



Bodleian Libraries

UNIVERSITY OF OXFORD

This book is part of the collection held by the Bodleian Libraries and scanned by Google, Inc. for the Google Books Library Project.

For more information see:

<http://www.bodleian.ox.ac.uk/dbooks>

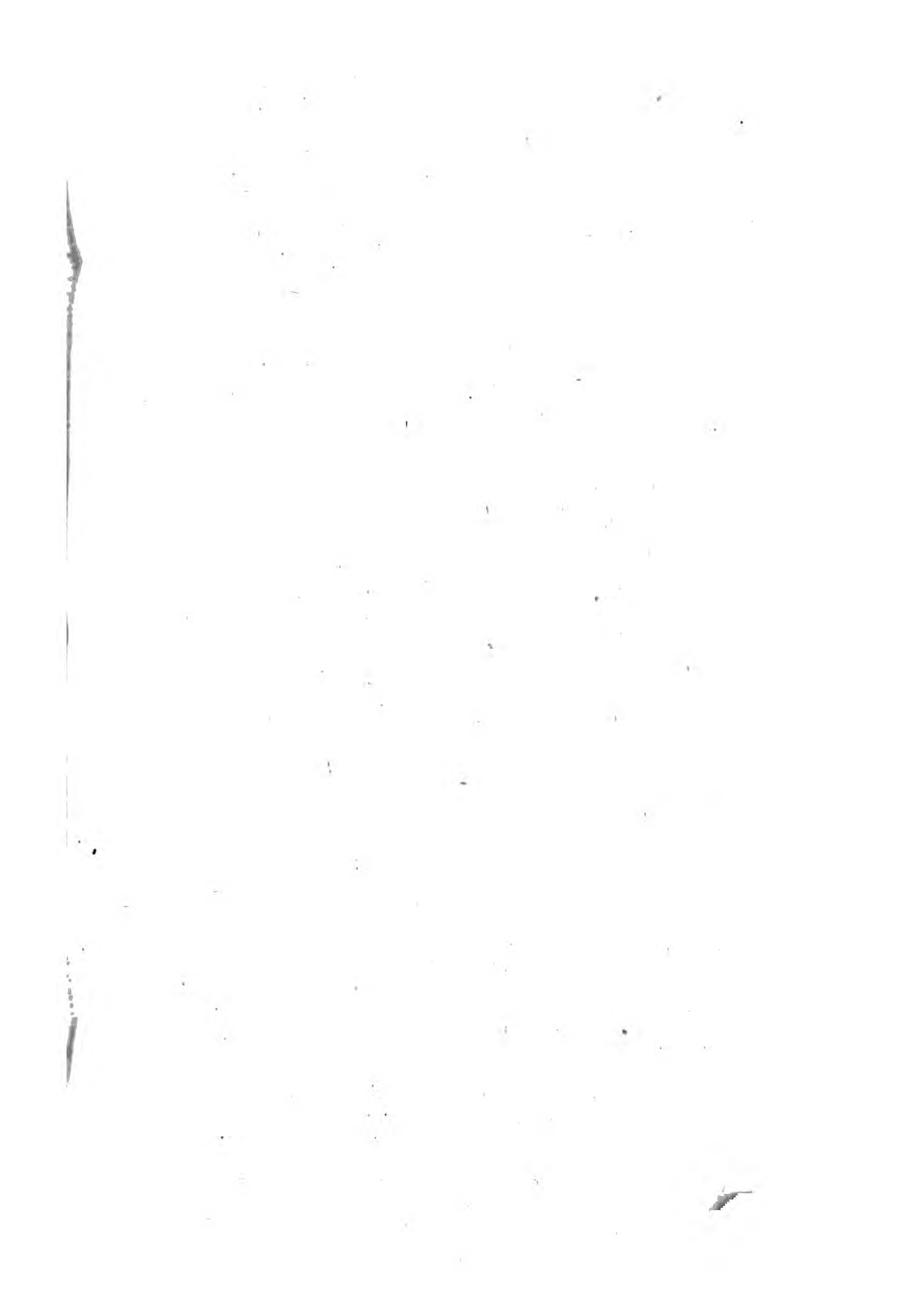


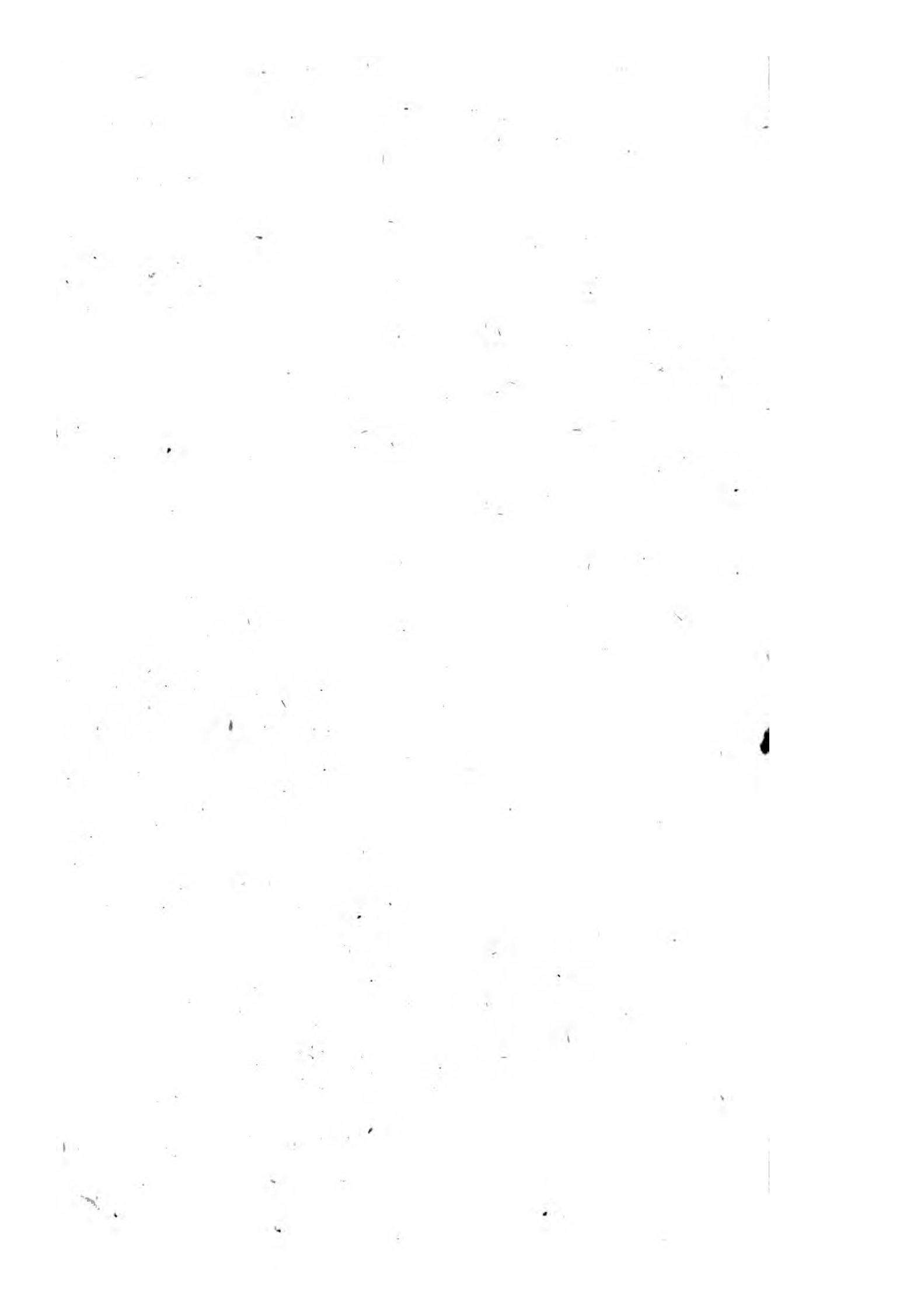
This work is licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 2.0 UK: England & Wales (CC BY-NC-SA 2.0) licence.

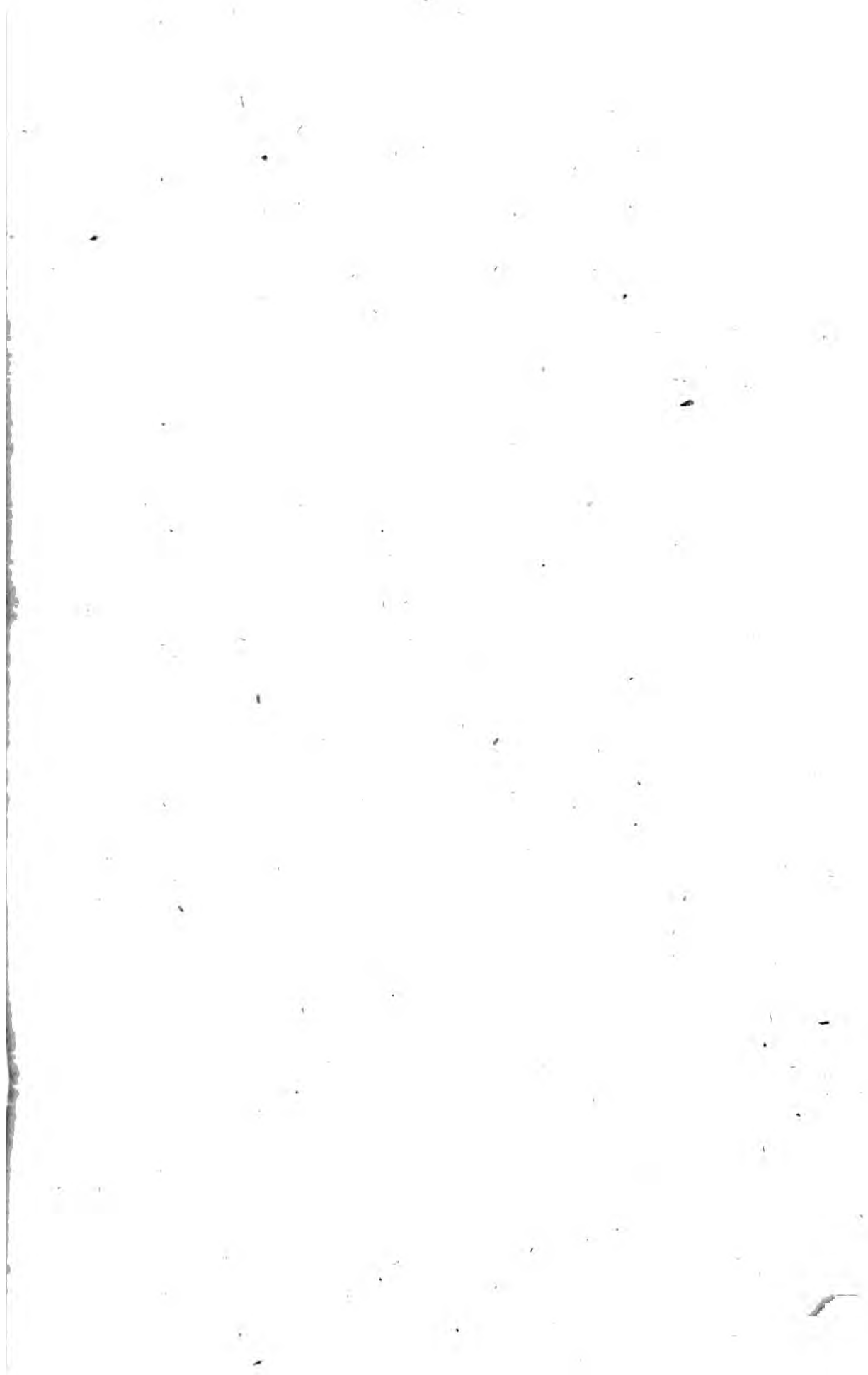


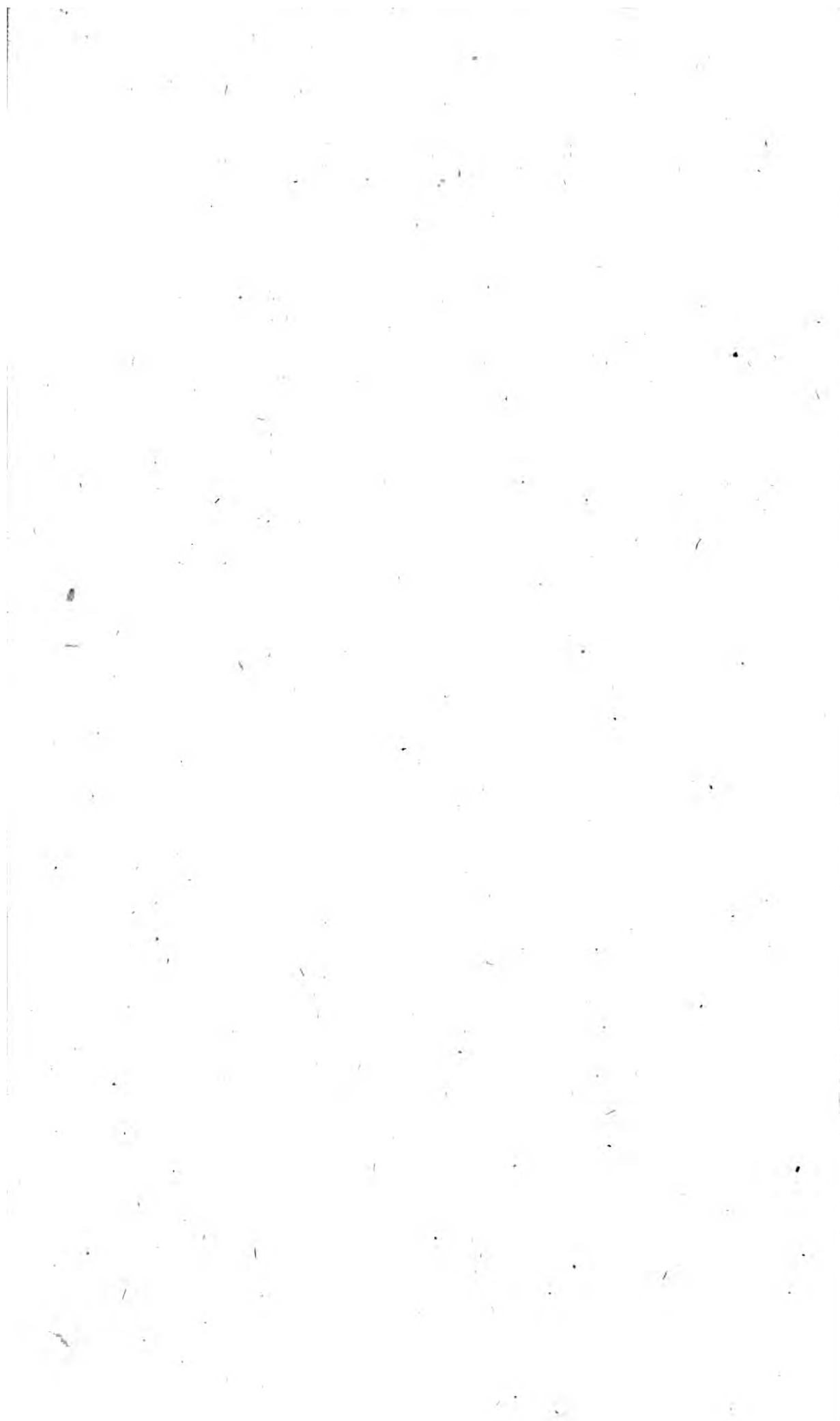
Mus. Bibl. III.

22772 . 2 . 38









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

The most exact ESTIMATES of the Charge of Government ; State of the PUBLIC REVENUE ; the Rise and Growth of the NATIONAL DEBT, Expence of the WAR, Proceedings on WAYS and MEANS, SPEECHES and MESSAGES from the Throne, ADDRESSES, and REMONSTRANCES, also the Numbers *Pro* and *Con* upon every Division, &c. Many of which Curious Particulars were never before printed.

Collected from the best AUTHORITIES,

Compared with the JOURNALS of the HOUSE ;

And illustrated with a great Variety of HISTORICAL and EXPLANATORY NOTES.

Together with a large APPENDIX,
CONTAINING

Exact LISTS of every PARLIAMENT, the Names of the SPEAKERS, their several Posts under the Government ; and other valuable, Supplemental Pieces.

V O L. XI.

L O N D O N :

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

1911

THE NATIONAL BUREAU OF INVESTIGATION

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

REPORT

ON THE

ACTS OF

THE

INDIVIDUALS

WHO

WERE

CONCERNED

IN

THE

RECENT

PAST

PERIOD

OF

THE

RECENT

PAST

PERIOD

OF

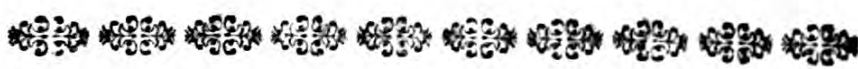
THE

RECENT

PAST

PERIOD

OF


C O N T E N T S
 O F T H E
S I X T H V O L U M E.

Continuation of the FIFTH SESSION of the Second Parliament of King GEORGE the Second.

D EBATE on the Convention	Page	1
Mr. Horatio Walpole's Motion for an Address of Thanks		10
The said Address agreed to		43
Sir William Wyndham's Motion on the Report to re-commit the Resolution for the said Address	<i>ibid.</i>	
Division thereon		68
Sir Wm. Wyndham's Speech on taking leave of the House	<i>ibid.</i>	
Sir Robert Walpole's Remarks thereon		69
Proceedings on the Petition relating to the Exportation of Wool		70
Proceedings on the Sugar-Bill		75
The King's Message for making Provision for his younger Children		81
The Speech at the Close of the Session		86

SIXTH SESSION of the Second Parliament of King GEORGE the Second.

His Majesty's Speech to both Houses		88
Commons Address		90
Debate thereon		91
Mr. Pulteney brings in a Bill for the Encouragement of Seamen, and Debate thereon		103
The Bill read a first Time		149
Certain Speeches thereon, never printed before	<i>ibid.</i>	
Debate on raising a Body of Marines		152
Divisions on the Question		195
Three Motions made for certain Papers, with the Divisions thereon		196
Proceedings on the Services, Estimates, &c. of the Year	<i>ibid.</i>	
Royal Assent given to several Acts		198
Proceedings on the Supply		200
The Division on the Plymouth Election		201
Farther Proceedings on the Supply		202
Debate on the Place-Bill		<i>ibid.</i>
*		Division

CONTENTS.

Division on the Question	246
Debate on a Motion for a Call of the House	<i>ibid.</i>
Order thereon	264
Proceedings on the Supply	265
Bill for registering sea-faring Persons brought in, and Debate thereon	<i>ibid.</i>
The said Bill ordered to be printed	280
A Motion relating to Men of War built in private Yards over-ruled	<i>ibid.</i>
Farther Proceedings on the Supply	281
Sir Robert Walpole delivers a Message from his Majesty, and Debate thereon, never before printed	282
Farther Proceedings on the Supply	295
The Bill for registering sea-faring Persons rejected	27
Two Divisions on Mr. Corbet's having accepted a Place, and a Motion for an Enquiry what new Offices have been created since 1705	<i>ibid.</i>
Mr. Pulteney's Motion for all the Powers, Instructions, &c. relating to the Convention, and the Debate thereon	298
Madam Wallmoden naturalized	315
Ordinary of the Navy provided for	<i>ibid.</i>
A Motion relating to the Misapplication of public Money over-ruled	<i>ibid.</i>
A Message from the King for a Portion for the Princess Mary	316
Pension-Bill passed	318
Farther Proceedings on the Supply	<i>ibid.</i>
Bill for securing the Freedom of Parliament dropt	319
Address on the taking Porto-Bello	320
King's Answer	<i>ibid.</i>
Royal Assent given to several Acts	321
Votes relating to Protections	<i>ibid.</i>
A Motion for a List of Cruizers over-ruled	322
Address for a proper Number of Cruizers, and the King's Answer	<i>ibid.</i>
A Conference with the Lords on the Bill for prohibiting Commerce with Spain	323
Address relating to the American Currency	324
House adjourn'd on a Disgust conceived against the Lords	326
Royal Assent given to several Acts, and King's Speech	327
Debate on Mr. Pulteney's Motion for Letters, and Instruction given to the Governors of the Plantations	329
Debate on Mr. Waller's Motion for Copies of Letters and Instructions given to Mr. Keene relating to the Convention	369
Lord Gage's Speech against the Augmentation of the Forces	387



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 Fifth Session of the Eighth
Parliament of *Great Britain.*

March 6, 1738-9.

THE Day appointed for taking the Convention into Consideration, the Members repaired so early to the House, that it was computed 400 had taken their Seats by Eight o'Clock in the Morning.

Anno 12 Geo.
II. 1738-9.

The House at last being resolved into a Committee of the whole House, to take into their Consideration the Convention between Great Britain and Spain, the following West India Merchants and Planters were heard against it, viz. Roger Drake, Esq; Rowland Fry, Esq; Thomas Bendish, Esq; James Knight, Esq; and William Beckford, Esq;

Merchants heard against the Convention, in the Committee, viz. Messrs. Drake, Fry, Bendish, Knight, Beckford.

These Gentlemen having communicated to the House what they had to offer against the Convention, several Witnesses were ordered to attend, and Papers to be read, which took up all that and the following Day.

Thursday, March 8. The House having again resolved itself into the same Committee,

The Committee returned.

Horace Walpole spoke to the following Purpose:

S I R,

'The great Pains that have been taken to influence all Ranks and Degrees of Men in this Nation, against the late

Horace Walpole.

VOL. VI.

B

Measures

Anno 12 Geo.
II. 1738-9.



Measures of his Majesty's Administration, and the Prejudices which some Gentlemen even in this House may entertain against that Measure which is now under our Consideration, make it necessary for me to endeavour to remove these Prejudices before I make that Motion, with which I intend to conclude.

' I shall begin, Sir, with this general Observation, that when Differences arise between two Nations, an immediate Declaration of War seldom is, and never ought to be, the first Resolution of either. If those Differences proceed from any Dispute about a Matter of Right, Justice and Humanity require that Endeavours should be used to have those Disputes determined in a peaceable Way, each Party making reasonable Concessions to the other, before Recourse be had to the deceitful and uncertain Fortune of War; and if they relate to Injuries done, or Violences committed, the same Justice and Humanity require that Satisfaction should be asked in an amicable Manner by the Party offended, and peremptorily denied, or unreasonably delay'd, by the Party offending, before Hostilities are resolved on. And this Method of Proceeding is founded not only upon the Dictates of Reason and Humanity, but in the Case between us and Spain upon the positive Words of Treaties.

' But the Expediency and Justice of this, Sir, are still greater when the Affronts or Injuries offered proceed only from private Subjects; because the Honour of no Nation can be injured but by another, by some public or national Act; therefore, when any Injury is done, or Affront given by the Subjects of one State to those of another, the State, whose Subjects have been injured, ought to apply to the other for Satisfaction, and ought not to look upon its Honour as any way affected, till the State, whose Subjects committed the Violence, has made the Act its own, by refusing to punish the Transgressors, or to make Reparation for the Damage sustained.

' Gentlemen I observe, in talking of the Differences between Spain and us, affect to talk a great deal of the Honour of this Nation. I would be as jealous of the Honour of this Nation as any Gentleman; but give me leave to say, that true Honour ought to be founded upon Justice and Humanity. Ambition or Interest may prompt some Nations to make Conquests, and such Nations may, and do often break through this established Rule of Justice and true Honour, by laying hold of the most frivolous Pretence for engaging in War, without any previous Application for an Accommodation. But as it is not the Interest of this Nation

Nation to make Conquests, and as, I hope, our Ambition will never provoke us to act contrary to our Interest, we can therefore have no Motive for transgressing this Rule, with regard to the Differences that may arise between us and any Nation in Europe.

Anno 12 Geo.
II. 1738-9.

‘ Upon this Maxim, Sir, and in this Light, if we consider the Treaty now before us, I believe it will appear to be not only a just and honourable Measure, but the only just and honourable Measure we could take, with regard to the Differences now subsisting between us and Spain; some of which are such as proceed from Disputes that have lately arisen about Matters of Right; and the rest are such as proceed from the Violences and Depredations that have been committed by some of the Subjects of that Kingdom against the Subjects of this. As the Matters of Right which are in Dispute are of great Consequence to us, as Spain had little or no Reason to raise any Dispute about them, and as their Depredations have been great and frequent, if it had been our Interest to endeavour to conquer any Part of the Spanish Dominions, or if his Majesty had been influenced by Ambition, and a Pursuit after a glaring but false Renown, he might, and probably would have laid hold of these Differences, as a just Pretence for declaring War against Spain, without the least Attempt to have them reconciled by amicable Means; but as it is not the Interest of this Nation to make Conquests, his Majesty considered the Peace and Happiness of his People as the most solid Foundations of his Glory; therefore he often applied before last Summer to the Court of Spain for having the Differences subsisting between the two Nations accommodated in a Friendly Manner, which that Court always found some Excuse or another for delaying; but at last his Majesty, upon the Application from both Houses of Parliament last Session, made a peremptory Demand, and insisted upon a speedy and categorical Answer; and till that Answer should arrive, his Majesty resolved, according to the Maxim I have mentioned, and according to the Advice of his Parliament, to suspend all kind of Hostilities. When the Court of Spain saw that the Affair could be no longer put off with Safety, they appeared willing to enter immediately into a serious Disquisition of the Rights that were in Dispute; and to shew themselves in earnest, they proposed to have the Account between the two Nations immediately settled, and to pay, in a short time, whatever should appear to be due from them on account of any Depredations upon the Balance. From hence his Majesty justly conceived, that there was a Probability of having all our Differences

Anno 12 Geo.
II. 1738 9.

accommodated, and therefore he could not in Justice or Honour commence Hostilities, or refuse to accept of a preliminary Convention, by which we were to obtain Satisfaction for all past Injuries, and by which we were to be put into the most probable Method, nay, the only Method that could be proposed, for obtaining in a short time a full Security against all future.

‘ To this I must add, Sir, that his Majesty’s agreeing to this Preliminary Convention, and resolving to suspend Hostilities, till he should see what Effect this Preliminary might produce, was not only the justest and the most honourable Measure he could pursue, but it was agreeable to, and in some Measure a necessary Consequence of, the Advice given him last Session by both Houses of Parliament. By the Addresses presented last Session, upon Occasion of our Differences with Spain, his Majesty was advised to use his Royal Endeavours with his Catholic Majesty, to obtain effectual Relief for his injured Subjects; and assured, that in case his Royal and Friendly Instances for procuring Justice, and for the future Security of that Navigation and Commerce, which his People had an undoubted Right to by Treaties and the Law of Nations, should not be able to procure from the Equity and Friendship of the King of Spain such Satisfaction, as his Majesty might reasonably expect from a good and faithful Ally, the Parliament would effectually support his Majesty in taking such Measures, as Honour and Justice should make it necessary for him to pursue. Now, Sir, if by this Convention his Majesty has got such Reparation, and such Security, as he could reasonably expect, it must be allowed, that his refusing to accept of it would have been acting directly against the Advice given him by Parliament; and that we have got as much Reputation, and as much Security, as any reasonable Man could expect by a Preliminary Convention, I shall now endeavour to shew.

