the whole, it was impossible for the Ministry to have applied any other Expedients than those I have mentioned, without engaging in a War, which would no doubt be attended with dangerous Consequences, if we consider the present Situation of the *Spanish* Affairs, which are in a very flourishing Condition, as well by Sea as by Land; and I am thoroughly persuaded, if those *sanguine* or *whimsical* Politicians, who so often cry'd out for a War against *Spain*, would give themselves a little time to compare the present State of *Spain* with that in which it appear'd thro' the whole Course of the last War, they must own that it would be very dangerous to quarrel with that Kingdom without the most urgent Necessity. In the last War with *France*, 'tis known that *Spain* was an Incumbrance and Weight upon that Kingdom, having neither Armies nor Fleets, and which was still worse being without Council or Management; but during the few Years Cardinal *Albaroni* was at the Head of the *Spanish* Affairs, he esta-

established such excellent Order and OEconomy in all the Branches of the Government, that we have seen the *Spaniards* carrying on a successful War against the *Emperor* in *Sicily*, and at the same time sending a formidable Army to oppose that of *France* in *Navar*, and a considerable Armament for invading *England*; 'tis true, the Success did not answer their Expectations, but this may however be concluded, that no Power in *Europe* except *France* alone could have made such formidable Efforts as *Spain* did in the Year 1719, and she is now much more potent, as well in her Sea as Land Forces; surely it would then have been madness to engage against her, without the most cogent Reasons, especially if we consider the Union between the two Kingdoms, so that declaring War against *Spain* would certainly involve us in one with *France*, which would, no doubt, produce more fatal Consequences than can well be imagined, if we reflect upon our present load of Debts, and some other Reasons, and I am persuaded the old Maxim in Politicks, *That the worst Peace is preferable to the best War*, will ever be found true in Practice.

Should it then be our Fate to have a hot-headed House of Commons, who would breathe nothing but Revenge, and that

that it might be thought proper to sacrifice some of the Ministers to their Fury, and change others, what a Catastrophe must that produce ! Let us then represent nothing to ourselves but Addresses for removing Ministers, Scaffolds and Impeachments, *Westminster-Hall* crowded with lawless and armed Mobs, Horror and Confusion ; the publick Service neglected, the Kingdom engaged in a War, a Contest between Lords and Commons, and, in a Word, nothing but Tumults and Insurrections.

This will certainly be the natural Consequence of Electing a new House of Commons, who may pursue Measures opposite to those of the present Administration ; but should Affairs continue in the happy Disposition wherein we now see them, when a perfect Harmony subsists between all the Branches, as well of the Legislative as Executive Powers ; when KING, Lords, and Commons are in the strictest Union and Concord, when all Efforts are made for extending Trade, redressing Grievances, paying off the Publick Debts, supplying the Defects of the Law, and reforming the Exorbitances of Lawyers, we have the fairest Prospect of being the Envy of our Neighbours, and the most flourishing Nation in the World.

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