‘ With regard to Reparation, Sir, for past Injuries, it is not only finally adjusted, but a certain Sum promised to be paid within a very short time after the Exchange of the Ratifications. As there were mutual Demands with respect to Damages sustained, it became necessary to settle and balance the Account; for I am sure no reasonable Man could expect, that we should receive full Reparation for all the Damage done to us by Spain, and allow nothing for the Damage that had been done by us to that Nation. Upon examining therefore, and stating our mutual Demands, it appeared that our Demands upon Spain, according to a Calculation made by our own Commissaries, amounted to

200,000 £.

200,000 *l.* and that the Demands of Spain upon us amount- Anno. 12 Geo.
 ed to 60,000 *l.* so that there was a Balance due to us of II. 1738-9.
 140,000 *l.* which Sum his Catholic Majesty proposed to
 pay to us, by giving Assignments upon his Revenues in
America, being the only Means he had for paying so large
 a Sum ; but as we knew the Tediousness and Precariousness
 of that Fund, it was proposed to make an Allowance for
 prompt Payment, if his Catholic Majesty would engage to
 pay the Money in a short time here at London, and the Al-
 lowance agreed on was 45,000 *l.* which reduced the Sum
 due to us to 95,000 *l.* and this Sum his Catholic Majesty
 has expressly promised, by this Convention, to pay here at
 London in four Months after the Exchange of the Ratifi-
 cations. From hence it appears, Sir, that we have not only
 got all the Reparation any reasonable Man could expect,
 but all the Reparation we could with any Pretence of Justice
 insist on. For tho' there were perhaps some other small
 Articles, which we might have added to the Sum of
 our Demands, yet it must be allowed, they were such
 Trifles, as not to be worth minding in a Transaction be-
 tween two powerful Nations ; and if we had insisted on
 them, it would have been easy for Spain to have balanced
 them with Articles of the same Kind, which were not at
 first brought into her Account.

Now, Sir, as to our future Security, every Man that un-
 derstands what it means must know, that it depends entire-
 ly upon those Matters of Right that are now in Dispute be-
 tween Spain and us ; and that therefore it cannot be clearly
 and effectually provided for, till those Rights are particularly
 examined into, and fully explained. But could any rea-
 sonable Man expect, that it was possible to do this in a few
 Weeks, or by a Preliminary Convention ? It is a Discussion
 that depends not only upon several disputable Points in the
 Law of Nature and Nations, but likewise upon several
 Facts and Circumstances that must be enquired into, and
 this Enquiry can be made in the West-Indies only. For this
 Reason we could not so much as desire Spain to do more
 than they have done. They have agreed to refer this Dis-
 cussion to Plenipotentiaries, and that those Plenipotentiaries
 shall be obliged finally to decide the Affair within the
 short Term of eight Months ; which is all we could ex-
 pect, and all we could with any Justice or Reason desire.
 Therefore, if there had not been one Word in this Treaty,
 from whence it could be presumed that Spain had passed
 from, or given up any of those Rights she has lately set up,
 yet the Treaty might have been said to be a good Prelimi-
 nary, and such a one as his Majesty ought to have accepted
 of,

Anno 2. Geo.
II. 1738-9.



of, rather than engage the Nation in a War. But this is not the Case: The principal Right Spain pretends to, and the most destructive Right for this Nation to submit to, is that of Searching our Ships on the open Seas of America, and making Prize of them, in case any Spanish Money or Effects be found on board. This Right Spain has, even by this Preliminary, in effect given up. That of Searching our Ships upon the open Seas, they have allowed to be a Cause of Complaint, which, if not stopped and prevented, might occasion an open Rupture between the two Crowns: They have allowed it to be a Grievance, which ought to be removed. Can the Exercise of a just Right be allowed to be a Cause of Complaint? Can it be allowed to be a Grievance? Whoever does so, disclaims the Right; and therefore we must conclude, that Spain has, even by this Preliminary, in effect disclaimed the Right of Searching our Ships upon the open Seas of America, which to me is a strong Indication that they intend to disclaim it by the definitive Treaty, in the most express Terms we can propose.

‘ Sir, The Court of Spain has not only acknowledged the Searching our Ships on the open Seas, and confiscating them for having Spanish Money or Effects on board, to be a Grievance which ought to be removed, but they have in some measure directly owned it to be wrong: They have allowed it to be an Injury, by giving us Reparation for what our Merchants have suffered by that Practice. Therefore the Plenipotentiaries appointed by this Convention are not to determine whether it be a Grievance or not: This is a Point which is not referred to their Discussion: It is already determined: They are only to consider, contrive, and adjust the proper Methods for removing it; and in this too they are circumscribed; for the Regulations they are to contrive and agree on for this Purpose must be according to the Treaties now subsisting between the two Crowns; and those Regulations must be contrived and fully settled within eight Months after their first Meeting, which is to be but six Weeks after the Exchange of the Ratifications; so that the Affair must be finally concluded before the Middle of *November* next. Therefore the chief Question now seems to be, whether we ought to go to War, rather than grant the Court of Spain a Delay of eight Months, for giving us full Satisfaction and absolute Security; and I do not think that any Man who considers the present Circumstances of Europe, or the present Circumstances of this Nation, would be for involving his Country in a dangerous and expensive War, rather than grant such a Delay.

‘ War.

‘ War, Sir, let the Prospect of Success be what it will, is both a dangerous and a destructive Expedient to any Nation, especially a trading and industrious Nation: It is the Bane of Trade, and the Parent of Idleness. It gives your Neighbours an Opportunity to undermine you in several Branches of your Trade, and draws a great many of your own People away from useful Labour and Industry, not only during the War, but for ever; for those who have been, for but a few Years, accustomed to live in Idleness, by Rapine and Violence, can never afterwards submit to get their Bread by the Sweat of their Brow. Besides, it may prove dangerous to your Liberties: For supporting and carrying on a War with Vigour, great Armies must be raised: When the War is ended, you may perhaps find it difficult to disband your Armies: The Generals will be against it; and the Soldiers, having lost the Hopes of living by the Plunder of their Enemies, may resolve to live by the Plunder of their Country. War therefore, even with the most flattering Prospect of Success, ought to be avoided by a trading, free Country, if possible. The Event is doubtful, let the Hopes of either Party at the Beginning be never so well founded. It is not the first Time we have heard of the Event of a War’s turning out contrary to all human Appearances. We have a fresh Instance of this before our Eyes. All Europe thought the Emperor engaged in the War against the Turks with great Odds on his Side; but we find ourselves disappointed in our Expectations; the Odds are already turned against him, and little Hopes left of his coming off with Honour, much less with Advantage.

‘ Whoever considers these Things, Sir, must think, that if the Circumstances of Affairs in Europe were entirely favourable for us, if our own Circumstances were as happy as we could wish, we ought not wantonly to engage in a War: But when we consider that the Circumstances of Europe were never in a more unhappy Situation for us than at present, and that our own Circumstances are far from being in a happy Situation, who is it will say, a War is not by all means to be avoided? The powerful Kingdom of France is now in greater Vigour than ever it was since the Reign of their Charles the Great; it is now governed by wise Counsels, and in perfect Unity and Concord within itself. The King of France is bound, not only by Interest, but by the Ties of Blood, to assist the King of Spain; and as an Addition to this Obligation, there is now forming, for aught I know, already concluded, a Treaty of Alliance between them. If we declare War against Spain, we must therefore expect that France will take Part with Spain against us; and
the’

Anno 12. Geo:
II. 1738-9.



Anno 12. Geo.
II. 1738-9.



tho' I have so good an Opinion of my Country, as to think we are more than a Match for the one, and at least an equal Match for the other, yet I cannot be so vain as to think we are an equal Match for both; and consequently, I must think, we have Reason to be afraid of sinking under the Burden, unless we can get some of the other great Powers of Europe to assist us.

' Let us now look round Europe, Sir, and we shall find with Regret there is not at present any one of the Powers thereof, on whom we could, in such a Case, depend for an effectual Assistance. The House of Austria is now in so weak a Condition, and so much reduced by the Misfortunes they have met with in their War against the Turks, that they could not, if they would, afford us any Assistance; and if they could, 'tis a Question if they would; for their Counsels seem at present to be too much directed by French Influence. The Dutch are at present in a poor and helpless Situation; for tho' the Subjects of most of the United Provinces are rich and in affluent Circumstances, their Government is extremely low, and almost all their public Revenues mortgaged or anticipated; which makes them backward to engage in War: That tho' they have met with as bad Treatment from Spain as we have done, tho' as many Dutch Ships, in proportion, have been unjustly seized by the Spaniards, yet have they never yet attempted, nor do they seem to have the least Inclination to resent these Injuries in any hostile Manner. The Princes of Germany are now contending amongst themselves about the Succession to some Parts of the Palatinate; and that Contention may perhaps break out into an open Rupture. Of the Princes of Italy, the two most potent may probably be engaged in the Alliance against us; and the King of Portugal dares not assist us, I even doubt if he would dare to admit our Men of War into his Ports. Then, if we look Northward, of the two Northern Kingdoms, the most powerful seems already to be united against us; and the Muscovites, if they were inclined, are at too great a Distance to afford us any Relief. Thus, Sir, we are at present without any one Ally upon the Continent, that would give us Assistance; and in case of a War, the two most potent Kingdoms in Europe would probably be united against us; nay, I do not know but that the greatest Part of Europe would unite against us; and when the Affairs of Europe are in such Circumstances, would it not be the Height of Madness in us to engage in War, if we can by any Art, or by any Means, avoid or delay it?

' But this, Sir, is not our only Misfortune at present. Our dome-

domestic Circumstances are far from being in such a Condition as may encourage us to engage in War. Our People are already taxed almost as much as they can possibly bear; and most of those Taxes mortgaged for paying the Debts we contracted in the late War: The Overplus of our public Revenue is hardly sufficient for supporting our Civil Government in Time of Peace. If we go to War, we must lay on new or additional Taxes: This will increase those Animosities and Divisions that now prevail too much amongst us; and will cause that Party to raise its Head, which has not dared to look up for near twenty Years past. If we go to War, our Enemies will certainly endeavour to bring us into Confusion at Home, by embracing the Cause of the Pretender: The War itself will be made the Cause of the Pretender; and when our People find every Year new Loads of Taxes laid upon them, many of them may begin to ascribe all the Misfortunes they labour under, to the illustrious Family now upon our Throne, which will make them ready to join any Number of foreign Troops that shall invade us, with the Pretender at their Head. If France and Spain should join against us, it will be impossible for us to guard our Coasts, by means of our Navy, so closely, as that it may not be in their Power to throw a few regular Troops into some Part of the Island; and this might give us so much to do at Home, that we should neither have Leisure nor Power to distress our Enemies, or protect our Plantations Abroad.

Anno 12. Geo³
II. 1738-9.



‘ I have as just a Sense as any Man can have of the Sufferings of our Merchants, and of the Indignities that have been put upon the Nation by the Spanish Guarda Costa’s; but national Resolutions, Sir, ought not to be directed by Passion: We may, we ought to shew a proper Resentment; but our Resentment ought to be governed by Prudence; and if it is, we must suspend shewing it, till a Change in the Circumstances of Europe presents us with a favourable Opportunity, which, in all Probability, we shall not be long obliged to wait for. Therefore, if this Convention had not been so favourable as it appears to be, his Majesty ought, I think, in the present Conjuncture, to have accepted of it. This is the Opinion I must form, from the View I have of the present Posture of Affairs, and from Circumstances that are publicly known; but his Majesty may know many Circumstances which we do not know, and which he cannot communicate to this House; and therefore in such Cases, we ought to be extremely cautious of refusing our Approbation to a Measure which his Majesty has thought fit to approve of. Such a Caution would have been necessary,

Anno 12. Geo.
II. 1738-9.



Motion for an
Address upon
the Conven-
tion.

cessary, even tho' this Convention had appeared to have been altogether unsatisfactory; but I have shewn, I think, that we have got by it all that could be reasonably expected by a Preliminary Treaty; from whence we have good Reason to hope, that in eight Months Time we shall obtain by a definitive Treaty all we can desire, which is a Delay, I am sure, not worth our while to go to War for. Therefore, I must think, I am fully warranted in what I am to propose, which is,

‘ That an humble Address be presented to his Majesty to return the Thanks of this House for having the Convention communicated to us; and to express our just Sense of his Royal Care for the true Interest of his People, in bringing the Demands of his Subjects to a final Determination; and for procuring a speedy Payment for the Losses the Merchants sustained by the Spaniards, by a certain stipulated Sum. And to declare our Satisfaction in the Foundation his Majesty has laid for preventing and removing the like Grievances and Causes of Complaint for the future, and for preserving the Peace between the two Nations, and our Reliance on his Majesty that effectual Care will be taken in the solemn Treaty to be made pursuant to this Convention, that the Freedom of Navigation in the American Seas may be fully secured and established for the future; and that his Majesty's Subjects may enjoy unmolested their undoubted Right of Navigating and Trading to and from any Part of his Majesty's Dominions, without being liable to be stopped, visited, or searched on the open Seas, or to any other Violation of the Treaties subsisting between Great Britain and Spain, as the only Means to preserve upon a lasting Foundation a good Correspondence and Friendship between the two Crowns; and that in regulating and settling the Limits of his Majesty's Dominions in America, in the Treaty to be made with Spain, the greatest Regard will be had to the Rights and Possessions belonging to his Majesty's Crown and Subjects. — And to assure his Majesty, that in case his Majesty's just Expectations shall not be answered, that this House will support his Majesty in taking such Measures as may be most conducive to vindicate the Honour and Dignity of his Majesty's Crown, and the Rights of his People.’

Mr. Campbel of Pembrokehire.

S I R,

Mr. Campbel.

‘ I stand up to second the Motion which the Honourable Gentleman near me has been pleased to make; and I second it, because, I think, the necessary Consequence of our not agreeing to it, would be an immediate War. Now, as I think we have got by this Convention as much as we could expect

expect by a Preliminary Article, for with respect to our future Security it can be called nothing else, nor was it possible in so short a Time to make it any thing else; and, as I think, that the Court of Spain's agreeing to this Convention, especially that Part of it which stipulates an immediate Reparation, furnishes us with a strong Presumption that they are inclined to do us Justice, and that we shall in a short time obtain sufficient Security for the Freedom of our Trade and Navigation in Time to come; therefore, I must think a War quite unnecessary, and no War can be just that is not necessary, nor can any War be honourable that is not just.

• This Consideration, Sir, convinces me, that we ought to approve of this Convention; and my Honourable Friend has taken Care to put some Words or Expressions into the Address he has been pleased to propose, which, in my Opinion, will obviate the only material Objection I have heard made to this Treaty. Our Merchants seem to think, that our Rights and Possessions in America are not sufficiently secured to us by the Terms of this Preliminary; and therefore they apprehend, that some of them are to be given up by our Plenipotentiaries. These Apprehensions, I think, there can be no Ground for, from any Word or Expression in this Preliminary; nor can any Man entertain such a Thought, if he considers the inviolable Attachment his Majesty has always shewn for the Rights and Privileges of his People, and that our Plenipotentiaries can do nothing without his Order, nor finally agree upon any thing without his Approbation; but if it were possible to apprehend, that any of our Rights or Possessions are in Danger of being lost, or given up by the definitive Treaty that is to be concluded in pursuance of this Preliminary, even that Possibility must be taken away, by our declaring, in the Address proposed, our Reliance on his Majesty, that from his constant Attention to the Honour of his Crown, and the undoubted Rights of his People, effectual Care will be taken, that the Freedom of Navigation in the American Seas may be fully secured and established for the future; and that in regulating and settling the Limits of his Majesty's Dominions in America, the greatest Regard will be had to the Rights and Possessions belonging to his Majesty's Crown and Subjects.

• By these Words, I say, Sir, the very Possibility of apprehending any Danger to our Rights or Possessions must be effectually removed; for after such a full and explicit Declaration of Parliament, what Minister will dare to advise his Majesty to give any Instructions, or to ratify any Treaty, for giving up, or incroaching in the least upon, any

Anno 2. Geo.
II. 1738-9.



of our Rights or Possessions in America? Therefore, I think, no one good Reason can be assigned for our refusing to give such an Approbation to this Convention, as the Honourable Gentleman has been pleased to propose; for really, in my Opinion, it looks more like a Declaration of what we expect by the solemn Treaty that is to be concluded, than an Approbation of the Preliminary that has been already concluded.

* Sir Thomas Sanderson.

S I R,

Sir Thomas
Sanderson.

* The Great Design; and the chief Use of Parliaments, is, to present to our Sovereign the Opinions as well as Grievances of the People; and this House in particular is designed as a Check upon Ministers, and as a Sort of Mirror, in which the Counsels, the Actions, and the Measures of Ministers are to be truly and faithfully represented to their Master. In absolute Monarchies the King can never know, by any legal Means, whether the Measures he is advised by his Ministers to pursue be agreeable to his People: He can never be informed of their being disagreeable, but by the Insurrections or Rebellions of the People, which generally end in the Destruction of a great many Subjects, and often in the Ruin of the Sovereign. This is a Misfortune that in this Kingdom we shall always be free from, while we have Parliaments, and such Parliaments as are independent of the Administration. But if ever our Parliaments should come to be under the Direction of the Minister, for the Time being, they would be useless, they would be pernicious; because they would be made use of only for imposing upon the King with the greater Assurance, and for oppressing the People with the greater Security. Therefore, I hope, that in this House we shall upon all Occasions talk to our King, not in the Language of his Ministers, but in the Language of Truth, in the Language of his People. For this Reason, while I have the Honour to have a Seat here, I shall never join in any Address to the Throne that may in the least contribute towards inducing my Sovereign to form such an Opinion of any public Measure, as may be contrary to the Opinion I have, upon a thorough Enquiry, formed of it, and contrary to the Opinion which, I know, the People in general have formed of it. The Convention now before us, in my Opinion, is the most dishonourable, the most deceitful, the most ruinous Treaty this Nation ever made: I will be bold to say, that 99 out of a 100 of the

* Then Treasurer to the Prince of Wales. Now Earl of Scarborough.

the People are of the same Opinion ; and shall I agree to
 an Address, which must make the King believe, if he be-
 lieves what we say, that it is an honourable, fair, and ad-
 vantageous Treaty ?

Anno 12 Geo.
 II. 1738-9.

The Honourable Gentleman and his Friends may, if they please, Sir, call the latter Part of the Address he has proposed a Declaration of what we expect by the solemn Treaty that is to be concluded ; but the first Part is a downright Approbation of the Convention ; and is therefore inconsistent with the latter ; for it would, in my Opinion, be ridiculous in us to say, we expect or hope for any thing from a solemn Treaty that is to be concluded in pursuance of a Preliminary, by which every thing we have to expect, or hope for, is previously given up, and almost expressly surrender'd. Out of the Regard I have, and I hope, shall always have for his Majesty, I must, in examining the Address proposed, leave his Name out, and substitute in its Room, the Name or Term Minister, or Negotiator. Shall I, Sir, upon Occasion of this Convention, express my most grateful Acknowledgments for the Minister's, or Negotiator's particular Care, and tender Regard for the Interests of the People, when I think that in negotiating and agreeing to this Convention, he has shewn no Care, no Regard for, but on the contrary has sacrificed, I shall not say betray'd, the most valuable, the most sacred Rights of his Country ? Shall I say, that a final Adjustment of our long depending Demands has been obtained by this Convention, when I see, that instead of adjusting, we have released them ? Shall I say, that any Payment is to be made by Spain upon that Account, when it appears that Spain is not to pay one single Groat, when it appears that no one Shilling is so much as stipulated, but what is to be paid by one Part of our own Subjects to another ? Or, shall I say, I am satisfied with the Foundation the Minister or Negotiator has laid, for preventing the like Grievances and Causes of Complaint for the future, when I am convinced that, by this Convention, a Foundation is laid for increasing them, and for rendering them perpetual ? God forbid, Sir, that any Member of this House should behave in such a slavish Manner towards the Minister, or in such a deceitful Manner towards his Sovereign.

I shall allow, Sir, that when Differences arise between two Nations, War ought not to be resolved on till Application be first made for having them removed by a friendly Accommodation ; but that Application ought to be made in an honourable Manner, and suitable to the Dignity of the Nation that makes it. If the Matters of Right that are
 begun

Anno 12. Geo.
II. 1738-9.



begun to be disputed be such as are really doubtful, a Negotiation may be set on Foot for having them explained; but to dispute the most undoubted Rights, Rights that are established by the Law of Nature as well as by particular Treaties, is one of the greatest Insults that can be put by one Nation upon another; and therefore, the only Application that can be made is a peremptory Demand for having them acknowledged in the most explicit Terms: To negotiate, or to treat about such Rights, is to betray them. Again, when Violences are committed by the Subjects of one Nation upon those of another, Satisfaction may be demanded, nay, I shall grant that it ought to be demanded in a peaceable Manner, before resolving to take Satisfaction by Force of Arms; but this Satisfaction ought to be required, not sued for; and much less sued for again, after many affected Delays or sham Excuses: To require Satisfaction in a peaceable but dignified Manner is prudent, is commendable; but to sue and solicit for it is mean, abject, and dishonourable; and when a Nation continues to sue for it, under frequent Repetitions of the same Sort of Violences, it is ridiculous, it is mischievous.

‘ This, I am afraid, is our Case with regard to Spain. We have negotiated about our undoubted Rights, we have sued for Satisfaction, and have so long continued negotiating, that we have at last rendered ourselves ridiculous and contemptible. In this Opinion I am confirmed by the Treaty now under our Consideration: A Treaty which they seem to have imposed upon us as the Coup de Grace to that Character we formerly had among the Princes and Potentates of Europe. After disputing with us such undoubted Rights, and committing so many and such unheard-of Depredations upon our Merchants, if they had not had the utmost Contempt of our Understanding, as well as Power, it was impossible they could have thought of imposing such a Treaty upon us: A Treaty by which they have, under the Pretence of giving us a Foundation for obtaining future Security, obliged us to give up those Rights upon which it depends; and instead of giving us Reparation, they have obliged us to give them a general Release; nay farther, they have obliged us to give up to them, for much less than the true Value, five British Ships and their Cargoes, which they had, before this Treaty was thought of, obliged themselves to restore. If they had given us a flat Denial, if they had absolutely refused to give us any Security or Reparation, it would have been shewing a Contempt of our Power only; but to presume to palm upon us such a sham Security, and such a fallacious Sort of Reparation, is shewing

ing the utmost Contempt of our Judgment, as well as our Power. As yet the Contempt can fall upon our Negotiators only; but if this House should give any thing like a Sanction to such a Treaty, the Contempt must fall upon the Nation, or at least upon that which is called the Wisdom of the Nation.

Anno 12. Geo.
II. 1738-9.

‘ In order, Sir, to make good what I have said, I must beg Leave to consider what we ought to have had, and whether we have got, by this Treaty, so much as the Hopes of obtaining any one Thing we ought to have had. I believe every Gentleman will allow, that we ought to have had some Satisfaction for the many Insults the Spaniards have put upon the Crown and Flag of Great Britain. To some this may appear to be merely a Point of Honour; but to me it appears so material, that I think we can have no future Security without it. No Treaty, no Regulations you can make, will, in my Opinion, signify any Thing, without some exemplary Satisfaction; for the Spanish Governors and Captains of Guarda Costa’s in America will shew no Regard to any Treaty or Regulations you can make, if they find they may transgress them with Impunity. Whereas, if some of those Governors and Captains that have robbed our Merchants had been hanged, as they highly deserve, and their Bodies hung up in Chains, upon the most conspicuous Capes of Cuba, Hispaniolo, and Porto-Rico, it would have shewn all such for the future what they were to expect, if they insulted the Crown, or injured the Subjects of Great Britain. But the Court of Spain, being resolved to grant nothing that might any way contribute to our future Security, resolved not to allow the Word Satisfaction to be so much as once mentioned in this Treaty: Even the Spanish Pirate who cut off Captain *Jenkins’s* Ear, making use at the same Time of the most insulting Expression towards the Person of our King, an Expression which no British Subject can decently repeat, an Expression which no Man that has a Regard for his Sovereign can ever forgive: Even this Fellow, I say, is to live to enjoy the Fruits of his Rapine, and remain a living Testimony of the cowardly Tameness, and mean Submission of Great Britain, and of the triumphant Pride, and stubborn Haughtiness of Spain.

‘ This alone, Sir, is sufficient to shew, that we can have no Hopes of any future Security; and yet a future Security for the Freedom of our Trade and Navigation was what we ought principally and peremptorily to have insisted on; but our negotiating Ministers have not satisfied themselves with neglecting it, they have almost expressly, by this Preliminary,

Anno 22. Geo.
II. 1738-9.




liminary, given it up: They have almost expressly given up the Rights upon which it depends, by referring them to be regulated by Plenipotentiaries; for if we consider the Nature of those Rights in dispute between Spain and us, upon which our future Security depends, we must see that, if the Right we pretend to be regulated, it must be surrender'd, and that if the Right Spain pretends to be regulated, it must be established. The Right we pretend to, the Right which, I hope, the Nation will never depart from, whatever our Negotiators may do, is a Right to a free Navigation in the open Seas of America: This Right the Spaniards, trusting to our Feebleness, or our Fondness for Negotiation, have taken upon them to deny: They say, we have no Right to any Navigation in the American Seas but what they have granted us by Treaty, which is only whilst our Ships steer a direct Course from one Part of the British Dominions to another. For God's Sake, Sir, what is it, in this Case, our Plenipotentiaries are to regulate? Are they to regulate what shall or shall not be called a direct Course? If we agree to any such Regulation, can we afterwards say, we have a Right to a free Navigation? Does not every Gentleman see, that if this Right be regulated, it must be given up?

On the other hand, Sir, Spain pretends to a Right to search our Ships in the open Seas of America, and to seize and confiscate them, if they be found sailing out of their due Course, or if any Goods, which they are pleas'd to call contraband, be found on board. Does not every Gentleman see that this Right must be granted, must be established, before it can be regulated? Therefore, it may be justly said, that, by this Preliminary, we have surrender'd the Right we pretend to, and established the Right the Spaniards pretend to; or at least, that we have laid a Foundation for expressly surrendering the one, and establishing the other, by the solemn Treaty that is to be concluded in pursuance of this Preliminary. This is the least we have done by this Preliminary; and that is the more dishonourable, the more scandalous, because the Right we pretend to, is a Right established by the Law of Nature, enjoy'd by all Nations, and confirm'd to us by every Treaty subsisting between the two Crowns: Whereas, the Right the Spaniards pretend to, is a Servitude, which no Nation ever pretended to impose upon another, nor did ever the most contemptible Nation under the Sun submit to it. To which I must add another Misfortune, that all the Regulations that can, in either of these Cases, be established, are to be explained and judg'd of by Spanish Governors and Captains of Guarda
Costa's

Costa's; and therefore, we may from their past Behaviour conclude, that every British Ship they meet with in the Seas of America will be adjudged to be a Trespasser against some of these Regulations, and consequently liable to Confiscation.

Anno 12 Geo.
II. 1738-9.



Thus, Sir, it appears, we have negotiated, we have treated away all Hopes of future Security; and now I shall make it appear, we have done the same with respect to Reparation for past Injuries. By a commissorial Way of Reckoning our Negotiators reduced the Demands of their Country to 200,000 *l.* and this Sum, allowing a Trifle, as they say, for prompt Payment, they pretend to have obtained for us: But how have they obtained it? They allow Spain to deduct 60,000 *l.* on account of a most frivolous Demand they set up against us, and before Spain pays any thing to us they have allowed them to extort in the most unjustifiable Manner from our South-Sea Company 68,000 *l.* These two Sums reduced what Spain was to pay to us, by Way of Reparation, to 72,000 *l.* and from this Sum they have allowed them to deduct 45,000 *l.* a pretty modest Allowance, for prompt Payment: Then there remains but 27,000 *l.* and for this they have allowed them to detain, and convert to their own Use, five British Ships, which the King of Spain had before promised to restore, and had actually sent Cedula's to the West-Indies for that Purpose; which five Ships, I mean those mentioned in the 4th Article of this Treaty, were worth 30 or 40,000 *l.* Does not every one see, Sir, that instead of our getting any Reparation by this Treaty for past Injuries, we have really allowed the Spaniards to keep to the Value of at least 3, if not 13,000 *l.* of what they had before obliged themselves to restore? And this, I suppose, our Negotiators allowed them by Way of a Reward for their allowing the sham, stipulated Payment of 95,000 *l.* to be mentioned in this Treaty. In Consideration of which sham, stipulated Payment, we have given them a general Release for all Demands, and all past Injuries. Sir, if we had freely given them a general Release, we might have had something to boast of: We might have bragged of our generous and forgiving Temper; but to be thus choused out of all our just Demands, must make us the Ridicule of every Foreigner that hears of it. Can such a sham Reparation, such a lumping Bargain as this, be said to be an Acknowledgment in the Spaniards of their having been in the wrong to us? So far otherwise, that it must be supposed, they insisted upon our lumping away our Demands in this Manner, on purpose to avoid their being obliged to acknowledge themselves in the wrong, or to ac-

Anno 12 Geo.
II. 1738-9.



knowledge that any of our Ships had been unjustly searched, seized, or confiscated, except the five Ships they had before acknowledged to be so; and provided we would allow them to keep these five Ships, I suppose they were willing to agree, to allow us what they valued them at by way of Reparation.

This, Sir, is in reality, whatever we may pretend, the only Reparation we are to meet with from Spain; and this Reparation they had promised us before this Convention was thought of. The 60,000 *l.* which we have allowed them for their Ships, which we took and destroy'd in the Year 1718, can be no Reparation to us, whatever it may be to them; because they had no Pretence for any such Demand. The taking and destroying of those Ships was what we had a just Title to from their Infraction of Treaties: It was then reckoned such a Piece of public Service, that Sir George Byng was made a Peer for it; and if we promised to restore them by the Treaty in 1721, we performed that Promise, as far as was incumbent upon us: We promised only to restore them in the Condition they were in: We did not promise to repair them, or to make them fit for Service; and if the Spaniards would not take them, because they would not be at the Expence of repairing them, it was their Fault. Therefore I must suppose our Negotiators allowed of this Demand for no other Reason, but in order to have a Pretence to say, they had obtained some Sort of Reparation; and the 68,000 *l.* to be paid by our South-Sea Company, I must look on as a Condescension of the same Nature. The King of Spain had justly no such Demand upon the Company: If he had, they had much greater Demands upon him: The Court of Spain itself allows they have a just Demand for above four Times that Sum; therefore the most that Court could insist on, was Compensation; but the Truth is, I believe, they are resolved never to pay the Company a Shilling; and our Negotiators allowed them to insist upon the immediate Payment of this 68,000 *l.* upon a Promise to pay it back to them by way of Reparation. Can this be called a Reparation made by Spain? Can it be called a Reparation made to this Nation? If the Company would agree to pay it, which I believe they will not, it might be some Reparation to our injured Merchants; but a Reparation made to them by our own South-Sea Company can never be said to be a Reparation made by Spain; nor can a Reparation made by one Part of our own People to another be said to be a Reparation made to the Nation.

I have now, I hope, clearly shewn, Sir, that by this Convention,

Convention we have obtained no Satisfaction, no Security, no Reparation; but that on the contrary we have given up all future Pretences to every one of them. Therefore I cannot think that any Gentleman who considers himself only as a Member of this House will agree to our approaching the Throne of our Sovereign with such an Address as has been proposed. Immediate War may not be the Consequence of our refusing our Approbation; but immediate Infamy to the Nation will, in my Opinion, be the certain Consequence of our granting it. I shall allow that War ought to be avoided. It ought to be avoided by all Means, but scandalous, cowardly Means. A Nation that has once got the Character of being cowardly, or too fearful of engaging in War, must always be in a Sort of War. They will always be suffering War, but never making any. This, I am afraid, has been too much our Case for 17 or 18 Years past: We have had our Towns besieged, our Ships taken, our Merchants plundered, and our Seamen barbarously treated, without our declaring War, or committing any Hostilities on our Side. Long before the Treaty of Seville, the Spaniards began their Depredations: We then bought Peace at a dear Rate; at the Price of sacrificing the Friendship and Confidence of one of our best Allies. While we were getting Provinces for Don Carlos, which has since procured him Kingdoms, the Spaniards suspended a little their Depredations; but they never granted us any Reparation for what was past, nor Security against future, tho' they promised both by that Treaty: On the contrary, as soon as their Turn was served, they renewed their Depredations with more Vigour and Cruelty than ever. And shall we approve of a Treaty, which, instead of preventing them, will give the Spaniards what they never had before, a Title to continue them; for this must be the Case, if in pursuance of this Preliminary we agree by a solemn Treaty to any Regulations, either with regard to our Right to a free Navigation, or with regard to the Right they pretend to of Searching our Ships upon the open Seas, and seizing them, if found sailing out of their due Course, or with any Goods on board, which they are pleased to call contraband.

Our agreeing, Sir, to such a Treaty must necessarily involve us at last in a War, unless we have a Mind to give up our Plantations and West-India Trade: Whereas our refusing our Approbation to this Preliminary will prevent any such solemn Treaty's being negotiated, and may prevent a War; for if Spain has the least Dread of our Resentment or Power; if this Nation is not already brought into the utmost Contempt, when Spain sees that they cannot amuse a

Anno 12. Geo.
II. 1738-9.



British Parliament, as well as a British Ministry, they will agree to do us Justice in a peaceable Manner. But for God's Sake, Sir, what are we afraid of? If Spain is not assisted by France, 'tis impossible we can have any Thing to fear. If France should join against us; tho' I may not perhaps think, we are an equal Match for them both at Land, yet, I think, we are more than a Match for them both at Sea; and there they must gain a Superiority, before they can distress, or greatly hurt this Nation, But suppose we were not: The Honourable Gentleman who made this Motion, has himself given a good a Reason, why we should not submit to an infamous Peace. The Race is not to the Swift, nor the Battle to the Strong, 'tis God that gives the Victory; and when we have so just a Cause, we have great Reason to hope for the Assistance of God Almighty; which will be sufficient for us, even tho', by means of our late Negotiations and Conduct, we may now literally say, We have none else to put our Trust in, but him.

The Circumstances of Europe, Sir, are indeed at present in a dangerous, a most terrible Situation; and the present Circumstances of this Nation cannot, 'tis true, be said to be happy; but the Honourable Gentleman who made this Motion is, I think, one of the last that ought to have made use of such an Argument for our approving of a dishonourable or destructive Treaty. If we have negotiated the Affairs of Europe into an unlucky Situation, 'tis well known who ought to be blamed; and if the domestic Affairs of this Nation be now in great Disorder, a certain Friend of his cannot be entirely innocent. If our Affairs are brought to such a fatal Crisis, that we must either forfeit our Honour, and leave our Plantations and Trade exposed to continual Insults and Depredations, or engage in an unequal War, it may be an Argument for suspending our Resentment, if possible, till a more favourable Opportunity offers; but it can be no Argument for our agreeing to a dishonourable and pernicious Treaty; especially when by such a Treaty we are to get nothing, not so much as a Suspension of Hostilities, and are to give a general Release of all former Demands, a general Oblivion of all past Injuries; for since we are to get nothing, I think we ought not to have passed from any thing by this Preliminary: Our Demands, as well as our Rights, might have been referred to be regulated by our Plenipotentiaries; and in that Case, we could have insisted or relaxed with regard to the former, according to the Compliance we had found Spain ready to make with regard to the latter.

I therefore hope, Sir, that no Gentleman will be frightened

ned into an Approbation of this Treaty, by the Terrors Anno. 12. Geo. II. 1738 9. that have been thrown out; but that on the contrary every Gentleman will upon this Occasion resume the Spirit of his Ancestors, and reject a Treaty which so evidently blasts the Honour of his Country. When this is done, we may with Honour examine into the Terrors we have been threatned with; and if there be the least Ground for them, I hope it will be a prevailing Argument for our entering upon a strict Enquiry into the Conduct of those who have brought their Country into such fatal Circumstances; for if we be in such a woful Condition, as to be unable to continue in Peace with any Degree of Honour, or engage in War with any Prospect of Success, I am sure we can expect no Redress from the future Conduct of those, who by their past Conduct have brought our Affairs, both at Home and Abroad, into such Distress and Confusion.

Lord Gage,

S I R,

‘ As incapable as I am of entering into a Debate of this Nature, I can’t with that Duty I think I owe my Country, and those I have the Honour to represent, sit still and only give a Negative to the Question before us: For I look on this Address that is propos’d to be made his Majesty, to be no more than a Vote of Approbation of the Measures taken by the Administration, and of Thanks for the Blessing the Nation has obtained by this Convention with Spain, of which I once said before, had a Messenger with proper Instructions been sent over in a Fisher-Boat, he would have brought us back a better than that we have got.

‘ As to any Compliments that are to be paid his Majesty, no one is more ready to join in them than myself; but as by the Laws of this Land the King can do no wrong; so I look on this Convention as the Work of the Minister, and as such I shall speak of it; and that it is so is clear, for Everybody, let him be never so dim-sighted (that has not had Dust thrown into his Eyes) must see that this glorious Convention, that has cost the Nation not above Half a Million of Money, is more a ministerial Expedient to get over this Session of Parliament, than a Thing calculated either for the Dignity of the Crown, the Satisfaction of the Merchants, or Reparation for the repeated Insults on the Honour of the Nation.

‘ When I first read the Convention, I was surprized to find that our indisputable Right to free Navigation, and no Search at any Distance from Land, was to be refer’d to Plenipotentiaries at a future Congress: The referring an indisputable Right, is in a Manner weakening the Title, not that

Anno 12. Geo. II. 1738-9. that I apprehend, that any Minister at Home or Abroad will ever dare give up this Right of ours.

But why is this to be discussed in a future Treaty? Why, after the Resolutions the Parliament last Year came into, was not this the first Article in the Convention. *Sine qua non*, as to any Treaty with Spain, can there be any one weak enough to imagine, that Plenipotentiaries sitting at a round Table with Pen, Ink, and Paper before them, can procure for this Nation what our Fleet could not have done last Year with Cannon, Powder, and Ball?

‘ Besides, by having deferr’d doing ourselves Justice, England may have lost a very lucky Juncture: France and Spain were not then on so good Terms, as I am afraid they are at present. Had the Spaniards been attacked last Year in New Spain, we should have found them unprovided, their Garrisons without Men, and their Fortifications out of Repair. But this they have taken Care to remedy for the future, by the great Number of Troops they have since sent thither, and by working Day and Night at their Fortifications.

‘ But as on the one hand they are grown stronger, so we on the other are grown weaker and poorer: We, Sir, last Year threw away a vast Sum of Money to no Purpose, but to be laughed at by all Nations, and they by our Leave are bringing home, in their Galleons, vast Sums of Money to be employ’d against us.

‘ What have we been doing for these last twenty Years but negotiating to no Purpose? What is there in this Treaty more than in all former Ones? Did not Spain by the Treaty of Madrid, in the Year 1721, which Treaty was confirmed by another in the same Year, called the Tripple Alliance, stipulate that all former Treaties should be confirmed, and expressly promised that all Goods, Merchandizes, Money, Ships, and other Effects, which have 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? Has there been a Tittle of this performed? Has our Merchants ever had any Satisfaction made them for their Ships, their Effects and Money they were plunder’d of? Why, no.

‘ But yet every Man, who at that Time did not believe they should, was looked upon as a Jacobite, a Man disaffected to his Majesty, or at least to his Minister, which was as bad, if not worse. So far were the Spaniards from performing one Article of this Treaty, that they used us worse than ever, and so continued doing till the Merchants came with fresh Complaints, which they laid again before the
House

House of Commons, where I can't say, they were very civilly used by some; however, they made out very clear the Allegations of the Petition, and proved their Losses beyond Contradiction.

Anno 22. Geo.
II. 1738-9.

‘ Upon this, vigorous Resolutions were again enter'd into by the House of Commons to obtain Justice and Satisfaction for the Merchants; and in order to obtain it, our then and present Ministers finding that they had not succeeded in any one Treaty they had yet made, enter'd into another called the Treaty of Seville, signed in the Year 1729.

‘ By the first Article of this Treaty all former Treaties of Peace, Friendship and Commerce, are again renewed and confirmed; and Spain expressly promised not to do any Thing, nor suffer any Thing to be done, that might be contrary thereto directly or indirectly.

‘ In the 4th Article of this Treaty it is particularly agreed, that the Commerce of the English Nation in America should be exercised as heretofore: And that Orders should be dispatched without any Delay to the Indies for that Purpose.

‘ By the 6th Article of it, Commissaries were to be named who were to settle the Limits and Pretensions of the Merchants: And Spain promised to execute punctually and exactly, within six Months, what should be decided by the said Commissaries, who were to make their Report in three Years; but there being nothing done in the first three Years, the Term was renewed for three Years more, in order to do nothing —, which succeeded accordingly.

‘ And I remember very well, that an honourable Gentleman on the Floor * opposite to me did at the Time of the making this Treaty often say, that he was sure if the Government would give the Merchants the Money that was to be allowed the Commissaries, they would get more by that, than from the Treaty, which I think has proved but too true: For those Gentlemen for themselves have not received less than twenty thousand Pounds; whereas the Merchants have not received twenty Pence.

‘ But yet at that time this honourable Gentleman as well as myself, and all those who thought as we did, were looked upon as a Sett of disaffected People, as they are now who don't like this Convention, and expect no more Good from it than from all the former Treaties.

‘ And as for my Part, I own I expect no Good from it, but apprehend much Hurt: Our Right to free Navigation,
and

Annō 12. Geo.
II. 1738-9.

and no Search not being inserted in it, but left to Commissioners.

‘ I find also, by what I call the Preliminary Article, the King of Spain’s Protest, that the South-Sea Company’s Assiento Contract will be annulled by the Company’s having refused (a few Days ago in a full Court) to pay the sixty eight thousand Pounds, the King of Spain demands of them by that Protest deliver’d to Mr. Keene. What Authority Mr. Keene could have to make this Bargain for the South-Sea Company, and give up a Property they are entitled to, by Virtue of Treaties and Acts of Parliament, I can’t apprehend. And tho’ their Loss may be no national Point, yet so great a Body of Englishmen, whose Property is concerned, deserves at least the Protection of Parliament.

‘ The next Thing that I have good Reason to believe will be given up, or at least taken from us, is Georgia, tho’ hitherto supported by great Sums of Money given by Parliament, and granted by a Royal-Charter to the present Trustees: For you will find by the second Article of this Convention, that the poor People, who, under the Protection of this Government, have transported themselves thither, are to be left naked and defenceless, exposed to the Mercy of the Spaniards, whenever they please to attack them, by being restrained from the Means of Self-preservation. For by that Article it is agreed, that neither the Spaniards nor they should raise any Fortifications.

‘ Now, Sir, I can see but one Reason, why this was stipulated in the Manner I have mentioned, for it regards only us (we demanding no Part of the King of Spain’s Territories) and that is this; our Ministers finding that Spain did not much like our Settlement at Georgia, and they not daring, by a solemn Treaty to yield it up, they might whisper the Spanish Ministers, and tell them we are sorry we don’t dare give it you up, but we will agree it shall be left defenceless, and then you may easily take it, and we not called to an Account for it: This is not at all improbable, when we consider how industrious our Ministers have been to find out Expedients to be well with Spain, for the Good of their Country.

‘ Now I have been shewing you what I apprehend we shall lose; let us see a little what it is we have a Prospect of getting: That of no Search, free Navigation, and Satisfaction to our Merchants, I am sure it won’t be, for the Reasons I have mentioned before, as well as from what fell from the honourable Gentleman that spoke last; for it is not to be supposed, but what as far as fair Means would go every Method has been already try’d: And he just now as
good

good as told us, we could proceed by no other: For that we had neither Money to go to War with, nor Friend, nor Ally in the World to support us; and he must know, who has been our grand Negotiator for these last twenty Years; a pretty Account, I must own, he has given us of the Success of his Negotiations, as well as prudent Declaration from one in his Post.

Anno 12 Geo.
II. 1738-9.

‘ But by this Treaty he tells us, there is to be ample Satisfaction given to our Merchants; how far they are satisfy’d with the Convention the House may judge, from what they have heard them declare at the Bar.

‘ He says, they are to receive 155,000 *l.* will be in full Satisfaction for their Losses tho’ by the Bye, their Demands on Spain were for 340,000 *l.* but our Commissary, by a Stroke of his Pen, reduced them to 200,000 *l.* being as he thought full enough for our Merchants, and then to induce Spain to Prompt-Payment 45000 *l.* more was struck off, which brings it to the Sum the honourable Gentleman has mentioned Spain is certainly to pay us: And upon this Point, I find, he chiefly seems to extol the Goodness of the Convention, and the Ability of the Ministers in bringing Spain to this Condescension: For that Spain paying the Money was owning her Fault, and declaring the Illegality of her Proceedings: In answer to this, in the first place, I don’t believe Spain will ever pay us a Farthing of the Money; and in the next Place, suppose the Money mentioned should be paid the Merchants, let us see how much Spain is to pay us of it.

‘ Why in the first Place towards making up the 155,000 *l.* for the Satisfaction of the Merchants, Spain insists on England allowing her 60000 *l.* as the remaining Part of a Debt due to her for having destroy’d her Fleet in the Year 1718. Very gracious indeed, that they did not carry her Demands as far back as Queen *Elizabeth’s* Reign, for the Fleet then destroy’d!

‘ But as strange as this Demand of Spain may seem from her, it is much more so in those who have agreed to it, for it has been already once satisfy’d, as appears by those Papers on your Table, which are Copies of the Instructions sent to our Ministers in Spain at the Treaty of Seville, wherein is mentioned as follows. ‘ In case Spain shall make ‘ any further Demands of you for the Loss of their Fleet, ‘ destroy’d by Sir George Byng, afterwards Lord Torrington, ‘ you are to tell the Spanish Ministers, that Spain has been ‘ already amply satisfy’d, and you are not to enter into any ‘ farther Discussion with them on that Head.’

‘ Another Time Spain paid themselves this Demand by
VOL. VI. E seizing

Anno 12. Geo.
II. 1738-9.



seizing the South-Sea Company's Effects, Spain at that Time declaring, that they were seized and kept on that Account: But what does it signify, if for the Sake of obtaining this most advantageous Convention we should pay it her at this Time. And then it reduces what Spain is to pay us, to 95000 *l*.

' In the next Place, towards paying the 95000 *l*. the King of Spain insists by his Protest as I mentioned before, That the South-Sea Company shall immediately pay him 68000 *l*. being a Debt due to him from the Company, on one Head of Accounts, tho' at the same Time, on other Heads of Accounts, his Majesty is indebted to the Company a Million over and above, as appears on your Table, for which they are to stay his Time.

' Now these two Sums make 128,000 *l*. that I think England is to pay our Merchants instead of Spain (if ever paid) so there remains but 27000 *l*. for Spain to pay; of which 27000 *l*. she has taken Care to be excused from paying one Farthing, as appears by the Stipulations by way of Draw-back, inserted in the 4th Article of the Convention, and the 2d seperate Article.

' For by those Articles Spain is to deduct out of the Money she is to pay whatever she may have already given in Satisfaction for any of our Ships that have been taken: And England is also to allow Spain the Value of the *St*. Theresa, a Ship of theirs that had been seized in the Port of Dublin in the Year 1735. All this is to be settled by our Plenipotentiaries, and I think we shall come off well, if on the Balance of Accounts instead of receiving the 27000 *l*. we shan't be obliged to pay an Overplus to Spain. Here ends, Sir, a short Narrative of the ample Satisfaction England is to receive from Spain for the 340,000 *l*. due to her Merchants. A most glorious Convention I must own, and such a Master-Piece in Politics, that I dare say none of the Machiavilians of the Age, but our own at the Head of Affairs, could have thought of!

' But yet, after all this, we shall be told I dare say, that this thorough Dislike to the Convention, and Flame the Nation is in, is raised only by a Parcel of Merchants and discontented People, who only want to turn out the Ministers.

' No, Sir, that is not the Case, for it is not the Ministers but their Measures that have kindled this Flame: Facts will always speak for themselves, and Merchants will always know their own Interest.

' But when the continued Depredations on our Merchants, the repeated Insults on the Honour of the Nation, the Cruelties and Barbarities exercised on our Sailors, our
Country-

Countrymen thrown into Dungeons, and chained like Slaves; I say when this is consider'd, and no more Prospect of Redress from this Convention than a Piece of waste Paper, no wonder that the Heart of every Englishman should be enflamed.

' I beg Pardon, Sir, for having taken up so much of your Time, but shall be against this Address to his Majesty, because I look on this Convention as disadvantageous to the Merchants, dishonourable to King, and ignominious to the Nation.'

Mr. How, * Member for Wilts, spoke as follows.

S I R,

' I imagine what Gentlemen proposed to themselves by examining the Convention was to observe, indeed, and point out any Mistakes that might be in it; but with this Intention only, that they might thereby assist and enable (as is our Duty) those who have the Conduct of Affairs, to bring them to the happy Issue of establishing, by peaceable Means, all our several Rights, and more particularly that of a free Navigation, subject to no Search; determined at the same Time, if amicable Means fail, to defend our Rights by the strongest Methods. But it seems I am mistaken, for the Intent of some Gentlemen proves to be, to lay aside all Endeavours for Peace, and to enter immediately upon War; but I must be excused from joining with them in that, and shall continue my View of preserving and securing, by amicable Means, all our Rights, agreeable to the Advice we ourselves gave his Majesty.— I do not think, Sir, the Consideration of the Convention itself to be of so extensive a Nature as it may at first appear; I will therefore confine myself very closely to it, that I may not trespass too long upon the Indulgence of the House: And as it is a Point entirely National, I will exclude all Considerations but what are National: Neither Friendship, nor, what is yet more powerful, its Contrary, nor any of the narrow Views of Party shall find the least Admittance. The Opinion I shall deliver you will be that of a plain Country Gentleman, who lives upon his Rents, and being satisfied his Rents depend on the Trade of the Nation, will be careful no way to injure that Trade upon which his own Revenue depends: And as that is to be the Case of all landed Men, we ought to be very cautious in our Proceedings to avoid every Thing that may any way obstruct that good Success in this Negotiation, which it is so particularly our Duty to further and advance, and to which any rash or unadvised Step may prove very detrimental; for all foreign

E 2

Courts

* Since created a Peer of Great Britain by the Title of Baron of Chedworth.

Anno 12. Geo.
II. 1738-9.



Courts give great Attention to our Parliamentary Proceedings, especially those who are at Variance with us, and perhaps much more to the Proceedings of the lesser, than of the greater Number. But upon this Head, and that of Treaties in general, I shall only repeat the Words of Sir William Temple, a Person well versed in Negotiations, who writing of a Circumstance of Time much resembling ours says, ' It will be always Labour in vain, to make Treaties ' and carry on Negotiations Abroad, unless there is at ' Home an Union to support them.'

' I last Year gave my Consent to this Measure for Peace, to which the House advised his Majesty : But if I had not, yet as it is by the Advice of Parliament, and by the Crown's pursuing that Advice, become the Measure of my Country, I should now have thought it indispensably my Duty to contribute to my Country's Success in it. Such was the Maxim of that People, who shew'd the most public Spirit, and who kept their Liberty the longest. They, after the warmest Disputes in the Senate, always concluded unanimously with that candid and generous Expression, *Quod bene vertat Reipublicæ*: And as all Nations agree in that Maxim, I hope we shall now put it in Execution —.

' But, Sir, I proceed to the Convention itself, but will take it up no higher than the last Session of Parliament, which gave Birth to it, and will avoid bewildering myself, either in the Labyrinth of Treaties, or Accounts.

' In the last Session of Parliament, the moving Relations which the Merchants gave you of their Losses, the compassionate Sense you expressed of them, and the just Indignation that arose in every Man's Breast induced this House to address his Majesty, That he would endeavour, by amicable Means, to procure Reparations of their Losses, and Security for their future Trade; and that, if those Measures should fail, we would support him in such as he should then find necessary. Here, Sir, give me leave to observe, that we assured him of our Support in the former Measure, as well as in the latter, and not only so, but in the former preferably to the latter; which Assurance I hope we shall make good.

' In consequence of this our Advice, Negotiations were entered into, and a Convention or Agreement signed, by which a certain Sum was stipulated for Reparation of our Losses, and a certain Time limited (a Circumstance not to be over-looked) in which all other Matters in dispute are to be discussed, and settled according to the Treaties now in Being, and all Power of Treating to determine at that Time; This I think to be the State of the Convention, and

and do think the Convention to be agreeable to our Advice: What is positive in it, is unquestionably right; what is undetermined, and left to be discussed by the Plenipotentiaries, no one can speak of with certainty. All therefore that I shall say on that Subject is, that I most heartily wish, the Event may be the procuring us Security for all our Rights, and particularly for that of an uninterrupted Navigation, free from all Search; but as the Event is in the Breast of Time, which no one can fathom, and as I ought to hope the best, I can by no Means give myself Leave to think of making so rash, so desperate a Step, as at once to break thro' all Measures for Peace taken by our own Advice: Nor can any Thing be more unwarrantable than to refuse to let those Measures, so advised by ourselves, be try'd to the End of the no long time, to which they are confined, and instead of that to plunge immediatly into a War, which is the Tendency of all the Arguments on the other side of the Question. And now, Sir, that I have mentioned War, I cannot but beg Gentlemen to reflect, that if our Rights can be preserved without War (and no one can take on himself to say that is impossible) what a Load of Blood will he draw on his own Head, who shall engage his Country in an unnecessary War! Now the Convention standing thus, it agrees perfectly with the Advice we gave the Crown, and does fully warrant the Address we are moved to make; and in which I could not but imagine we should all have united; since by it our Right of free Navigation, without Search, which some were jealous was to be given up, is so fully asserted and secured.

The first and greatest Objection made to the Convention is, That the Ministers have not begun with the proper Article, nor in a proper Manner. I think, Sir, that Method must be undoubtedly the best, which leads most readily and safely to the desired End; and to me it does plainly appear that the Method, which some Gentlemen think ought to have been taken, would have entirely disappointed and defeated it. They are pleased to say, that the Negotiations ought to have begun with the Point of Search, and with declaring to Spain, that if she would not, at once, instantly give up that Point to us, tho' 'tis the principal one in dispute between us, we would not treat at all with them. Surely, Sir, such an abrupt and arbitrary Proceeding could have had no other Effect but that of putting an End at once to all Thoughts of peaceable Measures; such a Method as that, no one, even in private Life, would have submitted to; nor could any Thing but Confusion have attended it. But now what Disadvantage can come to us by per-
mitting

Anno 12. Geo.

II. 1738-9.

Anno 12 Geo.
H. 1738-9.



mitting our Right to be debated? Which is the Objection. Why, it is said, that by suffering it to be debated, it is weakened, and brought in Doubt. Surely No, Sir; but on the contrary, it is thereby strengthened and freed from all Doubt: A good Title always receives Advantage from Examination; none but a bad one flies the Light; and had we refused to let ours be examined, would not that have shewn a Doubt of it, even in ourselves? But further; Do not the Spaniards, by subjecting likewise their Pretensions, equally weaken them? They certainly do: What Advantage do they then get by it? None at all. But we get a manifest Advantage by it; for whoever considers the Clause in the Address proposed relating to Freedom from Search must agree, that our Plenipotentiaries cannot now give that up: We have then this Advantage by permitting our Title to be examined, that our Right cannot suffer any Diminution, but may receive a Confirmation by it. Thus, Sir, it appears plainly, that the Method some Gentlemen think ought to have been taken would have been successful; and undeniably plain it is likewise, that the Method pursued has been attended not only with the Success of procuring Restitution for our Losses, but at the same time, and thro' that, with the further Advantage of drawing from the Spaniard at least an imply'd Admission of our Right; and they who deny that, and treat it with the utmost Slight, cannot however dispute but that it furnishes us with a new Argument, and does open and make plain the Way to a more formal Recognition: It therefore appears to me to have been evidently the more preferable Method.

The next Objection, which has any Shew of Weight in it is, that a great Sum of Money in fitting out a Fleet, and a great deal of Time have been wasted, and had no Effect. As to the Effect of the Fleet, I desire the Gentlemen to consider, how little Spain is (according to their own Accounts) disposed to do us the least Justice, and then I leave it to them to determine, what Influence our Fleet must have had. And as to the Time supposed to have been wasted I must observe, that less Time will serve indeed to do a wrong than to do a right Thing: The Ministers had Time enough to plunge us into an unnecessary War; but as to what Time is required to adjust and settle the numerous and jarring Interests of two great Nations, who have Possessions in all Parts of the World, they who are least Masters of such Affairs, will be most apt to think it an easy Task that requires but little Time. But further, as to the Time I must observe, that besides the Restitution of our Losses, and the at least imply'd Admission of our Right to be free from

from all Search, more has been done in the Time, than does at first appear ; for in considering the several Things, in order to make this Convention, most of the Points in dispute must necessarily have received such a Degree of Discussion, as will prepare them for a more easy Determination. I cannot therefore think, that either the Time or the Money has been so mis-spent. In the Light therefore that I see the Convention, and the Objections made to it, I cannot but think the Address proposed (which is the Point in Debate) to be a very proper one. It gives me, Sir, infinite Pleasure, as I conceive it will the Kingdom great Satisfaction, by the Declaration in it against all Search : The People have been blown up into an Imagination that their Right of Navigation, free from all Search, was to be given up and sacrificed ; and a very great Ferment has been raised in the Nation by it, which I hope will subside, when they see, by our Address, how little Foundation such a Report had ; and that they will now rest assured, that if we cannot succeed in our well-intentioned Endeavours of saving them from that Increase of Taxes, which a War must unavoidably lay upon them, and that a War shall prove unavoidable, their Rights will in case of a War be defended with that Resolution which always attends Sedateness of Counsel, and is never found to accompany rash Measures. Indeed, Sir, I think that in the present Circumstance of Things no other Resolution can reasonably be taken by the House but that contained in the Address. I can have no Interest to injure my Country ; and did I not think this Address tended to advance the Good of it, my own as well as the public Interest would disincline me to it : But as I do most sincerely think it for the Good of my Country, it must have my Approbation.'

Mr. Pitts,

' I can by no means think that the complicated Question now before us is the proper the direct Manner of taking the Sense of this Committee. We have here the soft Name of an humble Address to the Crown proposed, and for no other End but to lead Gentlemen into an Approbation of the Convention. But is this that full deliberate Examination, which we were with Defiances called upon to give ? Is this cursory blended Disquisition of Matters of such Variety and Extent all we owe to ourselves and our Country ? When Trade is at Stake it is your last Retrenchment ; you must defend it, or perish ; and whatever is to decide that deserves the most distinct Consideration, and the most direct undisguised Sense of Parliament. But how are we now proceeding ? Upon an artificial, ministerial Question : Here is all the Confidence, here is the conscious Sense

Anno 12 Geo.
II. 1738-9.



William Pitts,
Esq;

Anno 12. Geo.
II. 1738-9.




Sense of the greatest Service that ever was done to this Country; to be complicating Questions, to be lumping Sanction and Approbation, like a Commissary's Account, to be covering and taking Sanctuary in the Royal Name, instead of meeting openly, and standing fairly the direct Judgment and Sentence of Parliament upon the several Articles of this Convention.

‘ Sir, You have been moved to vote an humble Address of Thanks to his Majesty for a Measure, which (I will appeal to Gentlemen's Conversation in the World) is odious throughout the Kingdom: Such Thanks are only due to the fatal Influence that framed it, as are due for that low, unallied Condition Abroad, which is now made a Plea for this Convention. To what are Gentlemen reduced in support of it? First try a little to defend it upon its own Merits; if that is not tenable, throw out general Terrors, the House of Bourbon is united, who knows the Consequence of a War? Sir, Spain knows the Consequence of a War in America; whoever gains, it must prove fatal to her: She knows it, and must therefore avoid it; but she knows England does not dare to make it. And what is a Delay, which is all this magnified Convention is sometimes called, to produce? Can it produce such Conjunctions as those you lost, while you were giving Kingdoms to Spain, and all to bring her back again to that great Branch of the House of Bourbon, which is now thrown out to you with so much Terror? If this Union be formidable, are we to delay only till it becomes more formidable, by being carried farther into Execution, and more strongly cemented? But be it what it will, is this any longer a Nation, or what is an English Parliament, if with more Ships in your Harbours than in all the Navies of Europe, with above two Millions of People in your American Colonies, you will bear to hear of the Expediency of receiving from Spain an insecure, unsatisfactory, dishonourable Convention? Sir, I call it no more than it has been proved in this Debate; it carries Fallacy or downright Subjection in almost every Line: It has been laid open and exposed in so many strong and glaring Lights, that I can pretend to add nothing to the Conviction and Indignation it has raised.

‘ Sir, As to the great national Objection, the Searching your Ships, that favourite Word, as it was called, is not omitted, indeed, in the Preamble to the Convention, but it stands there as the Reproach of the whole, as the strongest Evidence of the fatal Submission that follows: On the Part of Spain, an Usurpation, an inhuman Tyranny claimed and exercised over the American Seas; on the Part of England,
an

an undoubted Right by Treaties and from God and Nature, declared and asserted in the Resolutions of Parliament, are refer'd to the Discussion of Plenipotentaries, upon one and the same equal Foot. Sir, I say this undoubted Right is to be discuss'd and to be regulated. And if to regulate be to prescribe Rules, (as in all Construction it is) this Right is, by the express Words of this Convention, to be given up and sacrificed; for it must cease to be any thing, from the Moment it is submitted to Limits.

Anno 12 Geo.
II. 1738-9.



• The Court of Spain has plainly told you (as appears by Papers upon the Table) you shall steer a due Course, you shall navigate by a Line to and from your Plantations in America; if you draw near to her Coasts, (tho' from the Circumstances of that Navigation you are under an unavoidable Necessity of doing it) you shall be seized and confiscated: If then upon these Terms only she has consented to refer, what becomes at once of all the Security we are flatter'd with in consequence of this Reference? Plenipotentaries are to regulate finally the respective Pretensions of the two Crowns, with regard to Trade and Navigation in America; but does a Man in Spain reason that these Pretensions must be regulated to the Satisfaction and Honour of England? No, Sir; they conclude, and with Reason, from the high Spirit of their Administration, from the Superiority with which they have so long treated you, that this Reference must end, as it has begun, to their Honour and Advantage.

• But Gentlemen say, the Treaties subsisting are to be the Measure of this Regulation. Sir, as to Treaties, I will take Part of the Words of Sir William Temple, quoted by the Honourable Gentleman near me, *It is vain to negotiate and make Treaties*, if there is not Dignity and Vigour to enforce the Observance of them; for under the Misconstruction and Misinterpretation of these very Treaties subsisting, this intolerable Grievance has arisen; it has been growing upon you Treaty after Treaty, thro' 20 Years of Negotiation, and even under the Discussion of Commissaries to whom it was refer'd. You have heard from Captain Vaughan at your Bar, at what Time these Injuries and Indignities were continued; as a kind of explanatory Comment upon the Convention Spain has thought fit to grant you; as another insolent Protest, under the Validity and Force of which she has suffer'd this Convention to be proceeded on. We'll treat with you, but we'll search and take your Ships; we'll sign a Convention, but we'll keep your Subjects Prisoners, Prisoners in Old Spain; the West-Indies are remote, Europe shall be Witnesses how we use you.

Anno 12 Geo.
11. 1738-9.

‘ Sir, As to the Inference of an Admission of our Right not to be searched, drawn from a Reparation made for Ships unduly seized and confiscated, I think that Argument is very inconclusive. The Right claimed by Spain to search our Ships is one Thing, and the Excesses admitted to have been committed, in consequence of this pretended Right, is another; but surely, Sir, reasoning from Inferences and Implication only, is below the Dignity of your Proceedings, upon a Right of this vast Importance. What this Reparation is, what Sort of Composition for your Losses, forced upon you by Spain in an Instance that has come to Light, where your own Commissaries could not in Conscience decide against your Claim, has fully appear’d upon Examination; and as for the Payment of the Sum stipulated, (all but seven and twenty thousand Pounds, and that too subject to a Drawback) it is evidently a fallacious, nominal Payment only. I will not attempt to enter into the Detail of a dark, confused, and scarcely intelligible Accompt; I will only beg Leave to conclude with one Word upon it, in the Light of a Submission, as well as of an adequate Reparation. Spain stipulates to pay to the Crown of England ninety five thousand Pounds; by a preliminary Protest of the King of Spain, the South-Sea Company is at once to pay sixty eight thousand of it: If they refuse, Spain, I admit, is still to pay the ninety five thousand: But how does it stand then? The Assiento Contract is to be suspended: You are to purchase this Sum at the Price of an exclusive Trade, pursuant to a national Treaty, and of an immense Debt of God knows how many hundred thousand Pounds due from Spain to the South-Sea Company. Here, Sir, is the Submission of Spain by the Payment of a stipulated Sum; a Tax laid upon Subjects of England, under the severest Penalties, with the reciprocal Accord of an English Minister, as a Preliminary that the Convention may be signed; a Condition imposed by Spain in the most absolute imperious Manner, and received by the Ministers of England in the most tame and abject. Can any verbal Distinctions, any Evasions whatever, possibly explain away this public Infamy? To whom would we disguise it? To ourselves and to the Nation: I wish we could hide it from the Eyes of every Court in Europe: They see Spain has talked to you like your Master, they see this arbitrary fundamental Condition, and it must stand with Distinction, with a Pre-eminence of Shame, as a Part even of this Convention.

‘ This Convention, Sir, I think from my Soul is nothing but a Stipulation for national Ignominy; an illusory Expedient to baffle the Resentment of the Nation; a Truce without

without a Suspension of Hostilities on the Part of Spain; on the Part of England, a Suspension; as to Georgia, of the first Law of Nature, Self-preservation and Self-defence; a Surrender of the Rights and Trade of England to the Mercy of Plenipotentiaries, and in this infinitely highest and sacred Point, future Security, not only inadequate, but directly repugnant to the Resolutions of Parliament, and the gracious Promise from the Throne. The Complaints of your despairing Merchants, the Voice of England has condemned it; be the Guilt of it upon the Head of the Adviser; God forbid that this Committee should share the Guilt, by approving it!

Mr. Lytelton,

S I R,

‘ From some Words that fell from an Honourable Member who spoke in this Debate, I shall begin by wishing in the most solemn Manner, by making it my most ardent Prayer, that the mercantile Interest may be the only Biass of our Deliberations To-day; and that neither the Interest of a Party, nor much less that of any single Man, may prevail over this, which is the national Concern. For then we shall do our Duty in this great Affair, and our Decision of it will do Honour to Parliament. But before I enter further into this Debate, I beg Leave to take Notice of some Words that dropt from an Honourable Gentleman, who spoke the first upon this Question, and which I heard with the deepest Concern.

Anno 12. Geo.
II. 1738-9.

‘ After he had used many Arguments to persuade us to Peace, to any Peace good or bad, by painting out the Dangers of a War, (Dangers I by no Means allow to be what he represents them) he crowned all those Terrors with the Name of the Pretender. It would be the Cause of the Pretender: The Pretender would come! Is the Honourable Gentleman sensible what this Language imports? The People of England complain of the greatest Wrongs and Indignities; they complain of the Interruption, the Destruction of their Trade; they think this Peace has left them in a worse Condition than before; and in Answer to all these Complaints, what are they told? Why, that their continuing to suffer all this, is the Price they must pay to keep the King and his Family on the Throne of these Realms. If this were true, it ought not to be owned. Will it strengthen the Family to have it believed? But it is far from true; the very Reverse of it is true: Nothing can weaken the Family, nothing can shake the Establishment, but such Measures as these, and such Language as this,

Anno 12. Geo.
II. 1738-9.



* Sir, I know who hears me, and for that Reason I speak.—The Honourable Gentleman who first moved you this Question; and some Gentlemen since, have strongly insisted, and it was the Sum of all their Arguments, that our Right not to be searched is not referr'd to the Discussion of Plenipotentiaries, they are only, it seems, to consider how to remedy Grievances. What Grievances, Sir, do the Gentlemen mean? The Grievances of England! They admit but of one Remedy, a very short and simple one, and which wants no Consideration: That our Ships shall not be searched upon any Pretence. This alone can go to the Root of our Grievances; all less than this is trifling, hurtful, fatal to Commerce. Do they mean the Grievances of Spain? The illicit Trade? The Remedy for that too is already provided; it is already settled by our Treaties with Spain, that we are not to trade in their Ports and Havens in America; but if our Ships are found there, they must be confiscated. Is not this sufficient? I defy the Honourable Gentleman who has so much Skill in Negotiation, to discover another Expedient to secure the Spaniards from illicit Trade, which will not be destructive to the lawful Trade of Great Britain; and, I hope, we shall be more solicitous for our own than for theirs. The Honourable Gentleman said, the settling this would take up some Time: It will indeed, Sir, for it will never be settled; it is morally impossible it can ever be settled; and therefore, I think it ought not to have been brought into Dispute. Had we proceeded conformably to the Intentions of Parliament, we should either have acted with Vigour, or have obtained a real Security, in an express Acknowledgment of our Right not to be searched, as a Preliminary *sine quâ non* to our treating at all. This we ought to have insisted on in the Words of *La Quadra's* Protest (which is the Preliminary *sine quâ non* of that Crown) we ought to have insisted on it in those very Words, as 'the precise, and essential Means to overcome the so much debated Disputes, and that on the Validity and Force of this express Acknowledgment, the signing the Convention may be proceeded on, and in no other Manner.' Instead of this, what have we done? We have referr'd it to Plenipotentiaries. Is not this weakening our Right? Would you, Sir, submit to a Reference, whether you may travel unmolested from your House in Town to your House in the Country? Your Right is clear and undeniable, why would you

* His Royal Highness the Prince of Wales was at that Time in the Gallery.

you have it discussed? But much less would you refer it, if Anno. 12. Geo. two of your Judges belonged to a Gang, which has often II. 1738-9. stoped and robbed you in your Way thither before. —

‘ Things that are of a Nature to admit of Temperaments in each Party may recede from their respective Pretensions, and come to a Medium to conclude the Dispute; such Things allow of a Discussion, and may be referr’d; but when no Medium can be found, when the Case admits of no Temperaments, where to recede one Tittle, is to give up the Question, there to agree to a Discussion, is to endanger the whole: At best, it can end in nothing but in both Sides adhering to their Claim, and leaving all in Uncertainty, to go on as before. And can any thing worse befall us? Is not this Destruction itself?

‘ Oh but, said the Honourable Gentleman, we have gained a great Point, in bringing Spain to acknowledge, by the present Convention, that Grievances have arisen in the Searching of Ships, and that Means to remedy these Grievances ought to be found out! Sir, Was this ever denied? Did Spain ever deny, that her Guarda Costa’s had sometimes committed Excesses, that is, searched a little too wantonly, gone a little too far, made some irregular Seizures, and that this ought to be remedy’d? All this is expressly confessed in La Quadra’s Letter to Mr. Keene, dated the 10th of February last Year, before we sent out our Fleets, and that Orders should be given for Reparation, when such Excesses are proved. But does this amount, or do the Words of the Treaty amount to any thing like a departing from their Pretension to Search? No — they are only a Modification of it to a certain Degree, which is a Defence of the Practice itself, and we thought so last Year, or why did we judge that Letter so unsatisfactory? But, Sir, pray consider, our Right not to be searched is a very short Point, wants no Discussion, does not depend upon Arguments of any Difficulty to examine or to comprehend. The King of Spain must have known, for this Twelvemonth at least, what he ought to think of it, and whether he will yield it or no. The only imaginable Reason of his chicaning so long is, that he suspected a Weakness in the Counsels of England. What was then only Suspicion, is now turned into Certainty; and if that will make him more pliant, it is easy to judge. —

‘ As we go on with our Politics, so will the Spaniards with theirs. Ours have been to procrastinate, to put off a War at any rate, to live upon daily Expedients, to endure and to treat: Theirs have been to fool us with the Name of Peace, and to commit all Sorts of Hostilities on our Merchants

Anno 12. Geo.
II. 1738-9.



Merchants and Trade, to plunder and butcher the former, and to ruin the last. Thus it has been; thus it will continue to be. — How we find our Account in it I am unable to guess! How Spain finds hers in it, is too plain at first Sight! If that Court were bent upon undoing this Nation, they need only leave us to the Conduct we hold. What could they desire better, than for eighteen Years more to interrupt our Navigation, and destroy our Trade, put us to the Charge of half a Dozen pacific Fleets, furnish us with a Pretence for a numerous Standing-Army to consume us at Home, render us the Scorn of Europe, and at last, to make us Amends, account with us so as to receive or detain much more than they give, and keep the Claim subsisting upon which they robbed us so long? But it would be better for England to submit at once, throw up the Trade to our Colonies, and the Colonies themselves, than to leave our Merchants exposed to such inhuman Cruelties, and suffer ourselves to be mocked with Forms of Justice and Law, while we are the Prey, and Sport, of all Injustice and Violence, or with insignificant Treaties, which instead of giving us Security serve as a Pretext and Sanction for all future Injuries.

‘ But we are desir’d to have Confidence, to have Hopes in the Wisdom and Success of the Measures which his Majesty is advised to pursue.

‘ Sir, the People of England fear much more than they hope.—And have not they Reason? What can a Review of the past produce, but Dread of the future? Have not these Depredations for these 20 Years increased Year after Year? How many Fleets have been sent out in that Time? What were they to do for us? To persuade the Spaniards.—To what did they persuade them? To make Conventions and Treaties.—What have we got by those Treaties? New, and greater Insults and Wrongs. This was enough to induce us to suspect even last Year, that with all our Appearances of Vigour, we should do nothing effectual; but those Suspicions were borne down by the strong Assurances given, that we should not meet here again and find nothing done. What has been done, Sir? What is the Fruit of our Armament? A temporary Expedient, a poor, unsafe Procrastination, a shameful Barter of our future Security, for the Name of Restitution, which, indeed, we make to ourselves. I won’t tire you with repeating what has been so fully made out; but when I compare this nominal, this ridiculous Satisfaction, with the serious Risk we run of losing our most valuable Rights, I dare be bold to say, no other

other Nation under Heaven ever staked their Honour and Interest against *such Counters* as these.

Anno 22. Geo.
II. 1738-9.

‘ And are we to go on still hoping, trusting still in spite of Experience? Are our Resentments perpetually to be play’d with in this Manner, shifted off from Expedient to Expedient, and from Session to Session, adjourned from one Treaty to another, and so on to a third? If you don’t like this, you shall the next; and when that comes, if you don’t like that neither, you may go to War. Is this the Language to be held to a Parliament?—

‘ But Gentlemen ask, what have you lost by deferring your War?—What have we lost? All that we gave to make it last Year.—We have lost much too of our Reputation, much of the Esteem of Mankind, much of the Affection of our People, which is the worst of all Losses. But I beg Leave to say, in answer to a great deal of Reasoning which I have heard from many Gentlemen, and heard with great Pain, that the Question is not, whether War or Peace be more eligible; the Question now is about maintaining your Rights. If Spain believed us in earnest, if she did not depend upon our Timidity, it is scarce conceivable this should cost us a War. But if it did bring on one, it is a War of Necessity, and it is a War, in which our Neighbours have a common Cause with us. What was said of the War against the Pirates, it would be *Bellum omnium gentium*. Would France take Arms to overturn a general Right, which it is as much her Interest to support as ours? Would she fight to establish in the Crown of Spain a Power destructive to the Freedom of Commerce, and a supreme Dominion in the American Seas; or to impose that upon England, which she must refuse for herself? Upon the Foot of all Treaties this is quite impossible: We must be used as the *Gens amicissima*; if France, or any other Nation shall retain this Right for themselves, they retain it for us too; it is ours by Consequence. Will she break all Treaties then to take it away? This would be acting with a Spirit or Violence, which does not seem to be in her now, and which, whenever it shews itself, must unite all Europe to oppose its Effects. Should not we find one Friend among so many Allies? Have we negociated all the World into Enemies, united them all to our Destruction? If, by the Conduct of our Ministers, Things are brought to such an Extremity, that we are reduced to the Necessity of perishing in the just Defence of our Rights, or of perishing equally by losing them; the Choice is easy to make; let us perish like Men, and with Swords in our Hands. But don’t let us have the Weakness to expect our Safety from those, who have

Anno 12. Geo.
II. 1738-9.



have brought a flourishing Nation to such a dreadful Alternative.—What is this wretched Reprieve that we have begged for eight Months? Will that do us any good, Sir? Will that be worth our Acceptance? Do we really flatter ourselves that we now are at Peace? Peace is a secure and unmolested Enjoyment of our Rights.—But Peace, at the Expence of Rights, of essential Rights, Peace exposed to Insults, Peace exposed to Injuries, is the most abject, is the most deplorable, is the most calamitous Circumstance of human Affairs. It is the worst Effect that could be produced from the most unsuccessful, the most ruinous War. No Nation should submit to it, while it can hold up its Head: But to such a one have we submitted, without striking a Stroke, and in a Condition to defend ourselves, not against the Spaniards alone, but if our Strength were wisely exerted against any Enemies, whom in such a Quarrel we might have to oppose, notwithstanding all the Terrors now thrown out to make us believe, that the Nation itself is as weak as our Enemies may think, the Counsels that govern it. Yet though the Weakness is not in us, we must suffer the Shame of it, and all the Mischiefs attending upon Loss of Honour to a Nation. With what Contempt and Insolence are we used by Spain, when in the same Treaty where she stipulated that we shall not have Liberty to fortify Charles-Town itself, which is as undoubtedly ours as London or York, that we must not dare to dig a Ditch about it till this Discussion is past; she has not granted us a short Suspension of Hostilities, a temporary Observance of Treaties, in not Searching our Ships? So that, far from having a Peace, we have not got so much as a Truce. For sure the worthy Member over the way did not believe himself when he argued, that to have asked a Cessation of Injuries would have been allowing their Claim. If a Man were at Law with me for my Estate, without any Title at all, and the Case was referr'd to Arbitrators, should I let him cut down my Woods, and make what Waste he pleased, till the Suit was decided, for fear he should interpret the forbidding it, as an Admission of his Claim? Sure an Acquiescence under it would admit it much more.

But, Sir, the worst of all Indignities is his Catholic Majesty's Behaviour with regard to the South-Sea Company in La Quadra's Protest. That he should not deign to submit his Accounts with them to a Reference, to which we have submitted Things of such infinite Consequence, as the Right we have to our Dominions, and the Security of our Trade; that he should value our Friendship so little, as not even to grant us this Treaty, unless out of an unliquidated Account,

Account the Part he claims be instantly paid, without any regard to the Balance, or that upon a Refusal of this, he shall deprive the Company of their Trade; that this should be the only Condition of his agreeing to sign this Convention, and that we should take it on these Terms is indeed astonishing, even to those who are used to consider the repeated Insults of Spain, and the habitual Tameness of England.—

Anno 12. Geo.
II. 1738-9.

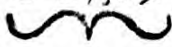
‘ Sir, I entirely agree to what has been said by some Gentlemen, that the Non-compliance of the Company to this monstrous Demand will not forfeit what is stipulated to be paid to our Merchants, nor directly annul the Convention. — To be sure it will not. But the Penalty annex to it, is the depriving the Company, during the Pleasure of Spain, of the Benefits of the Assiento Trade, and probably too the Loss of their Debt, against Right and Justice, and the Sense of all Treaties. Will our Government admit of this? Will they agree to it as just? If they do, it is evident, this great Body of our Countrymen are put out of his Majesty’s Protection, and left at the Mercy of Spain; and it is no less evident, that we buy this Convention at the Expence of a great national Interest, and by a Breach of national Faith, of the Honour and Justice of Parliament, which has sold and confirmed this Trade to the Company. To say, this is not an Article, what will that avail? It is much stronger than an Article, as it is the Base of the whole. It is much worse than an Article, as the doing it in this War has an Air of Tricking and Evasion, that would shame an Attorney. Gentlemen may distinguish and refine as much as they please, but on this dirty Foundation this Convention does stand. If every other Part of it were as good as it is bad and dishonourable, this alone should oblige us to reject it with Scorn. — With Scorn, Sir, let us reject it, that to all we have suffer’d before, to all the accumulated Insults that were ever heaped on a Nation, a worse Dishonour may not be added, and that Dishonour fall upon the Parliament. And therefore I heartily give my Negative to this Question.’

Sir Robert Walpole.

SIR,

‘ I am sorry to hear a Question of this kind treated by one Side as this has been. It has been objected to the Convention, that it is not a definitive Treaty. No, it is not; but it has been proved that it has laid the Foundation for a definitive Treaty; and a Foundation, Sir, that must prove lasting to this Nation, and do Honour to every Person, Minister or others, who have been Instrumental in carrying this Negotiation on. For my own Part, Sir, the

Anno 12. Geo.
II. 1738-9.



greatest Honour I expect in succeeding Times is, that it shall be mentioned that I, when a Minister, endeavoured by this Convention to extricate my Country out of the most disagreeable Situation she perhaps ever was in, that of going to War with a Nation with whom it is her greatest Interest to be at Peace; and at a Time too, when her doubtful Situation with her Neighbours leaves her very little Room to hope for any Assistance but from her own Power.

Gentlemen have already heard in what Situation we are with regard to the other Powers of Europe; they have heard that some of them are not in a Condition to give us any Assistance; and others, tho' they are in a Condition to assist us, will be very ready to do us all the ill Offices that are in their Power in case of a War with Spain. In this Situation, Sir, we have but a very melancholy Prospect of Success. If we were indeed free of Debt, if the Nation were united within itself, and if we had nothing to dread but from Spain, I should be very little apprehensive about the Consequences of our declaring War at present. But at the same Time, Sir, a War with Spain, after the Concessions she has made by this very Convention, would on our Parts be unjust, and if it is unjust, it must be impolitic and dishonourable. I can easily perceive by what Arts, and by whose Means, all the Clamour about this Convention has been raised; but I am resolved, Sir, while I have the Honour to serve his Majesty in the Station I am in, to let no popular Clamour get the better of what I think is for my Country's Good. As a Minister, I can have very little to dread from our declaring War with Spain, nay, if I had nothing but my own Case and Interest to consult, it would be the safest and most advantageous Measure for me that could be pursued; but I shall never be for our sacrificing our real Interests for the Pursuits of Military Glory; and tho' I have as great a Regard as any Gentleman possibly can have for those who have the Honour to serve his Majesty in a Military Character, yet while I have any thing to say in his Majesty's Councils, I shall always be against leaving it in their Breasts to decide the Question of Peace and War. This Nation, as has been observed by Gentlemen who have spoken against our coming to this Resolution, is a trading Nation, and the Prosperity of her Trade is what ought to be principally in the Eye of every Gentleman in this House. Therefore, Gentlemen, even upon the Supposition that this Convention has not so effectually answer'd the Expectations of this House, ought to consider whether our declaring War will be for the Benefit of our Trade; they ought to consider what Prospect of Success we can reasonably entertain in
 case

case of a War; and whether a successful War with Spain alone may not involve us in a very doubtful, and a very expensive one with other Powers. These are Considerations, that while Gentlemen are debating upon this Subject never once seem to enter their Thoughts. They lay it down as a Maxim, that we ought immediately to enter upon War; they allow nothing for the Uncertainty of the Event, for the Interruption of Trade, and for the prodigious Expence it must be attended with.

‘ But, Sir, setting all these Considerations aside, are we to have no regard to common Justice? Are we to have no regard for those Treaties, for the Observance of which, Gentlemen in all Debates upon this Subject have so warmly contended. These Treaties provide absolutely, that the Navigation to the Spanish West Indies shall be reserved to the Spaniards alone, except in the Case of our South-Sea Company’s Trade. Had this Stipulation no manner of Meaning? And yet it has no Meaning, if what Gentlemen now seem to insist upon should be admitted. They insist that our Ships ought never to be searched, whenever they are found, and let them be ever so near the Spanish Coasts. Pray, Sir, what is the plain English of this; but that the Trade to the Spanish West-Indies ought to be open to every Interloper of ours; for I think no Gentleman has pointed out the least Difference there can be between throwing that Trade entirely open, and our having a Liberty, not only of approaching as near as we please to their Coasts, but of hovering on them as long as we please, without being either stopt or searched.

‘ This, Sir, is the plain English of what the Gentlemen who are for a War with Spain advance; the Convention, on the other hand, stipulates, that the Treaties subsisting between the two Crowns should be the Rule of settling all manner of Controversies relating to our Trade. If these Treaties are to be the Rules of our Conduct on this Occasion, we are in no manner of Danger to suffer by the Convention, since it is allow’d on all Hands, that all we ought in Reason to claim is the Observance of them. Therefore, Sir, I hope Gentlemen will think fit to agree to the Address.’

The Question being put, the Address was agreed to, Division Ayes 260, Noes 232.

Next Day, *March 9*, the Report of the Resolution in the Committee to address his Majesty on the Convention being read, it was moved that the same should be recommitted, which being opposed, Sir William Windham spoke to the following Purpose.

Division Ayes 260, Noes 232

Motion that the Resolution be recommitted.

G 2

SIR,

Anno 12. Geo.
II. 1738-9.

Sir William
Windham.

S I R,

‘ Tho’ the Propriety of this Address was yesterday very fully debated, yet there is so much to be said against it, that the Subject grows upon ones Hands; and tho’ we sat very late, yet as it has been said that several Things were said for the Resolution, which were not answered, I am sure that much of what might have been urged against it was omitted for want of Time. Therefore, I hope Gentlemen, before they agree to this plausible, tho’ fatal Compliment to the Crown, will at least give a leaving to all that may be urged against it; and consider that this is the last Opportunity they can have of saving the Trade, the Honour, and even the Independency of this Nation. For, Sir, I will venture to say, that if we should agree to the Resolution of the Committee, these must all of them receive a most irretrievable Blow.

‘ My Reason for thinking so is, because if we agree to this Resolution, we approve of the Convention, and by approving of the Convention we sacrifice every thing that ought to be valuable to a free People, without having any other Return but Infamy and Dishonour. In order to prove this, Sir, I shall consider the Convention even in the most favourable Light it can admit of, without wresting the Words to a Meaning contrary to what they appear to carry.

‘ The first Article imports that the commercial Interests of both Nations cannot be established unless Care is taken both to repair the Damages already sustained, and to prevent the like from happening afterwards. This very Proposition carries with it a tacit Condemnation of those who have been for some time past at the Helm of our Affairs. The Complaints of our Merchants and Sailors have lasted for these twenty Years past; the unjustifiable Claims of Spain are of an older Date, but they have never thought fit to avow them, ’till within these twenty Years. Now, Sir, since, as the Preamble to the Convention takes Notice, it is absolutely necessary for the Interest of this Nation that these Grievances should be removed, I should be glad to know why they were not removed sooner. Why have we for these twenty Years been negotiating, praying, and entreating? And why has Spain been so long suffer’d to bully, insult, and oppress us? Why has no Attention been given to the Complaints of our Merchants? Why has the Chicanery of that Court been so long put up with? Why was it so shamefully borne with, even after they had owned themselves to be in the wrong. Is it not notorious, Sir, that the Court of Madrid, six, seven, or eight Years ago, owned the Injustice and Illegality of some Seizures; that they have sent Cedula’s to their Governors in America ordering Restitution; and

and is it not notorious that these Governors have refused to obey these Cédulas, and have afterwards been justified by the Court of Spain for their Disobedience? Can any Man be so blind as not to see what this is owing to? That they granted these Cédulas, because at the Time perhaps they had a favourite Point depending with our Court. That they gave us in Appearance some Satisfaction, but sent Orders to their Governors of a quite contrary Nature. To what else, Sir, can we suppose the Disobedience and Impunity of these Governors were owing? The Cédulas were dispatched to America; perhaps two Months were gone before they arrived there; they were then examined; a thousand trifling Observations were to be answered; and something fell in the Way, that before the Governor could make the Restitution desired, must be laid before the Court of Spain. Thus at least six Months were trifled away, during which time that Court had gained its Point, and they flatly deny'd either to give us the Satisfaction they had before agreed to; or to bring their Governors to any manner of Punishment. An Instance of this, Sir, you have now lying before you in a Letter communicated by the *Marquis de la Quadra* to our Minister, where he tells the latter very plainly, that the Spanish Governors in America did very well in refusing to give the Satisfaction, which by the Cédula sent him from Spain he was ordered to give. Thus, Sir, in effect, we have had the most gross Affronts put upon us for these twenty Years past, without our shewing any other Resentment than a Repetition of humble Memorials to the same Purpose. Therefore it is plain, that our Ministry at least have been deficient in not bringing our Disputes sooner to an Issue, and thereby preventing in a great measure the injurious Treatment we have received from Spain. This is the more inexcusable, since it appears by the Letter I have just mentioned, that the Claims of Spain were not confined to particular Facts, in which there might be some Doubtfulness, but struck at the very Root of our Commerce and free Navigation in the American Seas. We read there, that our Merchants are to observe a certain Course in steering from one Part of the British Territories to another; and that the Spaniards themselves are to be the Judges, whether they observe this Course or not. This, Sir, is a Claim which I apprehend destroys our Navigation. For as no Treaty, nor any positive Stipulation lays down the Manner of our Navigation in the West-Indies; if any particular Manner is to be observed, it must be dictated by the Spaniards themselves; and after that, they are to be the sole Judges, whether

Anno 12 Geo.
II. 1738-9.

Anno 12 Geo.
II. 1738-9.



ther it is observed or not. Thus, I say, by this Claim our Navigation in the American Seas lies at the Mercy of Spain, while we have no other Relief than by having recourse to fruitless and unintelligible Memorials and Representations. I will take the Liberty to say farther, Sir, that after this Point was by Command of the King of Spain stated to our Government, our Minister at that Court should not have been permitted to proceed one Step farther in his Negotiations, till that Point had been cleared up. If they had insisted upon their being the Judges of our Navigation; and in consequence of that had, as indeed they did search and plunder our Shipping, our Ministers ought to have advised his Majesty to declare War immediately; and if War had been declared, Sir, his Majesty would have been supported by his People; the Ministry themselves would have become popular; the Nation would have been formidable; and no Power would have presumed to trifle with us, or to have talked in a Language that seems to dictate in what manner we are to act.

‘ A great deal more might be said, Sir, upon this Subject to prove how miserably deficient our Ministry has been, in not insisting peremptorily upon an Answer from the Court of Spain as to their Claim of searching our Ships. Had they done that, the Affair must have been brought to a very short Issue; whereas the very suffering such a Claim to be disputed on their Side, was in effect admitting it on ours; since thereby our most valuable Rights were rendered doubtful, nay I shall be able, I believe, to prove, that by this Convention they are subjected to the Mercy of this insolent Enemy.

‘ Having taken this cursory View, Sir, of the Preamble to the Convention, I shall beg Gentlemen’s Patience, while I trouble the House with some Observations upon the Articles themselves. By the first Article Plenipotentiaries are to meet: For what Purpose? Why to settle every thing that is in dispute between us; or, in other Words, we have referred to two Spanish, and two English Plenipotentiaries to decide whether we have a Right to sail and carry on Commerce upon the American Seas. I shall not trouble the House with repeating what has been so very well observed by Gentlemen who have already spoken in this Debate. I shall only beg Leave to say, that the Gentlemen who are for the Address bring their Argument to this Inconsistency, that they must either allow the Treaties between the two Crowns to be dark, doubtful, and deficient; and consequently, that this and the other House have come to very improper Resolutions by declaring upon these Treaties that

that our Right to a free Navigation in these Seas is clear and undoubted ; or it must be admitted that this Convention is a very arbitrary, unwarantable Measure, and expressly contrary to the obvious Meaning of both Houses of Parliament. I say one of those Propositions must be admitted ; because the Parliament having already called for and examined the Treaties between Us and Spain, they find that all the Rights, which Spain has pretended to dispute with us, are sufficiently ascertained by those Treaties. They have accordingly taken Resolutions upon the Footing which they afford ; therefore, I should be glad to know how it has happened that our Ministers appear to be of a different Opinion. I believe when we came to the Resolutions already mentioned, there was no Gentleman here, who did not imagine, that they were to serve as Directions for our Ministry to act by ; and if the Parliament thought the Rights of our Commerce and Navigation sufficiently secured by those Treaties, they ought not to have proceeded one Step before the Spaniards had owned the same.

Anno 12 Geo.
II. 1738-9.

But instead of that, how have they behaved ? The Parliament says, that the Treaties sufficiently secure our Freedom of Navigation : The Court of Madrid says, they do not. Our Ministers, instead of saying to the Spaniards, ' We will not enter upon any Discussion of the Validity, or the Meaning of Treaties ; for these are Points that we are not at Freedom to admit being disputed, since they are ascertained by the Parliament of Great Britain, but we insist upon these plain positive Facts, that you are not to search our Ships ; and that you are to pay Damages for what you have already done in Violation of those Treaties.' I say, Sir, instead of talking as they ought to have done in this Language to the Court of Madrid, they have admitted the Meaning of these Treaties to be so far disputed, that it would not be at all surprizing if Spain should dispute next, whether we have, or have not a Right to sail up the River Thames.

' This I can prove from the very Words of this Convention, and if any Gentleman shall offer the least Argument, that can prove the contrary with any Man of common Sense, I will give my Voice for the Resolutions. By the first Article of the Convention we find, that the Conferences of the Plenipotentiaries are to be regulated according to the Treaties of 1667, 1670, 1713, 1715, 1721, 1728, and 1729, including the Assiento-Contract, and the Convention of 1716. Now, Sir, tho' I think it is extremely right that those Treaties should be the Ground-work of our Negotiations, I think it very wrong, that

after

Anno 12. Geo.
II. 1738-9.



after so solemn a Declaration has been made by Parliament, our Right of Navigation should be subjected to the Will of any Plenipotentiary, be he Spanish or English. Yet there is nothing more plain than that they are: For we need but to look into the second seperate Article of this Convention, and there we shall see that a Doubt is made, whether or not a Ship which was taken by the Spaniards sailing from Antigua, no longer ago than the 14th of April last, was a lawful Prize: What is the Meaning, Sir, of this Article, but that the Spaniards are doubtful whether we have by Treaties a Right to sail on the American Seas at all: For if we have such a Right, surely we can no where exercise it so unexceptionably as within sight of our own Ports; if they are doubtful whether a Ship is, or is not lawful Prize when she sails from Antigua, and not a League from Shore, may they not just as well dispute whether we have any Right to sail from Portsmouth or Plymouth, or any Sea-Port in England, to London, or Liverpool?

Therefore, Sir, I say, that this second seperate Article explains the Meaning of the first Article of the Convention; and shews that the Meeting of our Plenipotentiaries with those of Spain is not in order to obtain Relief from our Grievances, but to multiply them; and to decide whether we have any Right at all to a Navigation upon the American Seas. At the same time it appears, that our Court are far from being ignorant that the Dispute between us must take this Turn; for the Court of Spain could never raise any Doubt, whether we have a Liberty of sailing from Antigua, unless they had a Design to dispute our Right of sailing at all on the American Seas.

The next Thing that I beg Leave to observe, while I am speaking to this second Article, is the Stipulation with regard to the Limits of Florida and Carolina, which are likewise to be decided according to the Meaning of Treaties, as if they were not already sufficiently ascertained.

But the second Article sufficiently proves, that the Spaniards apprehend we shall give them up all the Colonies that are in Dispute there; for we find that we must not presume to put ourselves in a Posture of Defence in case they should be attacked. Now, Sir, I should be glad to know of Gentlemen, why they so strenuously last Year insisted upon the Necessity of putting the Colony of Georgia, which appears to have been for some time past a favourite Settlement with this Nation, in a State of Defence? Why was the Public put to the Expence of sending thither a Regiment with Engineers Stores, and every thing necessary
for

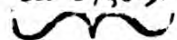
for making a vigorous Defence, if it is a Doubt whether we have, or have not a Right to the Colony.

Anno 12 Geo.
II. 1738-9.

‘ I did intend, Sir, to have gone thro’ every other Article of this Convention, but upon a Review I find I have been in a great Measure prevented by the Gentlemen who have already spoken against this Address. Yet I cannot help observing the Manner, in which the definitive Negotiation to be built upon this Treaty is to go forward. In the first Place, we don’t find one Word in this Convention that stipulates any Satisfaction for the Breach of the Law of Nations, and positive Treaties in the most inhuman Manner, by the Subjects of the Crown of Spain; therefore, they are not to suppose, or at least they will not suppose that they have done any thing amiss. For this Reason they will not be afraid to do the same again; and thus they have eight Months, appointed to the Plenipotentiaries for finishing their Conferences, to act all their Violences and Injuries over again. And after those eight Months, we don’t find a Word in the Convention, from which we can imagine, that the Plenipotentiaries have a Right to give us any Satisfaction for what they may do in the mean Time. For my Part, according to this Convention, I think they have acquired a kind of Right to continue their Depredations; because it is evident that our Ministers have at least left it doubtful, whether they were or were not in the wrong in doing what they have done already. Give me Leave therefore, Sir, to suppose that the Spaniards will continue their Depredations during the Time of the Conferences; what will be the Event? We may say to the Court of Madrid; ‘ Here we have a farther Charge; your Guarda Costas have done us more Damage for which we are to be satisfied.’ Is it not natural for them to bid us look into the Convention, and there we shall find no such Agreement; they may tell us, that the Convention was intended to regulate what was to come, and that the Decision of the Plenipotentiaries was to have no Retrospect. At last, when Abundance of Memorials, Representations, and Remonstrances have past, the whole may be left to a new Convention.

‘ What British Subject, therefore, will venture his Property to Sea, while such a Convention shall subsist? He can have no manner of Rule to go by; he sees a Ship, that to his thinking is in as far a Way of Trade as any Ship can be, seized; and after the Seizure, even our own Ministers, nay, the Parliament of Great Britain, are in doubt whether she is not lawfully seized; how then can he venture to Sea? Nay, even tho’ the Capture of his Ship should be found illegal, all he can hope for is bare Restitution, after losing

Anno 12 Geo.
II. 1738-9.



all the Benefit of his Trade, and the Charge of the Ship, besides Seamen's Wages, Repairs, and a thousand other expensive Articles, for perhaps upwards of a Twelvemonth.

‘ But I am afraid, Sir, that there is somewhat more than bare Suppositions to support the Case I have put. I am afraid, the Spaniards have already, even since the signing of this Convention, given Proofs in what manner they understand it. You have now upon your Table a * Petition from the Owners of a Ship, the Master of which was at the Time of presenting their Petition, as they conceived, a Prisoner in Old Spain. He has since, indeed, been released ; but not till after his Ship was confiscated, and after he had suffered a long and tedious Imprisonment, even after the Convention was signed. Nay, we were told at the Bar of one House, that our Minister-Plenipotentiary at the Court of Madrid presented Memorials for his Release, and no Regard was had to them.

‘ This, Sir, is so positive an Indication of the Manner in which the Court of Madrid understands the Convention, that I cannot imagine the least Doubt can arise on that Head. Have we had any Information yet, that Orders have been sent by the Court of Madrid to their Governors in America, for restoring the two South-Sea Sloops, which they have detained, or for drawing off their Guard from our Factory at the Havannah? If they had thought that this Convention obliged them to discontinue their Hostilities, they should have immediately given these Orders, with severe Injunctions to all their Governors and Officers, against suffering any such Violences for the future.

‘ No Gentleman here, I hope, will take upon him to say, that the Sentiments of our Merchants, and their Petitions ought to have no Weight with us upon this Occasion. I am of Opinion, Sir, that they are the best Judges how far it is practicable to carry on the West India Trade, if the Convention should be approved by Parliament ; and you see in their † Petition, that they are under the very same Apprehensions that I have expressed. They think this Convention makes the Masters of every Guarda Costa superior in Strength to a British Ship that shall fall in their Way, the Masters of the Liberty and Property of British Subjects. In short, the very Petitions that now lie upon the Table, considering from whom they come, and for what End they are intended, ought to be sufficient to determine us to refuse our Assent to the Resolution.

‘ But tho’ I have the most exquisite Sense of what our
Merchants

* See the preceding Volume.

† Ibid.

Merchants and Sailors have suffered from Spain, give me Leave to say, Sir, that the Restitution due to them is but the second Consideration that ought now to engage our Attention. We have a more important Point to discuss, and that is, the Security of our Navigation for the future. I am afraid, Sir, that our Ministers have but half understood the Court of Spain upon this Head. They have taken it for granted, that all which that Court insists upon is, the Regulation of some particular Points, and the Discussion of certain Facts relating to our American Navigation. But, as I said before, this very Convention proves, that they dispute our having any Right of Navigation at all upon the American Seas. This is no new Claim of theirs; it is a Claim which they have formerly trump up, founded upon the pretended ridiculous Donation of all America to the Crown of Spain by the See of Rome. Nay, so fond were they of this imaginary Right, that we find by their own Authors, that not much above a Century and a Half ago, their Admirals, whom they sent out to America, had it in their Instructions to treat all Ships which they found sailing to the Westward of the Azores Islands as Pirates. The Weakness of that Crown hindered them, indeed, from insisting upon this ridiculous Right; but when Gentlemen consider the Genius of that Court, and their Stiffness in every thing that regards themselves, they will not at all be surprized to find that, when they saw they had to do with a pusillanimous weak Ministry, they should renew their Claims. I don't, indeed, say, that they have as yet made any express Declaration upon that Head, because in that Event, the French, the Dutch, and every other Nation who has any Property in the American Trade, must have been alarmed equally with us; but I think it is very plain from their Conduct, and from their justifying that Conduct, that they can mean nothing less than an Exclusive Privilege to themselves of Navigation in the American Seas. For I will challenge any Gentleman who is for our agreeing to this Address, to point out by what Means it is possible for us to sail in these Seas, to sail from one of our own Colonies to another, even the most contiguous, if the Spaniards can be justified in the Captures they have already made of our Ships?

‘ It has been proved, Sir, at the Bar of this House, that they have seized Ships within Sight of their own Settlements, tho’ the Masters of those Ships were obliged to approach their Coasts by Reason of the Force of Winds and Tides: You have heard it proved, that they have taken Ships not within Sight of any Land; and that they have taken them

Anno 12. Geo. II. 1738-9. within Sight, nay, almost within Gun-shot of our own Shores. If they can be justified in these Captures, I should beg to know what Case can happen, in which we can sail on these Seas.

• But that I may not seem to speak without the best Authority, I shall take the Liberty to read the Extract of a Paper, which now lies upon your Table, and is taken from the Words of the Declaration made by the Spanish Commissaries to ours at the Conferences subsequent to the Treaty of Seville.

• In this Declaration it is said, • That whereas the • King their Master hath an indisputable Right, by the • Gift of Pope Alexander the Vith, &c. to the Property and Dominions of all the Continents, Islands, and Seas adjacent, either already discovered, or that shall hereafter be discovered between the Artic and Antartic Poles, • a hundred Leagues Westward of the Islands des Azores ; • excepting those Places which have since by Agreement • with his Catholic Majesty been possess'd by other Princes, • and whereas the British Nation have introduced themselves into the said Dominions, without the Consent of • his said Catholic Majesty, particularly into the Islands of • New Providence, St. Catherine, St. Andrew, Port Royal, • &c." and within the Limits of Florida, that, therefore, we ought to evacuate all these Places. This Demand, Sir, is so ridiculous, that if any Gentleman had asserted without good Proofs, that a People in their right Senses could have made it, I dare say he would have found Difficulty to have gained Belief. For it not only cuts us out of the Places mentioned, but out of Jamaica, and some other of our most valuable Possessions. I have heard an Honourable Gentlemen over the Way say, that we never could bring the Crown of Spain to acknowledge our Right to the Island of Jamaica ; I believe, nor to any Possession we have in America ; therefore this Demand may be extended to all our American Possessions.

• It is owing, Sir, to our Ministry overlooking and treating in a soothing tender Manner this Insolence of Spain, that we have hitherto obtained nothing from them, but an Addition of Infamy from repeated Injuries ; and this Convention may be called the Coup de Grace to that miserable lingering State, which our Navigation and Commerce have been long in. Whereas had they crushed the Evil in its Bud ; had they resolved to break off all Conferences unless those romantic Claims were relinquished, the Spaniards would never have ventured to persist either in their injurious Treatment of our Merchants, or the Absurdity of
their

their own Pretensions. But by even continuing to treat while such a Claim was upon the Carpet, they had reason to think that we were either afraid to disoblige them, or that there was more Justice in their Demands, than they themselves perhaps at first were aware of. This gave them Encouragement to persist in them till they have at last succeeded so far as to get a Convention, which opens to them a fair Prospect of obtaining whatever their own chimerical Wishes could suggest.

‘ I ask Pardon for troubling the House thus long; but the Importance of the present Question, I think, demands that every Gentleman should speak even the Fulness of his Sense: It is the last time Sir, if we agree to this Resolution, that we perhaps shall have an Opportunity of Debate upon any thing that concerns the Trade or Navigation of this Kingdom; therefore I hope the Resolution will be re-committed.’

Sir Robert Walpole.

SIR,

‘ The Propriety of the Resolution we are now debating was so fully considered Yesterday, that I did not imagine it would have met with so strenuous an Opposition To-day. However, as Gentlemen seem determined to make a Point of this Question, I am not at all afraid of having it once again fully and impartially considered; and I dare say that such Gentlemen, who were for the Resolution in the Committee, will be thereby more confirmed to approve of it in the House.

Sir Robert
Walpole.

‘ I shall not take upon me, Sir, to answer regularly every thing the Honourable Gentleman was pleased to advance; but I will venture to say, that I am able to answer every thing he has advanced to the Purpose. The Preamble to the Convention was found fault with; Why? Because it recites that Differences have arisen between the two Crowns on account of the visiting, searching, and taking of Vessels, the seizing of Effects, and regulating of Limits; therefore the Ministers of the two Crowns are to take Care, as far as in them lies, that no farther Causes of such Complaints shall exist. This Preamble has been represented as a kind of owning the Right which the Spaniards pretend to in the American Seas. For my Part, Sir, I cannot see the least Foundation for such a Suggestion. Did not this House last Session recommend to his Majesty to have all these Causes of Complaint removed? This was the professed Intention of all those Negotiations against which Gentlemen have so much exclaimed. And I should be glad to know in what manner the Gentlemen themselves would

Anno 12 Geo.
11. 1 389.

Anno 12. Geo.
II. 1738-9.



would have penned this Preamble? Could it have been said in this Preamble, that Differences have not arisen, and that the Convention was intended to perpetuate those Differences? And yet I don't see any other Meaning that an Objection to this Preamble can convey, but that the contrary of what is there advanced is true.

Gentlemen, when they speak of the Spanish Depredations, take it for granted that the Spanish Court have as good Evidence for the Illegality of the Captures made by their Guarda Costa, and other Vessels as this House has. But give me Leave to say, Sir, that the Case is far otherwise; for tho' the Injuries our Merchants have received have been fully proved at the Bar of this House, yet it is by no means so easy for a Minister residing at a foreign Court to make the Spaniards equally sensible of this as we are, who were present when the Proofs were given in. Therefore it is highly unreasonable to imagine that we had no more to do, but to draw out a neat Account of our Losses, and to have given it to the Spanish Ministry, and that they would instantly have signed it, and ordered Payment. I could with all my Heart have wished that this had been the Case; but do Gentlemen imagine, that if we had been in the wrong, if the Complaints against us had been examined at the Court of Spain, and if they had sent over a peremptory Demand here for Payment of the Balance, that our Ministry would have been justifiable, had they immediately comply'd with their Demand. I am sure the Honourable Gentleman who spoke last would be one of the first to arraign them, if they should do such a thing. Let Gentlemen lay their Hands on their Hearts, and consider what the Ministry here ought to have done: Were they to give into the Court of Madrid a Bill of their Damages, and demand immediate Payment without the least Examination? Were they to threaten, that in case that Court should pretend to delay Payment, tho' but for an Hour, we would go to War? By no Means. Then what ought they to have done? Why they ought to have laid the Grievances of the Nation before that Court, in consequence of the Advice of Parliament to his Majesty, and endeavoured to obtain Satisfaction for the Part and Security against all future Injuries. But this is precisely the Thing they have done; and done it, I will venture to say, with unparalleled Success. The Spaniards have owned that they have been in the wrong, they have agreed to make Satisfaction, and to submit to regulate every thing in Dispute according to Treaties. But, says the Honourable Gentleman, why did not we obtain an express Renunciation on the Part of Spain of all her ridiculous

ulous romantic Claims? Why did not our Ministry throw up all future Negotiations with them? Why did we not insist, said another Honourable Gentleman, upon having the Authors of our Injuries brought to condign Punishment? As to the first of these Points, perhaps it may not appear quite so reasonable to the Spaniards, as it does to some Gentlemen in this House. I would have Gentlemen rightly to distinguish between the Points that are contraverted by Spain, and those that are not; between the Points that are admitted by us, and those that are not.

Spain, as I shall prove by and by, notwithstanding all that has been said by the Honourable Gentleman who spoke last, never has pretended to dispute our Right of sailing from one of our own Settlements to another; but she pretends, that in the Course of that Navigation we ought not to touch upon her Coasts, nor to trade with any of her Subjects. We, on the other hand, admit that the Spaniards have a Right to prevent any Trade from being carried on by the Subjects of other Nations with hers, except that Trade which is expressly stipulated by the Assiento-Treaty. But we deny, that under that Pretence her Subjects ought to stop or search our Ships. This, Sir, is a short State of the Controversy between Us and Spain, and perhaps it is attended with more Difficulties than may be imagined.

For in the first place, tho' their Claim of searching our Ships may seem highly unreasonable to us, it may appear quite otherwise to them. They have on their Side the constant Practice of all Nations, who have, and exercise a Right of stopping and searching all Ships which they suspect as carrying on an illicit Trade with their Subjects. I know it is said, that this Right cannot extend to the American Seas, because that in them there can be no Object of Search on board our Ships, since all Trade between the Spaniards and Us in those Seas is absolutely prohibited. Sir, I shall not at present dispute the general Sense of this Proposition, but Gentlemen will please to consider the Consequences if it is too far extended. Suppose, for instance, that an English Ship is seen hovering off of the Spanish Coasts; suppose that the Spanish Officers shall see Boats, loaded with Goods pass and repass daily and hourly between their Shore and this Ship; what! are they to take no manner of Notice of such a Ship? Are they to wink, to connive at a Practice so utterly repugnant to the Meaning of all the Treaties between them and us? This, Sir, would I think be carrying the general Proposition I have just now mentioned too far. The Parliament could never mean, in their Address to his Majesty, that we should assert a Claim

Anno 12. Geo.
II. 1738-9.



Annō 12. Geo.
II. 1738-9.



so inconsistent with Treaties. All we meant, I will venture to say, was to assert it so far as Treaties could warrant it, and no farther; if we meant any thing else, it was unjust. But Gentlemen never reflect that in all their Speeches and Reasonings against the Convention they plead for this unlimited, this unjustifiable Sense of that Proposition. They don't reflect, that if we had insisted upon any other Terms than what are contained in the Convention, they must have been to bind the Hands of the Spaniards absolutely up from preventing any unlawful Trade that may be carried on upon their Coasts; which I am sure never could be the Intention of Parliament, nor can be justified by Treaties.

I know, Sir, with what a tender Hand the Interests of Trade ought to be touched, and I know too with what Views all the Clamour against this Convention have been raised; but I am convinced that the Interests of Trade are never so well consulted, as when it is carried on agreeably to Treaties. If, in order to gratify the Pique and Resentment of any particular Sett of Men among ourselves, we shall encourage Measures that destroy the Intention of Treaties, we shall soon see our Trade ruined. Every Nation in Europe will become jealous of us, and perhaps may conspire our Destruction. It is only by preserving the Faith of the Nation in carrying on our American Commerce, that we shall be able to prevent such a Conspiracy; for upon the Basis of that Commerce, every other Branch of our Commerce is founded. If the other Powers of Europe should once conceive a Jealousy that we intended to engross the whole of that Commerce to ourselves, do we imagine they would sit cool and unconcerned? No, Sir; in such an Event, even your best Friends would look upon your Conquests with a jealous Eye, and your most powerful Neighbours would continue neutral no longer than your Success should alarm their Fears. It is the Inactivity and Laziness of the Spanish Nation, that is her greatest Security in her Possession of the American Treasure: But were these Treasures to fall into the Hands of a People, who knew how to engross them to themselves; who knew how to keep them from becoming, as soon as they arrive, the Property of other Nations, we should soon see a Change in their pacific Dispositions.

It was in order to prevent this from ever becoming the Case, that so great Care was taken to secure by all Treaties, in which the Spaniards have been contracting Parties, the Possession of the Spanish West-Indies to that Crown; and the Article of the Treaty of Utrecht, which stipulates that Possession,

Possession, makes it the Foundation, the *Sine qua non* of all the Negotiations, not only between Spain and Us, but among all the Powers of Europe. Therefore, Gentlemen ought to be extremely tender of urging this Point; it is a String, which if not delicately touched may create a Discord and Jarring in our System of Interests with our Neighbours, that may disorder the whole. It is easy from the Words of Treaties to raise Objections, and throw in Difficulties, that may cause a Clamour, but if a Minister consults the Sense and Spirit of those Treaties, he must be justified by his Country.

Anno 12. Geo.
II. 1738-9.

‘ Having said thus much, I should be glad to know whether it can be thought reasonable that the Ministry here should have insisted upon the Spaniards granting us absolutely and immediately all we ask, without suffering the least Examination into our Pretensions, (which by the bye are quite new to the Court of Madrid.) Can Gentlemen deny, but that there is at least some Difficulty in reconciling those Points, which they don't pretend to dispute with us, to those Points which we cannot contravert with them? Can they deny, that even tho' Spain had been disposed to grant us all at once, without disputing, without examining into the Authority, upon which we founded our Claims, that it would not have been proper to be a little cautious, in what manner such a Concession should be couched, so as that it might give no Umbrage to our Neighbours?

‘ And now, Sir, that I have gone thus far, give me Leave to mention one or two Difficulties, which are founded on the Words of those very Treaties, in which the Gentlemen who are against this Resolution so much triumph. They have insisted, that the American Treaty, made in 1670, was the first Treaty expressly made that laid us under any Prohibition of Trading to America. Therefore, say they, as no mention is there made of a Search, or of prohibited Goods, it never can be construed to extend to either, and we have by that Treaty a Right to sail as near the Spanish Coasts in America as we please, without being subject to a Search. But I find, Sir, that this Treaty of 1670 confirms by its first Article the Treaty of 1667, and by this last-mentioned Treaty a Visit and Search too, if no satisfactory Account of the Ship's Cargo is given to the Party visiting, is expressly stipulated. But, say Gentlemen, this Stipulation is only for the European Commerce. I shall not dispute at present, Sir, whether it is or is not, but I don't find any Expressions in that Treaty which determine the Sense to the European Commerce alone.

Anno 12. Geo.
II. 1738-9.



‘ The Treaty of 1667, is as exprefs with regard to the Prohibition of our failing to the American Coasts as the Treaty of 1670 is; and I cannot but obferve that the 8th Article of the Treaty 1670, which prohibits the Subjects of either State from failing to the Settlements of the other in America, is almoft tranfcribed from the 6th Article of the Treaty of Munfter in 1648, to which the 8th Article of the Treaty of 1667 refers. I will take the Liberty to read the Words of the feveral Articles, becaufe I believe Gentlemen who have fpoken upon this Subject have not fufficiently confidered them.

‘ The Words [of the 8th Article of the Treaty 1667 run thus: ‘ And for what may concern both the Indies, ‘ and any other Parts whatfoever, the King of Spain doth ‘ grant to the King of Great Britain, and his Subjects, all ‘ that is granted to the united States of the Low Countries, ‘ and their Subjects in their Treaty of Munfter 1748 point ‘ for point, in as full and ample Manner as if the fame were ‘ herein particularly inferted, the fame Rules being to be ‘ obferved, whereunto the Subjects of the faid United States ‘ are obliged, and mutual Offices of Friendfhips to be per- ‘ formed from one Side to the other.’ As this Article cannot be underftood without the Articles referr’d to in the Treaty of Munfter, I fhall beg Leave to read that too, from the Book I have in my Hand: The firft Article eftablifhes in the States-General the Right of *Uti Poffidetis* as to all their Poffeffions in America; and the fixth Article proceeds as follows.

‘ And as to the Weft Indies, the Subjects and Inhabitants ‘ of the Kingdoms, Provinces, and Lands of the faid Lords, ‘ the King and States refpectively fhall forbear to navigate and traffic in all the Havens, Harbours, and Places ‘ provided with Forts, Lodgments, or Caftles, and all other ‘ Places poffeft by one or the other Party; (namely) the ‘ Subjects of the faid Lord the King fhall not fail and ‘ traffic in thofe held by the faid Lords, the States, nor the ‘ Subjects of the faid Lords the States, nor the Subjects of the ‘ faid Lords the States in thofe held by the faid Lord the King.’

How agreeable this is to the Words of the 8th Article of the Treaty of 1670, Gentlemen fhall judge. The Words of that Article are;

‘ The Subjects and Inhabitants, Merchants, Captains, ‘ Marines, and Masters of Ships of the Kingdoms, Pro- ‘ vinces, and Territories of each King, refpectively fhall ‘ abftain and forbear from trading and navigating in the ‘ Ports, and in the Places where Forts, Warehoufes, or ‘ Caftles are built, and in all other Places poffeft by one or ‘ other

‘ other Party in the West-Indies.’ The rest of the Article is transcribed from that of the Treaty of Munster, *mutatis mutandis*. Anno 12. Geo. II. 1738-9.

‘ From this it appears that the Prohibition of our not sailing to the Spanish West-Indies existed before the Treaty of 1670. Now, Sir, tho’ I am as far from being an Advocate for Spain as any Gentleman in this House is, yet I submit it to Consideration, whether it was reasonable to expect that the Spaniards were to sign a Charte-blanch, and agree to our Demand of giving up all Rights to a Search, before they had considered whether they had not, by the Treaty of 1667, a Right to search our Ships in America as well as in Europe.

‘ Gentlemen have been very severe upon the Authors of this Convention, for proceeding in any Negotiation at all before the Spaniards had absolutely disclaimed this Point. But give me Leave, Sir, to say, it is but a new Argument, even in this House, that the Spaniards have no Right to a Search upon any Account whatsoever; and if it is new to us, it must be so to them; and therefore it is not at all surprizing that they should insist upon some Time to deliberate. I remember when the Treaty of Seville was approved of by Parliament, the Gentlemen who disliked that Treaty did not make Use of this Argument; and in all the Course of our Debates it was still understood, that Spain had a Right to a Search in certain Cases. There is nothing left in this Convention to the Discussion of Plenipotentiaries, which was not virtually left by the Treaty of Seville, to the Discussion of Commissaries; yet I did not hear any Gentleman say at that time, that the Rights of our Navigation and Commerce were given up and shamefully betray’d. To prove what I have said with regard to what was referred to the Commissaries, who were to meet in consequence of the Treaty of Seville, I need only to read the 6th Article of that Treaty, which runs thus;

‘ Commissaries to be appointed on the Part of their Britannic and Catholic Majesties, to examine and decide what concerns the Ships and Effects taken at Sea on either Side, to the Time specify’d in the preceeding Article (meaning the Year 1728.) And to examine and decide according to the Treaties the respective Pretensions which relate to the Abuses that are supposed to have been committed in Commerce, as well in the Indies, as Europe, and all other respective Pretensions in America founded on Treaties, whether with respect to the Limits or otherwise.’—Now, Sir, is any thing more referred to the Plenipotentiaries by this Convention? therefore I should

Anno 12. Geo.
II. 1738-9.



be glad to know why such a Clamour is raised now on that Head, and if the Point of no Search be so clear in our Favour as Gentlemen would have it, was it not as clear then as now?

‘ But it is said, here is the Case of a Ship sailing from one of our own Colonies, and not so much as pretended to be within the Spanish Limits, submitted to the Discussion of our Plenipotentiaries; and this will be a great Discouragement to our Merchants carrying on that Commerce, during the intermediate Time. If the Case were as the Honourable Gentleman has represented it, I don’t know but it might have that Effect; but we ought to consider, Sir, that it is not only the Place in which a Ship is found to carry on Commerce, that makes such a Ship a Prize, but the Species of Goods that are on board. To be sure, if there were no other Objection against that Ship, the *Success*, than that she was sailing out of Antigua, as the Honourable Gentleman has been pleased to state the Matter, it had been a very ridiculous Subject for the Discussion of the Plenipotentiaries, but as there are other Circumstances, which according to the Claims of Spain may make her a lawful Prize, the Article with regard to her is both prudent and reasonable, nor can it ever prejudice any of our just Rights.

‘ Having thus, I hope, obviated all that has been so advanced against this Convention, I shall now take the Liberty to say a Word or two in answer to what was said with regard to the Claim of the Spaniards, to an exclusive Privilege of Navigation in the American Seas. It was said, that in the Conferences with our Commissaries the Spaniards had insisted upon such a Privilege: To prove this, a Passage from one of the Papers upon your Table was produced; but how does that Passage prove it? It proves that a ridiculous romantic Claim was entered by the Spanish Commissaries, and this Convention proves that they have relinquished it since. But the Honourable Gentleman did not enough attend to the Passage, when he said that it extended to a Claim of an exclusive Right, for we find it is restricted to those Places which have not been by Agreement with his Catholic Majesty possessed by other Nations. Therefore it never can be construed to comprehend any of our Possessions which we held before the Treaty 1670, because in that Treaty we have from Spain an Article of * *Uti Possidetis*, by which that Crown consents to our enjoying all the Property of what we were then in Possession of.

‘ Upon the whole, Sir, I cannot see the least Foundation
for

* Article the 7th.

for our refusing to agree with the Committee in those Resolutions, for a dutiful and grateful Address to the Crown.' Anno 12. Geo. II. 1378-9.

Mr. Pultney,

SIR,

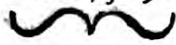
' The plausible Pretence of addressing the Crown shall never induce me to betray the Trust placed in me by my Country; and when I view this Question in its proper Light, to me it appears to be a modest Demand made by the Ministry, that we should, without the least Satisfaction given us, strike off the long Account due to us from Spain, for the most injurious Treatment of the Subjects, and the grossest Insults on the Crown of Great Britain: That we should give up all Security for the Exercise of that Commerce, which is at present the only Support of this Nation: That we should give up the Right of this House to arraign a pusillanimous, weak, destructive Measure of the Ministry, or rather one Man in the Ministry: In short, that we should sacrifice all that can be dear and valuable to us, as a free People, in order to support one Man in his Power.

' What has hitherto been offered in favour of this Convention, Sir, confirms me more and more in the Opinion, that it is a Measure destructive to the Nation. Gentlemen may remember, that in the last Session I was for asserting the Rights of this Nation in America, after a stronger and more explicit Manner than we then did. For this Purpose I offered some Resolutions to the House that had not the good Fortune to be approved of. The Right Honourable Gentleman, who sits near me, § amended, or rather new modelled them into the Resolutions which were presented to his Majesty. I foresaw, Sir, I foretold a great Part of the Arguments which have actually been made Use of in favour of the Convention. But this Measure, tho' we know it is the Gentleman's, is far from being correspondent even to the Gentleman's Resolutions, if I may so call them. The Resolutions assert our undoubted Right to a free Navigation in America. But this is so far from being secured, or asserted by the Convention, that it is actually given up. For, Sir, if it be undoubted, why is it submitted to a future Discussion? To what end are Plenipotentiaries named, if not to clear up some Points that remain doubtful? The very Words of the Convention make the Doubt: For we there see, that the Rights of Navigation and Commerce of this Nation are to be settled by Plenipotentiaries. Sir, they want no settling; we have already found and declared what our just Rights are; and shall these Gentlemen tell us by this Convention that we are mistaken?

' Suppose

§ Sir Robert Walpole.

Anno 12 Geo.
II. 1738-9.



‘ Suppose, Sir, that a neighbouring Power was to start a Claim, which affected the Independency of this Crown and Kingdom; suppose the Parliament had come to a Resolution, and presented the same to his Majesty, telling him that the Independency of his Crown is clear and undoubted, and that we will stand by him to the last Shilling of our Fortunes, and the last Drop of our Blood; shall any Minister, after such Declaration, so far prostitute the Dignity of his Majesty and the Kingdom, as to refer the Independency of the Crown to the Decision of — what shall I call them; two Creatures of his own, distinguished by no one Qualification, but a blind Obedience to his Commands? Gentlemen may say this Case is not in the least applicable to that of the Convention. I own, Sir, the Independency of the Crown is not immediately affected by the Claims of Spain: But will not the Honour and Interest of the Nation, which supports that Independency, be both affected? If we give up our Trade, where shall we find Resources to support ourselves either against foreign or domestic Enemies? If we meanly stoop to the Dictates of a haughty insolent Court; if we barter away the Lives and Liberties of Englishmen for a sneaking, temporary, disgraceful Expedient; what Court in Europe will any longer regard us as an independent People?’

‘ But tho’ we had obtained from Spain much better Terms than it appears are obtained, we have weakened the Rights of this Nation by the very Manner in which we treated about them. We treated, Sir, as humble abject Slaves would with an insolent arbitrary Master. We have yielded every Point in Dispute, and have not got one single Concession in our Favour. We have been treating about Rights to Satisfaction for Injuries, for Insults, for Barbarities, that I believe were never before attempted to be palliated by any People who ever heard of Law and Justice; and what makes it still more disgraceful to us, we have been treating, while the other is Party still plundering: Even at the Time when this mock Satisfaction was obtained, the Spaniards were repeating the very Injuries and Insults for which the Honourable Gentleman and his Friends pretend they have made us Reparation. They pretend, Sir, that this was the wisest and the most eligible way of proceeding; but it was acting a Part the very Reverse of what was acted by the wisest and the bravest People that ever lived. They always refused to treat with an Enemy who had gained an Advantage over them; but when that Enemy was subdued, they readily consented to reasonable Terms. We, on the other hand, have given our Enemies great Advantages from
our

our Puffillanimity and Compliance; we have treated with all the Submission of a conquered People, and given up all the Superiority we might have claimed from our Strength and Situation. Had we followed the Maxims of that wise People, we should have told the Spaniards our Terms: If they had not accepted them, we ought to have ventured our all, rather than submitted in one Article; if we had been conquered, Sir, we could not have been in a worse Situation than we are put into by this Treaty; and if we had conquered, then was the Time to have extended our Favour, if we could have done it consistently with the Honour of Great Britain. This, Sir, would have been no romantic way of acting; it would have preserved our Reputation, which is inseparable from the Welfare of a Trading People; it would have shewed our Enemies that we were determined to preserve our Commerce and Liberties at the Hazard of our Lives, and that whenever we come to Resolutions on these Points, we have the Firmness not to depart from them.

Anno 12 Geo.
II. 1738-9.

• An Honourable Gentleman, Sir, who sits near me, said Yesterday, ' That Military Gentlemen should have as little as possible to offer in Affairs relating to Peace or War; that as their Passion is for Glory, they might be animated to seek it, tho' purchased with the Ruin of their Country.' Sir, I congratulate this Assembly on the Right Honourable Gentleman's Change of Sentiments. When I look round this House, I cannot help seeing Cause to reflect, that this was not always his way of thinking. Neither will it be difficult to assign the true Reason of this Change of Opinion. For my Part, I have always opposed Military Gentlemen having too much to say in Parliament on the Affairs of Peace or War; I wish, Sir, they had less to say or do here on this very Occasion: We shall soon see, by the Part they shall take in this Question, how far this Passion for Glory, the Honourable Gentleman talks of, prevails among them. This Night, Sir, they will have an Opportunity of shewing their Zeal for the Interest of their Country, and at the same Time gratify their Ardor for Action. But, Sir, in all Deliberations of this Kind, I have constantly observed these Military Gentlemen very prudently consult the Peace of their Country, as well as their own Glory, by being the first to approve of the Minister's most destructive Schemes, and even his pacific Measures. We all know, Sir, when it has happened otherwise, what was the Consequence. They who had the Courage, Sir, to follow the Dictates of their own Breast (I don't mean to reflect on any Gentleman of the Army) were disabled from further serving their Country

Anno 12. Geo.
II. 1738-9.

in a Military Capacity. One Exception, Sir, I know there is, and I need not tell Gentlemen that I have in my Eye one Military Person, great in his Character, great in his Capacity, great by the important Offices he has discharged, who wants nothing to make him still greater, but to be stripped of all the Poits, of all the Places he now enjoys.— But that, Sir, they dare not do.— I repeat it, Sir, they dare not. A War, as the Honourable Gentleman rightly observed, is to be avoided if we can do it with Honour, a vigorous War is the only Means of obtaining a lasting Peace. It is in vain therefore for Gentlemen to declaim on the Calamities of War: Let them rather expatiate on the Miseries of such a Peace as we have had these 18 Moons past. Let them compare these with the most dismal Effects of War; the last will be found a safe, an easy, and a glorious Expedient.— An Honourable Gentleman said, we have no Allies.— But whose Fault is it, Sir?— Has not he himself been making Alliances for us all this Reign, and part of the last? And does he now tell us, that we have not one Ally in the World? It is at least honest in the Gentleman to let us know so much. But since this is our Case, let us make the best of a bad Bargain: Let us make Use of those Advantages that Nature has put into our Hands: Let us exert the Courage that our Wrongs have inspired us with: In short, let us tread in the Steps of former Ages. Under Queen Elizabeth, Sir, we neither had, nor did we stand in need of Allies. Tho' the Nation then lay under many Disadvantages, which are now become Advantages, she, Sir, by her own Power, conquered this haughty Enemy, then stronger and haughtier; and shall we despair as Men without Hope? Let us not bring ourselves into Contempt, by approving this pernicious Treaty: Let us for once change our sneaking Conduct, and all will be well.

I shall now, Sir, take up no more of your Time. There has already been so many Arguments unanswerably urged against this destructive Measure, that I cannot pretend to say any thing that will add to their Weight, except giving my Negative a second Time to this Address, which I heartily do.

Mr. Pelhame.

S I R,

Mr. Pelhame.

I am sorry to observe that some Gentlemen are never to be convinced or satisfy'd. Instead of confining what they say to the Subject of the Debate, they run out in a very indecent Manner against those who have the Honour to serve his Majesty; as if, for a Subject to have the least Share

Share of the Royal Countenance, were a sufficient Reason for Censure and Detraction. The Honourable Gentleman who spoke last, did not, with all his Parts, give one good Reason, at least in my Opinion, why we should disapprove, and much less censure this Convention. He did not think fit to point out how we might have gotten a better Treaty without going to War: And if we should go to War, Sir, I should be glad to know by what Means we could support that War, if we were at present to enter into it. It is very easy to find Fault; but, Sir, it is to no Purpose to find Fault, unless at the same Time they point out how we could have done better. War is called for without Doors, it is called for within Doors; but Gentlemen don't consider how little you can gain by War. They talk as if we were to get the Indies: Pray, Sir, if it was so easy, as they now affirm it is, to distress Spain in the Indies, why did we not do it during the last great War, when we had the Dutch Fleet to assist us? What Success, Sir, had you in your Descents upon their Territories? If we had not, by great good Fortune, got Intelligence of their Galleons being arrived in Port, and if they had not by that Means fallen into our Hands, I don't think that all we did against the Spaniards by Sea last War, (if we except an Action § my Honourable Friend behind me was engaged in) worth mentioning. And even in these two successful Rencounters the Officers and Sailors were Gainers, but the Public was not. And therefore, Sir, we may conclude, that Gentlemen call out for a War, because they don't know any other Method for finding Fault with this Convention; by insisting upon this, they in effect own that it was impossible for us in the Way of Negotiation to have obtained better Terms. For I believe that even the Honourable Gentleman who spoke last will not pretend to say, that if the Ministry could have got better Terms in the Way of Negotiation, they would not have accepted of them. But, Sir, this Opposition to a Measure of the Ministry is no Surprize to me. I heard this Convention blamed in many Companies before it appeared in Public, and by People who did not know one single Syllable of what it contained. Therefore, as I hear no new Arguments against it, I look upon what has been said with so much Vehemency, as the Effect of Passion and Disappointment, rather than the Dictates of Reason. I am therefore for agreeing to the Resolutions.

§ Sir Charles Wager.

Anno 12. Geo.
II. 1738-9.

Mr. Fitzakerley.

Mr. Fitzakerley.

S I R,

‘ I rise up to answer for my Honourable Friend and the other Gentlemen, whom I have the Honour to be acquainted with, in regard to what has been said by the Honourable Gentleman who spoke last. As to the Reasons offered against this Convention, Sir, they must stand or fall by themselves. All that I shall say at present is, that they are approved of by every Man of Sense and Honesty without Doors. But with regard to the Motives of opposing the Convention, I take it upon me to declare in behalf of my Friends that they are not personal. I dare say, if there had been any one Thing in this Convention that could have been approved of, the Honourable Gentlemen would have given it its due Weight. As for myself, I am far from either censuring or envying any Gentleman who has the Honour of enjoying the Royal Favour. The Right Honourable Gentleman, who, I believe, has the greatest Share in it, is a Person whom I know (from my own Experience, Sir, I can say it) to be as well qualify'd for a first Minister as any Man in this Nation. He has in this Debate acquitted himself with as much Ability as any Gentleman that ever sat in this House, who had so ill a Cause to defend, ever did. He has discharged the important Posts he has enjoy'd with great Capacity; and his Temper and Moderation is beyond Dispute the most extraordinary of any Man I ever knew. In short, Sir, his Character in private Life is amiable even in the Eyes of those who differ from him in Public. It may be my Misfortune, that I differ with him on this, or any other Occasion; but, Sir, I do it upon so strong a Conviction, that our agreeing to this Address will be the most fatal Measure this House ever enter'd into, that if the Right Honourable Gentleman is determined to carry it by a Majority, I shall never again appear in this House till I perceive a Change of Measures.’

Sir Robert Walpole.

S I R,

‘ I stand up to express my Acknowledgments to the Honourable Gentleman who spoke last, and am ready to do his Character that Justice which all the World does; that he is a very Learned Lawyer, and has as thorough an Understanding of the Laws and Constitution of this Country as any Man in it. But, Sir, it is really surprizing, if I possess any Part of those great Abilities and Qualifications the Honourable Gentleman has been so kind to ascribe to me, whence it should happen, that for these ten Years past, in which that Learned Gentleman and I have sat

Sir Robert
Walpole.

sat together in this House, I have had the Misfortune to differ with him in every single Point that has admitted of the least Debate.

Anno 12 Geo.
II. 1738-9.

Colonel Mordaunt.

SIR,

‘ I have upon many Occasions observed, that by the Art of Ministers, or by the Art of those who would be Ministers, a popular Cry has been raised, by which the giddy Multitude have been led, like Children in a Leading-string, and induced to favour or join with those who first raised the Clamour, tho’ the End they were driving at appeared to be directly contrary to the Cry they had raised. In a late Reign, a Clamour was raised among the People, ‘ That the Church was in Danger.’ This Cry was first begun by those who were not, but had a strong Mind to be Ministers; and it was echoed back by the People from all Corners of the Kingdom. Those who put the People into this general Fright got their Aim: They got themselves made Ministers; and they endeavoured to support themselves in Power, by the same Means by which they had got it: During their Administration, the popular Cry continued to be, ‘ The Church was in Danger;’ and yet many are mistaken, if they were not, during the whole Time of their Administration, secretly driving at an End, which would have brought the Church into real Danger.’

Colonel Mordaunt.

‘ Upon the present Occasion I observe, that the general Cry raised among the People is, ‘ Our Trade is in Danger.’ I do not know, Sir, by whom this Cry has been raised; but I am sure, it has not been raised by our Ministers; and if it has been raised by those who are for involving the Nation in War, it must be allowed, that the End they are pursuing is absolutely inconsistent with the Cry they have raised; for War will certainly bring our Trade into real Danger. At present, I cannot think our Trade in any real Danger; and I have good Reason for thinking so; because in a Debate of twelve Hours, I observed there was but one Merchant that spoke against this Treaty; and now I observe, that one of our greatest Merchants, one who ought to have as great a Concern for Trade as any Member of this House, is sitting in a Place from whence he cannot speak §.

Mr. Alderman Willimot having taken his Seat in the House, said,

SIR,

‘ My Reason for not speaking upon this Question was Mr. Alderman not, because I do not think our Trade in Danger: On the contrary,

Willimot;

K 2

contrary,

Anno 12. Geo.
II. 1738-9.



contrary, I think it will be absolutely sacrificed, if we approve of this Convention; but the Affair has been so fully, and so well spoke to by other Members, the fatal Consequences of our agreeing to give a Sanction to this Preliminary have been set in so clear a Right, and so little said in its Favour, that I thought there was no Necessity for my giving you any Trouble upon this Occasion.

Now I am called upon, Sir, I must observe, that our Trade is at present, I think, in the most imminent Danger. A just and a well conducted War can never bring our Trade into any Danger. But if we shew that we dare not resent any Injury done to our Trade; if we allow our Merchants to be plundered, and our Seamen murdered and tortured with Impunity, our Trade will not only be in Danger, but must be undone. To this I must add, Sir, that with regard to the Treaty now under our Consideration, the Honour of the Nation is as much concerned as its Trade; and therefore it astonishes me to hear the Honourable Gentleman that spoke last, or any Gentleman of his Character, making light of such a Subject; for if the Gentlemen of our Army should make themselves merry with the Honour of their Country, or should join in sacrificing it, by giving a Parliamentary Sanction to an infamous Treaty of Peace, I am sure they would be at least as blameable, as those Merchants who should make a Joke of, or join in sacrificing its Navigation and Commerce.

Division Ayes
244, Noes 214.

The Question being put, the Resolutions were agreed to; Upon a Division, Ayes 244, Noes 214.

The Question was then put upon the Address as drawn up, and Sir William Windham spoke as follows.

S I R,

Sir William
Windham.

‘ I do not rise up, after so long a Debate, to give you again my Sentiments upon the Convention, which we are now, it seems, to approve of; but to express my great Concern at what I have seen happen. In all the Variety of Company I have kept, I have never heard a single Person without Doors pretend to justify this Convention; and when the Sentiments of Particulars were such, I did not expect, when they were met together in a Body, to see a Majority vote for it. This must be owing to one of these two Causes: Either Gentlemen were convinced by the Arguments made use of in this House for justifying this Convention, or there are other Methods of convincing besides Reason. I am not at Liberty to suppose it the latter, therefore, I must suppose it the former. But this, Sir, is to me a very melancholy Consideration; for tho’ I have attended with the utmost Regard to all that has been said upon this Convention, I have not heard a single Argument in its Fa-
vour

your that has had the least Weight with me. This, I Anno 12. Geo. II. 1738-9. say, Sir, is a very melancholy Consideration to me, since it makes me conclude, that I have not common Sense, because I find I cannot be convinced by the Strength of common Reason; and therefore I think myself very unfit to do my Duty in this House. While I sit here, I am resolved never to be directed by any thing but Reason; and, as I must now conclude, that I do not understand Reason when I hear it, I must think myself incapable of doing my Duty in this House; therefore I am resolved to retire to the Country, and there perform my Duty as far as I am able, by acting in Conformity to the Laws, and in Obedience to the Government.

‘ However, I must beg Gentlemen to consider the Consequences of the Vote they are now going to give. This Address is intended to convince Mankind, that the Treaty now under our Consideration is a reasonable and an honourable Treaty for this Nation; but if a Majority of 28, in such a full House, should fail of that Success; if the People should not implicitly resign their Reason to a Vote of this House, what will be the Consequence? Will not the Parliament lose its Authority? Will it not be thought that, even in Parliament, we are governed by a Faction? And what the Consequences of this may be, I leave to those Gentlemen to consider, who are now to give their Vote for this Address. For my own Part, I will trouble you no more; but, with these my last Words, ‘ I sincerely pray to ‘ Almighty God, who has so often wonderfully protected ‘ these Kingdoms, that he will graciously continue his ‘ Protection over them, by preserving us from that im- ‘ pending Danger which threatens the Nation from with- ‘ out, and likewise from that impending Danger which ‘ threaten our Constitution from within.’

Sir Robert Walpole.

S I R,

‘ The Measures which the Gentleman who spoke last, and his Friends, may pursue, give me no Uneasiness. The Friends of the Nation and his Majesty are obliged to them for pulling off the Masque, by making this public Declaration. We can be upon our Guard, Sir, against open Rebellion, but 'tis hard to guard against secret Treason. The Faction I speak of, Sir, never sat in this House, they never joined in any public Measure of the Government but with a View to distress it, and to serve a Popish Interest. The Gentleman who is now the Mouth of this Faction was looked upon as the Head of these Traitors, who 25 Years ago conspired the Destruction of their Country, and of the Royal Family, to set a Popish Pretender upon the Throne.

Sir Robert
Walpole.

Anno 12. Geo. II. 1738-9. Throne. He was seized by the Vigilance of the then Government, and pardoned by its Clemency; but all the Use he has ungratefully made of that Clemency has been to qualify himself according to Law, that he and his Party may, some time or other, have an Opportunity to overthrow all Law.

‘ I am only afraid, Sir, that they will not be so good as their Word, and that they will return to Parliament; for I remember that, in the Case of a favourite Prelate who was impeached of Treason, the same Gentleman and his Faction made the same Resolution. They then went off like Traitors as they were, Sir; but their Retreat had not the detestable Effect they expected and wished, and therefore they returned. Ever since, Sir, they have persevered in the same treasonable Intention of serving that Interest by distressing the Government. But I hope their Behaviour will unite all the true Friends of the present happy Establishment of the Crown in his Majesty’s Person and Family more firmly than ever; and that the Gentlemen who, with good Intentions, have been deluded into the like Measures, will awake from their Delusion, since the Trumpet of Rebellion is now in a manner sounded.’

The Event of this Debate having produced the memorable Secession, by which several eminent Members of the Minority absented from the Service of the House; the Questions of Importance that passed afterwards in that Session, passed rather by a Division than a Debate. But as a great many Bills of great Consequence to the Trade of the Nation were brought in during the remaining Part of the Session, we should be unpardonable if we did not lay before our Readers the principal Part of the Proceedings of those Gentlemen who remained with the House.’

Petition about Wool.

March 13. The House received a Petition of the Traders in the Woolen Manufacture, viz. Clothiers, Serge-makers, Combers, Weavers, and other Inhabitants within the Town of Ashburton, in the County of Devon, in behalf of themselves, and all others concerned in the said Woolen Manufactures throughout Great Britain, complaining of the Decay of the Woolen Manufactory, and praying such Relief as to the House should seem to meet.

Referred to a Committee of the whole House.

The said Petition was referred to a Committee of the whole House, as were the several Petitions upon the same Subject that had been presented that Session, and which were ordered to lie upon the Table.

Resolutions of the said Committee.

March 16. The House having resolved itself into a Committee upon the said Affair, they came to the following Resolutions, viz.

That

That it is the Opinion of this Committee, 1. That Anno 12 Geo. II. 1738-9. the several and respective Duties payable by several Acts of Parliament now in Being upon Bay Yarn and Woolen Yarn imported into this Kingdom from Ireland, shall from, and after the first of May 1740, cease, determine, and be no longer paid. 2. That the Provisions made by an Act of the 9th and 10th of King William the Third, entitled, An Act for the Explanation and better Execution of former Acts made against Transportation of Wool, Fullers Earth, and Scouring-Clay, to prevent the clandestine Running of Wool from the Sea Coasts of Kent and Suffex, by entering and registering the same, be extended round the Sea Coasts of Great Britain and Ireland, with Additions to render the same more effectual. 3. That the Liberty of exporting Wool and Woolen Yarn from Ireland to England be extended to the Ports of Limerick, Galway, and Dundalk, in the Kingdom of Ireland. 4. That no Wool or Woolen Yarn shall be brought from Ireland into this Kingdom, but in registered Ships. 5. That farther Provision be made for preventing the fraudulent Exportation of Wool from Great Britain or Ireland, under Pretence of being fully manufactured. 6. That no Wool, Wool-fells, Mortlings, Shortlings, Wool-flocks, Worsted Bay, or Woolen Yarn in Great Britain or Ireland, shall be packed up in any Box, Barrel, Cask, Case, Chest, or any other Package, but in Leather, or Canvas, commonly called Pack-Cloth, and properly marked. 7. That some farther Provision be made to prevent the Exportation of Wool from Great Britain, and of Wool and Woolen Manufactures from the Kingdom of Ireland to foreign Parts, by giving sufficient Power for the taking and seizing of Ships, Vessels and Boats, having on board such Wool or Woolen Manufactures. 8. That no Wool-fells, Mortlings, Shortlings, Combed Wool, Yarn, Worsted, Cruels, or Wool, slightly manufactured, shall be carried in any Ships, Vessel, or Boat, Coastwise, or from one Port to another, unless Notice be first given to the Commissioners, or chief Managers of the Customs, or to the Customer, Collector, or chief Officer of the Port to which it is intended to be sent.

These Resolutions being reported to the House, were all agreed to without Amendment, excepting the Third, which was amended by adding the Ports of Newry, Wexford, Wicklow, and Sligo, to the three Ports therein mentioned. Agreed to by the House.

Ordered, That Leave should be given to bring in a Bill pursuant to the said Resolutions, and that Mr. Secretary at War, Mr. Walpole, Mr. Chancellor of the Exchequer, Colonel A Bill order'd in

Anno 12. Geo.
II. 1738-9.

Petition from
the City of
Exon relating
to the Wool
Bill.

Colonel Bladen, Sir John Barnard, Mr. Earle, Mr. Thom-
son of York, Mr. Glanville, Mr. Vere, and Mr. Lindsay
do prepare and bring in the same,

April 3. A Petition of the Mayor, Aldermen, Common
Council, Citizens, and principal Inhabitants of the City of
Exon, was presented to the House and read; in which the
Petitioners highly approved of the before-mentioned Re-
solutions, and submitted to the Consideration of the House,
that the Woolen Manufacture in that City, and Parts adja-
cent, had for many Years laboured under great Discourage-
ments and Disadvantages for want of having an Oppor-
tunity of importing Wool and Woolen Yarn from Ireland
into that Port, and having the Duty of Fourpence per
Stone, payable on all Wool exported from Ireland taken
off; for that the Petitioners were by that Means not only
put to the extraordinary Charge of a Land-Carriage for forty
Miles; but also that the Irish, as the Petitioners apprehend-
ed, were laid under a kind of Necessity of finding a Market
for their Wool in foreign Parts, since they were deprived of
the Liberty to make the best Price of their Wool in all the
Southern and Eastern Parts of England, where it was most
wanted, and most likely to be purchased and wrought up.
That since the House had been pleased, by one of its Reso-
lutions, to extend the Liberty of exporting Wool and
Woolen Yarn to England in register'd Ships to several Ports
of Ireland, (which Resolution the Petitioners apprehended
would highly tend to the general promoting the Woolen
Manufactures of this Kingdom, it was both reasonable and
necessary, in order to render the Attainment of this most
desirable End more effectual, that the Importation of Wool
into England might not be confined to a few Ports on the
North Side of this Kingdom, where very little Wool was
made use of, but that the other more considerable Trading
Ports on the South and Eastern Sides of this Kingdom might
also have the Benefit of Wool and Woolen Yarn from Ire-
land in register'd Ships extended to them, and particularly
the Port of Exeter, so that the whole Kingdom might be-
come a proper Market for the same, and especially that City
where it was of such general Use.

April 18. A Petition of the Merchants and others of
the Port of Lancaster was presented to the House and read,
representing, that the Port of Lancaster was very advan-
tageously situated for the Importation of Irish Wool and
Bay Yarn, being on the North and West Coast of this
Kingdom, and neigest to the Towns of Leeds, Halifax, and
Wakefield, the most considerable Places for the Woolen
Manufacture in the Northern Parts of this Kingdom; and
that

that the Wool produced in that and the other Northern Counties of this Kingdom was very coarse, and that Irish Wool, being generally of a finer Sort, would be very proper to mix therewith, and would greatly tend to improve the said Manufacture; and therefore praying that the Liberty of importing Irish Wool and Bay Yarn might be extended to that Place.



These were the most material Petitions presented in favour of the Bill; but April the 12th there had been a Petition presented to the House and read, of the principal Inhabitants of the Borough of Minehead in Somerset, in behalf of themselves and many others, Traders concerned in the Woolen Manufactures; alledging, that the taking off the Duty from Irish Yarn would, as the Petitioners conceived, encourage the Irish to enlarge that Branch of Manufacture and Exportation thereof, which was already become very considerable; and thereby deprive Multitudes of the Poor in that Borough, and other Places of the Kingdom, especially Combers and Spinners, of their Labour; the Consequence of which might increase Parish Charges, and bring a further Load on Lands, and also depreciate the Price of our own Wool; and would not, as the Petitioners conceived, conduce to the Preservation of Wool, when, as the French and others for the Support of their Woolen Manufactures might give an advanced Price, some would be taken with the Temptation of that Gain, and therefore, for the Good of the general, (tho' some particular Places might desire it) the Advantage of the Revenue, the Employment of the Poor, praying, that the Duty thereon might continue, and also praying, that no more Ports might be opened.


Petition of the Inhabitants of Minehead against the Wool Bill.

April 19. The Bill was presented to the House by Colonel Bladon, read a first Time, ordered to be read a second Time, and to be printed. In the mean time, a Petition of the several Persons, whose Names were thereunto subscribed, and several others concerned in the Importation of Pelts and Wool from Ireland, to the Port of Chester, was presented to the House and read, representing,

The Bill presented to the House.

That a Duty is paid both in Ireland and England on all Pelts imported into Great Britain, which occasions the People of Ireland often to pull the Wool there, and afterwards dress the Skins, and make Gloves thereof, which Gloves and Wool are frequently run, to the great Prejudice of the fair Trader; and that the Petitioners conceive, that if the Duty on Pelts was taken off in England and Ireland, it would effectually prevent the pulling the Wool off the Pelts in Ireland, and be a very great Encouragement for them to

Petition from Chester upon the Wool Bill.

Ann^o 12. Geo. II. 1739.  import the same into England; and that the Petitioners do believe, if the said Duties were taken off, it would not be any way prejudicial to the Revenue of Great Britain, but rather an Increase of it by the Duties paid for Leather, and for the Salt made use of in the curing the same, which in this Case would be much larger, by reason of the greater Importation of Pelts; and that the greatest Part of Yarn imported into England from Ireland is landed at Bristol, and the principal Part of raw Wool from the same Kingdom is imported into Chester and Liverpool, and manufactured in the Counties of York and Lancaster, to the great Support of the Poor of those Counties; and that the Petitioners are much afraid, if any Port be opened beyond the Land's End, for the Importation of Wool from Ireland to England, the same will not only give a greater Opportunity to run the Wool into France, but be the Ruin of the poor Manufacturers of the said Counties of York and Lancaster; and therefore praying for such Relief, as the House shall think fit.

The Bill read
a second
Time.

May 10. The Bill being read a second Time, a Petition of the Persons whose Names were thereunto subscribed, in behalf of themselves, and the rest of the Gentlemen, Graziers and Farmers of the Division of Lindsey, in the County of Lincoln, was presented to the House and read, representing,

Petition from
Lindsey in the
County of
Lincoln on
the same.

That within the Memory of most of the Petitioners, the Price of Wool is fallen near one Half, whereby the Tenants, who pay the same Rents as when the Wool was dearest, or greater, are disabled from holding their Farms without proportionable Abatement of Rent, or to discharge the great Arrears that are owing to their Landlords; and that by importing Wool from Ireland, the Price of English Wool must not only be reduced still lower, but great Part thereof will not be saleable at all, the Growth of that Commodity being already too great for the Market; and that the Petitioners do not conceive how the taking off the Duties from Irish Yarn, and increasing the Number of Ports, as intended by the Bill now before the House, can be a Means of preventing the Exportation of Irish Wool or Woolen Manufactures to foreign Parts, or why as effectual Methods may not be taken to prevent such Exportation while those Duties continue, and the Ports which give Opportunities of exporting are fewer; but that the Petitioners apprehend, that as the taking off those Duties will lower the Price of Wool in England, so it will advance the Value of Wool in Ireland, and consequently bring the Irish and English

lish Lands to an Equality ; tho' the Rent now paid for one is double the Rent paid for the other ; and whilst it invites the Irish Tenants to turn their Lands to the keeping of Sheep, which will discourage the Linnen Manufacture there, it will oblige the Tenants in England, in order to make their Rents by Corn, which they will not be able to make by Wool, to plough up their Sheepwalks and Pastures, and thereby ruin the Farmers here ; and that the Price of the Wool itself is so considerable in all Manufactures, that the reducing it will undo the Grower, without any Benefit to the Manufacturer, or even bringing it cheaper to Market, as the Trade is now managed, it being well known that Woolen Goods sell as dear now as when Wool was double the Price, tho' all Necessaries of Life are much lower now than they were at that Time, and the Manufacture rather worse than better ; and that, if the Petitioners for the Bill may themselves be believed, now that the Wool is the cheapest, the Trade is in the utmost Decay ; which shews, that as the Greatness of the Price of Wool has not been the Grievance, so neither will a Reduction of it be the Remedy ; and that the Petitioners apprehend it would plainly appear, had they Time to make a proper Application to the House, that if the Bill now before the House should pass into a Law, it will bring down the Rents of all English Lands, or starve the Tenants, and such of the Poor as live by Spinning, (whose Wages since the Importation of Irish Yarn are already lessened one third Part) and will be an Advantage only to a few Master-Workmen, Merchants, and Factors, who under the Pretence of a public Good seek only to amass to themselves great Estates by oppressing the Body of the People, whose Labours are the Foundation of the Trade itself, and the Support of the Nobility and Gentry of the Kingdom ; but that the Petitioners hope the House will find Means for satisfying the reasonable Desires of the one, without ruining the other, and for encouraging the Woolen Trade in general, by allowing all who contribute thereto, from the Grower to the Exporter, a reasonable Share of the Profit that is to be made thereby.

The House then resolved itself into a Committee upon the said Bill, in which having fully considered the Allegations of the said Petitions they passed the Bill, which likewise passed the other House without any Amendments, and received the Royal Assent.

Having thus regularly stated the Progress of this Bill, which was of so great Consequence to our Trade, we shall go on to another of equal Importance which passed

Anno 12 Geo.
II. 1739.



The Bill
committed.

Sugar Bill.

Anno 12. Geo II. 1739. this Session, and observe the same Method as in the former.

~
Petition from
the Planters,
&c. in Ame-
rica.

March 14. A Petition of the Merchants, Planters, and others, trading to and interested in his Majesty's Sugar Colonies in America, was presented to the House, and read; setting forth the Importance to this Kingdom of the said Colonies and the Trade thereof; and representing the present flourishing Condition of the French Sugar Settlements, and the present low Condition of the British Colonies; and attributing this surprising Alteration, amongst others, to the following Causes; viz. to the very Duties both at Home and in the Plantations on our English Sugars, compared with those laid on the French; to the Supplies of Provisions and other Necessaries the French have from Ireland and North America, without which they could not subsist; and to the Restraints the British Colonies are under, as the Laws now stand, from sending any Sugars, Coffee, Cocoa, Indigo, and Ginger, to foreign Markets, before they are first landed in Great Britain, by which Means they are liable to the great Charge, Risque, and Delay attending a double Voyage; and representing, that the Liberty of a direct Exportation of the Products of our Sugar Islands to the several foreign Ports in Europe is the only Means left to regain the foreign Sugar Trade; and expressing the Hope of the Petitioners, that the great Advantage the Trade and Navigation of Great Britain, as well as the Province of South Carolina, have received by a Liberty of the same Nature with regard to Rice, will be a farther Inducement to this House to grant this Liberty to our Sugar Plantations; and further representing, that another great Disadvantage to the British Sugar Settlements arises from the Duties payable on Cocoa, Coffee, Ginger, and Rum imported into Great Britain from the British Colonies, and the Prohibition to sell Rum in less Quantities than two Gallons; and setting forth, that as the Petitioners have with great Deference submitted to the apparent Disadvantages they labour under by the Act against retailing spirituous Liquors in less Quantities than two Gallons, without presuming to ask any Alteration in the same, they are encouraged to hope, that the Duty and Excise on Rum shall be lessened; and representing a further great Discouragement the British Sugar Colonies labour under from the Importation of French Sugars, Rum, and Molasses, into Great Britain, and our Northern Colonies in America, without paying any more Duty than if they had been of British Produce, the present Laws for preventing the same being most notoriously evaded, and by no Means sufficient to remedy this Evil; and therefore representing

presenting it as a Matter absolutely necessary for supporting the Sugar Colonies of this Kingdom, that the Laws already made for laying Duties on foreign Sugar, Rum and Molasses, imported into Great Britain and America, may receive such Alterations and Additions, as may be sufficient effectually to prevent all such clandestine Commerce for the future; and further representing, that the Trade in Indigo, which our British Colonies formerly supplied us with for Home and Foreign Consumption, is now wholly gained from us by the French, from whom we are under a Necessity of buying almost all the Indigo we use; the Loss of which Trade was entirely owing to the high Duties laid on this Commodity in Great Britain; and that there is too much Reason to fear the like ill Consequences may attend the present high Duties on our Sugar, Cocoa, Coffee, and Ginger; and that the Necessity we are under for Indigo is so great, that when the Trade for that Commodity was in our own Hands, it was subjected to a greater Duty than it could bear, yet that now it is entirely in the Hands of Foreigners, the Legislature has thought fit, as an Encouragement to the Importation of it, to exempt it from paying any Duty at all; and that the Sum this Nation pays yearly to France for Indigo does not amount to less (as the Petitioners believe) than 150000 £. and therefore submitting to the Consideration of the House, whether it would not be of great Benefit to the Public that some proper Encouragement should be given to the planting of Indigo, so as thereby to be enabled to recover that Trade, and that such a Reduction be made in the Duty and Excise on the other West India Commodities, as may preserve and promote our Trade therein; and therefore praying the House to provide such ample and effectual Remedies as the House shall judge proper.

This Petition was referred to the Consideration of a Committee of the whole House, which, on the 22d, resolved itself into a Committee of the whole House to consider of the same. March the 22d, the House came to the following Resolutions, viz.

I. That in order to encourage his Majesty's Subjects in the British Sugar Colonies in America, to improve and extend their Settlements there, it was necessary they should be permitted, for a limited Time, to carry Sugars of British Growth from the said Colonies directly to foreign Parts, under proper Restrictions.

II. That some more effectual Provisions should be made, for securing the Duties laid upon the Importation of foreign Sugars, Rum, and Molasses into Great Britain, and his Majesty's Plantations in America.

Anno 12. Geo.
II. 1379.



Referred to a
Committee of
the whole
House.

Resolutions of
that Com-
mittee.

Anno 12. Geo.
II. 1739.



In Pursuance of the first of these Resolutions, a Bill was brought in on the 4th of April; and in Pursuance of the 2d another Bill was brought in on the 2d of May, both which were passed into Laws; but the first met with great Opposition.

Petition from
the Merchants
of Bristol
against the
Bill.

April 5. A Petition of the Society of Merchant Adventurers of the City of Bristol, under their common Seal, was presented to the House, and read; representing, that should a Law pass, giving Liberty to the Planters and others interested in the British Sugar Colonies in America, to carry their Sugars and other Product to foreign Markets, without landing the same in Great Britain, it would be of the utmost ill Consequence to the Petitioners and others his Majesty's trading Subjects in Great Britain, and a great Destruction of Trade and Navigation; and therefore praying to be heard by themselves and Counsel against the Bill.

Of the Cor-
poration of
Liverpool.

April 12. A Petition of the Mayor, Aldermen, and Merchants, of the Corporation of Liverpool, trading to the British Colonies in America, was presented and read; setting forth, that the said Bill, if it should pass into a Law, would necessarily decrease the Exportation of the Product and Manufactures of all Sorts of Goods from Great Britain, and that it would be greatly prejudicial to the Petitioners in particular, as well as to the Trade and Navigation of this Kingdom in general; and therefore praying to be heard by their Counsel against it.

Of the Mer-
chants of
London.

April 19. A Petition of several Merchants and others of the City of London was presented and read; setting forth as follows, viz. that by an Act made in the 12th Year of the Reign of King Charles II. entitled, 'An Act for encouraging and increasing Shipping and Navigation,' and several subsequent Acts of Parliament, the Trade of the British Colonies in America was restrained intirely to Great Britain, and under these Laws the British Sugar Plantations have been greatly increased and improved; and that the Petitioners conceived, should the Bill now depending in the House for granting Liberty to carry Sugars of the Growth, Produce or Manufacture of any of his Majesty's Sugar Colonies in America from the said Colonies directly to foreign Parts, pass into a Law, it will render the Trade of those Colonies less beneficial to this Kingdom, as it will turn Part of that Commerce into a new Channel, to the great Advantage of Foreigners, but to the great Prejudice of the Trade and Navigation of Great Britain; and that the Petitioners also conceive, that the passing this Bill will enable the Planters of the British Sugar Colonies in America, by large Exportations of Sugars directly to Holland
and

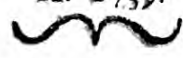
and other Countries, to make such Countries a Mart for their Sugars, and bring Great Britain in a Manner dependent upon them for that Branch of Trade, by putting it in their Power to advance the Prices of Sugars in this Kingdom, whenever they may think fit, at the Expence of the whole People of Great Britain, and to the Ruin of the Manufactory of refined Sugars, which has so vastly increased in the Course of some Years past in this Kingdom; and will, besides, give the Planters an Opportunity of supplying themselves in such foreign Countries with many Conveniences of Life, and the Requisites for planting, to the great Decrease of the Woolen, Linnen, and other the Manufactures of Great Britain and Ireland; and that the Petitioners likewise conceive, that all Persons concerned in the making Sail-cloth, Cordage, and all other the Materials for Shipping, as well as in the repairing, victualling, and fitting out Ships in Great Britain, must necessarily lose great Part of their Trade and Business; and that the Seamen on board all Ships, pursuing such direct Voyages from the British Colonies to foreign Countries, will spend their Wages in such Countries, where they unload the Sugars, to the great Prejudice of their Families, and the great Loss of this Kingdom; and therefore praying, that the House will be pleased to take the Premises into Consideration, and give them Leave to be heard by their Counsel against the said Bill.

Anno 12 Geo.
II. 1739.

April 26. A Petition of the Sugar Refiners in the City of London and Parts adjacent was presented and read, representing as follows, viz. that the Petitioners constantly give Employment to a great Number of Trades, such as Blacksmiths, Copper-smiths, Plumbers, Back-makers, Bricklayers, Carpenters, Potters, Coopers, Tallow-Chandlers, Stationers, and others, besides a great Number of menial Servants, who depend, for their Subsistence, on this Manufacture; and likewise consume very large Quantities of Coals, which pay a very considerable Duty to the Public, as well as greatly increase the Navigation of this Kingdom; and that for three Years last past, the whole Produce of the Sugar Plantations have been taken off the Hands of the Proprietors at very high Prices; and had the Importation of Sugars been much larger, they had not wanted Purchasers; for (notwithstanding the Importation of Sugars to the Port of London the last Year amounted to upwards of sixty thousand Hogheads, being, upon a Medium, the usual Quantity annually imported for some Years past) many Sugar-houses are now unemploy'd, for want of a sufficient Supply of Sugar at Market; and that, should the Bill now depending

Of the Sugar
Refiners in
London.

Anno. 12. Geo.
II. 1739.



depending in this House, for granting a Liberty to carry Sugars of the Growth, Produce, or Manufacture, of any of his Majesty's Sugar Colonies in America from the said Colonies directly to foreign Parts, in Ships built in Great Britain, and navigated according to Law, pass into a Law, the Quantity of Sugars imported into Great Britain will necessarily be much less, and consequently the Price of Sugars will be higher, at the Expence of the Consumers, and to the Decrease of the public Revenue; and as the Prices of refined Sugar will advance, in proportion to the Price of Muscavados, it will occasion not only less Consumption of this Commodity, as well as of several other Commodities which pay Duties to the Crown, but will prevent the Exportation of any refined Sugars to foreign Countries, to the great Loss of the Nation and of the Petitioners, and all others concerned in the manufacturing of Sugars in this Kingdom, by enabling Holland and Hamburgh, which are already supplied with Muscavado Sugar cheaper than Great Britain, to be supplied still cheaper, and to supply every other Country in Europe, much cheaper than Great Britain will be able to do, with the Manufacture of refined Sugars; and that by the Liberty asked, the Difference of Price between the Markets of Holland and Hamburgh, and the Market of Great Britain, will be so great, as that it will probably be a Temptation to the Running of manufactured Sugars into this Kingdom, to the farther great Loss of the Petitioners in particular, as well as the Nation in general; and therefore praying the House to take the Premises into Consideration, and that the Bill may not pass into a Law.

Other Petitions against the Bill.

Besides these, there were Petitions of the same Nature with that from Bristol and Liverpool, presented in the Name of the Merchants and others of the City of Chester, in the Name of the Merchants of the Port of Lancaster, and others; and in the Name of the Merchants and others of the Town Whitehaven.

Petitioners heard by Counsel.

April 30. The Bill was read a second Time, when the Petition of the Merchants and others of London, and the Petition of the Society of Merchant Adventurers in Bristol, were read, and the Petitioners heard by their Counsel.

May 23. It was read a third Time and passed, and sent up to the House of Lords, where some Amendments were made, which were agreed to by the Commons, and the Bill received the Royal Assent at the End of the Session.

May 3. A Message from his Majesty, signed by his Hand, was presented to the House, which being read from the Chair was as follows;

GEORGE REX,

“ HIS Majesty being restrained by the Laws now in
 “ Being, from making Provisions for his younger
 “ Children out of the Hereditary Revenues of the Crown,
 “ in such manner as his Royal Predecessors have usually
 “ done; and being desirous that competent Provisions
 “ should be made for the Honourable Support and Main-
 “ tenance of his dearly beloved Son the Duke of Cumber-
 “ land; and of his dearly beloved Daughters the four
 “ younger Princesses; his Majesty hopes that he shall be
 “ enabled by Act of Parliament, to grant an Annuity of
 “ 15000 *l.* per Annum, to the Duke of Cumberland and
 “ his Issue, and an Annuity of 24000 *l.* per Annum to the
 “ four Princesses, to take Effect after his Demise, and re-
 “ commends the Consideration thereof to this House.”

Sir Robert Walpole.

S I R,

“ The Message that has been read will, I dare say, meet
 with no Obstruction in this House. It is with Pleasure, Sir,
 that every good Subject sees the Royal Line so strong as to
 insure a long Duration of Happiness to these Kingdoms, in
 the Persons of his Majesty's Descendants; and the Attach-
 ment of his Royal House to the Liberties of this Nation,
 give us all Reason to hope that succeeding Princes will
 tread in the Paths of his present Majesty, who has been
 hitherto so careful of all his Subjects Rights, and so
 watchful over their Preservation.

Sir Robert
Walpole.

“ Sir, his Majesty has been so tender of asking for any
 thing on account of his own Family, that they are now, in
 case of his Demise, in a more precarious Situation than
 the Children of any Gentleman of Fortune in England.
 In such an Event, Sir, which Heaven avert, no Gentleman
 can, from the History of our Constitution, take upon him to
 say in what Manner they have a Right to be provided for.
 I believe a future Parliament would reflect with Gratitude
 upon the Blessings of his present Majesty's Reign, and make
 a suitable Provision for his Royal Progeny; but I imagine
 no Gentleman in this House would chuse to leave the Pro-
 vision of his younger Children upon a precarious Footing.
 Parliaments like other Bodies are changeable: And it would
 be an unpardonable Neglect in his Majesty as a Father,
 should he leave so numerous an Issue to the Uncertainty of
 a Parliamentary Provision to be made after his Demise.

“ The only other Method, by which his Majesty's younger
 Children in such a Case could be provided for, is by the
 Prince upon the Throne. But, Sir, tho' I have, and I be-
 lieve every Gentleman has, the greatest Opinion of the

Anno 12. Geo.
II. 1739.



Virtues of the Royal Person, who is the Heir of the Crown, yet we are to consider, that his Royal Highness is blest with a young Progeny; and that, as no Man can answer for Events, if the two Royal Lives should fall before the Children of his Royal Highness are of Age, the Government devolves upon a Regency; and give me Leave, Sir, to say, that there is no Precedent in this Nation, nor any positive Law now in being, that can determine, as the Royal Family must in such a Case stand, to what Person the Regency devolves. This Consideration is of itself sufficient to justify the Application now made by his Majesty to this House; it is no more than any private Gentleman would do to put his younger Children above a precarious Dependance, and I dare say, that no Gentleman will think that his Majesty ought to be put under Disabilities, which every one here, who is a Father, would look upon as hard and unreasonable.

I hope Gentlemen are fully convinced, how becoming it is in his Majesty as a Father to make such an Application, and how becoming it is in us as a House of Commons to answer it in the most effectual Manner; the only Consideration, therefore, that Gentlemen can now have, is with regard to the *Quantum*, that is demanded by this Message. As to that, Sir, I will venture to say, that when we grant it, it is the smallest Provision that ever was made for the Crown of Britain; nay, the whole of the Provision for four Royal Personages does not amount to one Half of what former Parliaments have thought but a moderate Provision for one. King James, Sir, when Duke of York, had 100,000*l.* settled upon him by Act of Parliament; and that I think is the only Parliamentary Provision for younger Children, that can serve as a Precedent on this Occasion; because it is the only one since the Restoration; for before that Time the Crown had a great Property in Lands, and could without a Parliamentary Concurrence provide for its younger Children. King Charles II^d had no lawful Issue of his own Body to provide for; the Children of King James were married, and their Settlements made before he came to the Crown; King William had no Children; Queen Ann had none, that lived till after she came to be Queen; and the Daughters of his late Majesty were married before his Accession to the Throne of Britain. Upon the whole, therefore, I believe there never was a Demand made by the Crown more reasonable and moderate than this is. It is for a Provision to younger Children, which cannot be made without Consent of Parliament, and a Provision so moderate, that I dare say no other Objection

to it will be made in this House, but that it is too little. Therefore I humbly move that Leave be given to bring in a Bill to enable his Majesty to settle an Annuity of 15000 *l.* per Annum, upon his Royal Highness the Duke of Cumberland, and his Heirs, and also one other Annuity of 24000 *l.* per Annum, upon the Princesses Amelia, Carolina, Mary, and Louisa.

The Answer to this was as follows ;

S I R,

‘ I don’t stand up to oppose this Motion, so far from it that I agree in all that has been said in Favour of his Majesty’s paternal Care, both of his Family and his Kingdom. I farther agree that the Provision to be made by Parliament in Favour of his Royal Highness is rather too scanty ; I wish, Sir, the Message had asked for more ; because the more independent any Person so near the Crown is, so much the more Security we have for the Enjoyment of our Rights and Liberties.

‘ But tho’ I have no Objection, yet I have some Difficulties with regard to a Bill of this Kind. The Honourable Gentleman has observed very properly, that this Provision cannot be made without our dispensing with Acts of Parliament, by which our Kings are bound up from disposing of any of the Hereditary Revenues of the Crown, during their own Lifetime. Now, Sir, I am not Lawyer enough to know, whether our agreeing to a Mortgage (for this is no other) of the Hereditary Revenues of the Crown may not be looked upon by the next Prince as an Injury done to him as the Heir of Entail. This, Sir, I don’t mention as an Objection, but as a Thing that may be proper to be considered.

‘ At the same time, Sir, I cannot but take Notice, that the present Circumstances of this Nation, when a War with Spain seems unavoidable, call aloud that we should be as sparing as possible of every thing that may beget a future Burthen to the People. I have often observed in reading, and sometimes from my own Experience, that the Civil List is of a very growing Nature, and I am afraid that our passing this very Bill may, in Time to come, saddle the Nation with 39000 *l.* a Year more than it is at present. My Reason is, that the Ministers of the succeeding Prince will in all Probability take Occasion to apply to Parliament to have this 39000 *l.* made up to the Civil List. For this Purpose they will use the Greatness of the present Civil List as an Argument ; they will insist upon it, that it is unreasonable the Crown should then have a smaller Revenue than it had in the Reign of his present Majesty ; and we know the Complaisance of late Parliaments too well to

Anno 12. Geo.
II. 1739.

Motion for
15,000 *l.* a
Year to be set-
tled by Parlia-
ment upon
the Duke of
Cumberland,
and 24,000 *l.*
a Year
upon the
Princesses.

Answer.

Anno 12. Geo.
II. 1739.



doubt that they will refuse to make it up the full Sum that his present Majesty enjoys. But the Misfortune to the Nation does not lie here only ; for when the Money, which we are to settle on the younger Children of his Majesty by this Bill, shall revert to the Hereditary Revenue, I am afraid that the Money granted by Parliament to supply it, while it was deficient, will never revert to the Nation. My Reason for fearing this, is because I could never hear of the Civil List giving up any thing it was once possess of, however the Causes for which it was granted might cease.

This naturally brings me to another Consideration. Every-body is sensible what a vast Civil List was granted by Parliament to his present Majesty ; and that it had not been so great, but with a View that the Prince of Wales was to have out of it 100,000 *l.* a Year, at least as soon as he should be married, and have a Family to maintain. Another Consideration, that prevailed with Parliament, was his Majesty's numerous Family, and the Expence of the Queen's Household. Now, Sir, I believe most Gentlemen are sensible, that the Prince of Wales's Income from the Civil List, does not exceed one Half of what the Parliament meant he should enjoy ; and that by the Death of the late Queen, there is at least a Saving of 50000 *l.* a Year in his Majesty's Expences. Therefore there is now in the Hands of the Minister at least 100,000 *l.* per Annum more than the Parliament intended there should be, when the present Civil List was settled ; and yet I don't hear of any Ease that the Public has got. I should be glad to know, Sir, why this 100,000 *l.* a Year is not laid up for Provisions to the Royal Progeny ; if it were, I am sure in a very few Years, and Heaven be praised there is a natural Probability that his Majesty will live a great many, there would be a very handsome Provision for all the Royal Issue, without any Burthen to the Public.

God forbid, Sir, that it should ever be insinuated, as if his Majesty ought not to have the same Privilege with any private Gentleman to provide for younger Children ; but I don't remember, Sir, any Instance of an annual Provision made by Parliament in Favour of the younger Daughters of the Crown. The Princess of Orange indeed had an annual Provision, but that was in Consideration of her being the eldest Daughter ; and to enable her the better to support the Dignity of the eldest Daughter of the Crown of Britain. At present, Sir, Frugality ought to be our favourite Virtue, and tho' the Sum mentioned in this Message is very moderate, yet I hope those Gentlemen, who are in this House and in the Ministry, will advise such frugal Measures,

as that a Provision may be made for the Issue of his Majesty, without laying any additional Burthen upon the Nation. Anno 12. Geo. II. 1739.

Sir William Young.

SIR,

I am glad that the Honourable Gentleman who spoke last did not oppose the Bill, for it would be very strange, if such a Bill had met with the least Opposition in this House. But if I did not mistake, he thought it would be a little dangerous for us to set aside a positive Act of Parliament against the King upon the Throne, alienating any Part of his Hereditary Revenues. As to that Point, if it be considered, this Act was made in the Reign of the late King William, and yet a very few Years after it was set aside in the Case of providing a Settlement in Favour of Prince George of Denmark. I never heard that the Parliament in those Days thought any Inconveniency could arise from that Exception; and I am sure that on this occasion there is a great deal more to be said in Favour of such an Exception, than there was on that. Besides, this Act was never meant to bind up our Princes from being able to provide for younger Children; it was only meant to prevent the Hereditary Revenues being disposed of without Consent of Parliament; because it may be possible for a Prince to make such Alienations, as may not leave a sufficient Revenue to support the Dignity of his Successor. But all that his Majesty requires by this Message can never affect the Revenues; for some Provision to be sure would be made for the younger Children of the Royal Family; that Provision must come out of the Pocket of the Nation; and this Message is only to ascertain the *Quantum*, and the Manner of such a Provision, that his Majesty may have the Satisfaction of knowing that his Children have a Certainty to depend upon.

As to the Legality of giving our Consent to his Majesty's making such a Provision, I cannot see the least Foundation in the World for doubting of it. The Honourable Gentleman talked of its being like making a Mortgage, without Consent of the Heir of Entail. Sir, under Favour, I think this House does not need the Concurrence of any Person to enable them to bring in a Bill of this Kind. I apprehend, that an Act of Parliament can bind any succeeding Prince; and that the Revenue, which is to fall by this Bill to the younger Children of the Royal Family, will be theirs as much as any Gentleman's Estate is his own; and that they will have the very same Right to it, that the Prince upon the Throne will have to his Revenue.

The Fears which the Honourable Gentleman seemed to

Anno 12. Geo.
II. 1739.



to be under, least this Bill, if it shall pass into an Act, may increase the Revenue of the Crown, seem to me to pay no great Compliment to the Understanding or Honesty of succeeding Parliaments. I apprehend, Sir, that you have many Instances upon your Journals of the Parliament's making Reductions of Grants, when the Reasons for them ceased. If Gentlemen will foresee Contingencies, that are but just barely possible, I don't know any thing we can do, to which unanswerable Objections may not be made. Our passing this Bill is, I am sure, a right Thing in itself, and I shall never be afraid of doing a right Thing now, because a wrong Thing may be done by others hereafter.

The Honourable Gentleman mentioned the Civil List, as if it were sufficient for supplying all the Ends of this Bill. But when Gentlemen (as they very often do) talk of the Greatness of the Civil List, I wish that they would at the same time consider how much there is to do with it. His Majesty has a more numerous Family than any Prince that has sat for many Years upon this Throne; and if we consider the Expences that attend the maintaining such a Family with proper Dignity, I will venture to say, that it even requires OEconomy to make the Civil List, great as it is represented to be, to defray them, and to answer all the other Demands. It has always been thought worthy of the Case of Parliament, to make special Provisions for the younger Children of the Royal Family; and I hope this Bill will pass the House with that Dispatch, which the advanced Season of the Year, and the Reasonableness of the Thing itself requires.

The Bill
brought in
and passed.

The Bill was presented to the House on the 9th of May, and having in two Days gone thro' all the necessary Steps, received the Royal Assent.

Besides these there were 35 private Acts passed in this Session; and upon Thursday the 14th of June, his Majesty concluded the Session with the following most gracious Speech, viz.

My Lords and Gentlemen,

King's Speech

THE Dispatch you have given to the public Business that has been under your Consideration, makes it proper to put an End to this Session of Parliament, and to give you that Recess, which the Season of the Year requires.

You have so fully declared your Sentiments, as well with regard to the past Conduct of Spain, as to the Measures that might become necessary to be pursued, in consequence of any Part, which that Court might afterwards take,

' take, and enable me to act, in all Events, as the Honour Anno 12. Geo. II.
 ' and Interest of my Crown and Kingdom shall require, 1739.
 ' that no Inconveniencies can arise from the immediate Want
 ' of your further Assistance, during the Recess of Parlia-
 ' ment; and I shall so entirely rely upon the Assurances
 ' you have given me with so much Zeal and Unanimity,
 ' and upon your effectually supporting me in following the
 ' concurrent Advice of both Houses of Parliament, that I
 ' will not be wanting in my Endeavours, to vindicate and
 ' maintain our undoubted Rights, and to answer the just
 ' Expectations of my People.

Gentlemen of the House of Commons,

' I return you my Thanks for the necessary Provisions
 ' you have made for the Service of the current Year, in so
 ' ample a Manner. The extraordinary Supply, which you
 ' have granted me, towards augmenting my Forces by Sea
 ' and Land, is such a Proof of your Affection and Conf-
 ' dence in me, and of your constant Attention to the Service
 ' of your Country, that I cannot enough commend this rea-
 ' sonable Care of the Welfare and Safety of the Kingdom.

My Lords and Gentlemen,

' I am persuaded it is unnecessary for me to recommend
 ' to your serious Consideration, the fatal Consequences that
 ' may threaten a Nation divided within itself, inflamed,
 ' and misled by all the wicked Arts and Insinuations, that
 ' Malice and Falshood can suggest. It is too obvious, what
 ' Advantages our common Enemies wait to take from the
 ' Heats and Animosities, that, under groundless Pretences,
 ' are industriously fomented, and spread throughout the King-
 ' dom. Let all, who profess themselves zealous Assertors
 ' of the Rights and Privileges, Laws and Liberties of their
 ' Country, and of the Protestant Religion under the pre-
 ' sent Establishment, unite in the Defence of these inesti-
 ' mable Blessings. Let the Honour, Prosperity, and Safety
 ' of the Kingdom become one common Cause, and re-
 ' concile all civil Discords and Divisions; that, by your
 ' Unanimity, you may disappoint the only Hopes and vain
 ' Expectations of our Enemies.'

After which, the Lord Chancellor declared, that it was
 his Majesty's Royal Will and Pleasure, that the Parliament
 should be prorogued to Thursday the 9th Day of August
 then next; and prorogued it accordingly.

SPEECHES



SPEECHES and DEBATES

In the SIXTH SESSION of the

Second Parliament of GEORGE II.

Annor³. Geo. II.
1739.



ON Thursday November 16, his Majesty came to the House of Peers, and being seated on his Throne in his Royal Robes, sent for the House of Commons, who attended accordingly, and his Majesty was pleased to make, to both Houses, the following most gracious Speech from the Throne.

King's Speech.

My Lords and Gentlemen,

THE present Posture of our Affairs has obliged me to call you together, at this Time, sooner than has been usual of late Years, that I may have the immediate Advice and Assistance of my Parliament at this critical and important Conjunction. I have, in all my Proceedings with the Court of Spain, acted agreeably to the Sense of both Houses of Parliament; and therefore I can make no Doubt, but I shall meet with a ready and vigorous Support in this just and necessary War, which the repeated Injuries and Violences committed by that Nation upon the Navigation and Commerce of these Kingdoms, and their Obstinacy, and notorious Violation of the most solemn Engagements, have rendered unavoidable.

I have augmented my Forces by Sea and Land, pursuant to the Power given me by Parliament; which I have done with all the Moderation, that the Security and Defence of my Dominions, the Protection of our Trade, and the necessary Means of distressing and annoying our Enemies in the most sensible Parts, would admit: But as these Services will be various and extensive, they must inevitably be attended with great Expences, and some Inconveniencies; which, I assure myself, will be sustained with Satisfaction and Cheerfulness, in pursuing such Measures, as the Honour and Interest of my Crown and Kingdoms, and the general Resentment of an injured and provoked Nation, have called upon me to undertake.

Gentlemen

*Gentlemen of the House of Commons,*Anno 13 Geo.
II. 1739.

I have ordered the proper Officers to lay before you
 Estimates for the Service of the ensuing Year, and like-
 wise Accounts of the extraordinary Expences that have
 been made this Year, in pursuance of the Power given
 me by Parliament. And as in the Prosecution of this
 War, a Number of Soldiers, to serve on board the Fleet,
 may be requisite; I have judged it proper, that a Body of
 Marines should be raised, and have directed the Estimates
 for this Purpose to be likewise prepared, and laid before
 you: And I cannot doubt, from your known Affection to
 my Person and Government, and your Zeal for the Safety,
 Prosperity, and Glory of these Kingdoms, but you will
 grant me such effectual Supplies, and with such Dispatch,
 as may forward, and give Spirit to our Preparations, and
 enable me to carry on the War with Vigour.

My Lords and Gentlemen,

The Heats and Animosities, which, with the greatest
 Industry, have been fomented throughout the Kingdom,
 have, I am afraid, being one of the chief Encourage-
 ments to the Court of Spain, to hold such a Conduct to-
 wards us, as to make it necessary to have Recourse to Arms;
 and the unhappy Divisions amongst my Subjects are the
 only Hopes of the Enemies to my Government: But
 whatever Views and Projects they may form upon this
 Rupture, and what Advantages soever Spain may vainly
 promise itself from any Circumstances in the present Sit-
 uation of Affairs; it is in your Power, by the Blessing of
 God, to defeat the one, and disappoint the other. Union
 among all those who have nothing at Heart but the true
 Interest of Great Britain, and a becoming Zeal in the
 Defence of my Kingdoms, and in the Support of the
 common Cause of our Country, with as general a Con-
 currence in carrying on the War, as there has appeared
 for engaging in it, will make the Court of Spain repent
 the Wrongs they have done us; and convince those, who
 mean the Subversion of the present Establishment, that this
 Nation is determined, and able, both to vindicate their
 injured Honour, and to defend themselves against all our
 open and secret Enemies, both at Home and Abroad.

The Commons being returned to their House, Mr. Speaker
 reported his Majesty's Speech to the House, and upon a
 Motion of Henry Arner, Esq; the following Address
 from the Commons was agreed to.

ANNO 13. GEO.
II. 1739.



Most gracious Sovereign,

‘ We your Majesty’s most Dutiful and Loyal Subjects, the
‘ Commons of Great Britain in Parliament assembled, beg
‘ Leave to return your Majesty our unfeigned Thanks, for
‘ your most gracious Speech from the Throne, and to ex-
‘ press our entire Satisfaction in your Majesty’s Declaration
‘ of War against the Crown of Spain ; a War, which the
‘ repeated Violences and Depredations committed by the
‘ Spanish Nation upon the Trade and Commerce of these
‘ Kingdoms, the notorious Violation of their most solemn
‘ Engagements, their obstinate Refusal of making Re-
‘ paration for past Injuries, and of giving Security against the
‘ like for the future, have rendered just and unavoidable.

‘ It is with the highest Sense of Duty and Gratitude we
‘ acknowledge your Majesty’s Wisdom and paternal Care of
‘ your People, in making Use of the Power granted to your
‘ Majesty by Parliament, for the Security and Defence of
‘ these Kingdoms, for the Protection of our Trade, and for
‘ the Distressing and Annoying our Enemies in the most fen-
‘ sible and effectual Manner ; and we beg Leave to assure
‘ your Majesty, that nothing shall divert or deter us from
‘ sustaining, with Satisfaction and Cheerfulness, any extra-
‘ ordinary Expences and Inconveniencies, that must inevi-
‘ tably attend the various and extensive Services, which your
‘ Majesty shall find necessary to undertake, in vindicating
‘ the Honour of your Crown, in asserting the Rights of
‘ your People, and in procuring Justice to an injured and
‘ provoked Nation.

‘ And we beseech your Majesty, to accept the strongest
‘ and most affectionate Assurances, that, in Defence of your
‘ Majesty’s Kingdoms, and in Support of the common
‘ Cause of our Country, we will raise such effectual Supplies,
‘ and with such Cheerfulness and Dispatch, as will forward
‘ and give Spirit to your Majesty’s Preparations, and enable
‘ your Majesty to carry on the War with Vigour.

‘ And your dutiful Commons, being truly sensible of the
‘ fatal Consequences of intestine Heats and Animosities, will,
‘ with a Zeal becoming the Representatives of the Peo-
‘ ple in Parliament, endeavour to compose those unhappy
‘ Divisions, which have too long prevailed among your
‘ Majesty’s Subjects ; and we do assure your Majesty, that
‘ nothing shall be wanting on our Part, to restore to the
‘ Nation that Union and Harmony which may effectually
‘ defeat and disappoint all the vain Projects, Hopes, and Ex-
‘ pectations of your Majesty’s open and secret Enemies,
‘ both at Home and Abroad.’

The

The Motion for the Address was introduced in a Speech Anno 13. Geo. II. 1739.

to the following Effect:

Mr. Archer.

Mr. Archer.

SIR,
 ' As his Majesty has been pleased to declare in his Speech, that he has called us together so much earlier than usual, that he might take the immediate Advice of his Parliament at this critical and important Conjunction; give me Leave to express the Joy and Satisfaction which I have in beholding so full a House upon this Occasion, and particularly in seeing some Gentlemen here again, whose great Talents and Experience have rendered them so able, and I hope I may now say they are — no less willing, to discharge this great Trust and Duty to their King and Country.

' The great Cause of Debate amongst us the last Session is now at an End: We are now engaged in an open and declared War against a haughty, insulting Enemy, whom neither Justice, nor Humanity, the Law of Nations, nor the sacred Ties of Treaties could restrain from committing unheard-of Violence and Cruelties upon our Fellow-Subjects, and insulting our Flag.

' During these Provocations we were not insensible of his Majesty's Zeal and Impatience to engage in the glorious Cause of vindicating the Honour of his Crown, and asserting the Rights of his injured Subjects; but, like a common Father and Preserver of his People, tender of their Lives and Welfare, and graciously regarding the Advice of his Parliament, he was pleased to interpose his Royal Endeavours with the King of Spain, in order to obtain, without the Effusion of Blood, or Calamities of War, (which is the last of all Remedies when other Tryals fail of Success) that Justice and Satisfaction, which nothing but the amazing Perfidy and Baseness of the Spaniards could have refused.

' Give me Leave, Sir, to say, that in this was shewn true Fortitude and Greatness of Mind; for 'tis Ambition, 'tis Wantonness, and Military Folly that delights in Conquests; true Valour knows no other Aim than the Peace and Happiness of Society: But when such Measures did not succeed, when it was found necessary to have recourse to Arms, the same Zeal and unwearied Pains, which had been before employ'd for establishing Peace and public Tranquillity, have been exerted in Military Preparations, and Armaments by Sea and Land, in order to annoy our Enemy in the most sensible Part: And all Europe must be now convinced, not only of the Justice of our Cause, but they will judge from our Conduct that we have entered into the War with Temper, and are carrying it on with the Spirit and Resolution of a brave

Anno 3. Geo.
II. 1739.



and provoked Nation. And 'tis with Pleasure, Sir, that we must now behold the Naval Strength and Power of our Country, sent forth to avenge our Wrongs, spreading Terror round the Coasts of our Enemy, and assuming the Sovereignty of the Sea without a Rival. On the other hand, were we to view the Situation of our Enemy, he who so lately usurped a Power over our Ships at Sea, prescribed a Course to our Navigation, and vainly laid Claim to part of his Majesty's Dominions at Land; to what is his Pride reduced? Not daring to venture out his Fleet at Sea, he creeps for Safety within his Ports.

• In this Situation we cannot but express our Satisfaction in his Majesty's Wisdom and Conduct, and in the Vigour and Steadiness of his Resolutions; nor can we, without Ingratitude, forget his Royal Clemency and Moderation in time of Peace, and the tender and affectionate Concern which he has shewn for his People; Virtues which will always endear a Prince to his Subjects, and make him no less amiable in Peace than formidable in War.

• And if ever there was a Time which called for the warmest Expressions of Duty and Affection to the Throne, this surely is the Time; whilst we are engaged in a War Abroad, and reproached, even by our Enemies, for our Divisions and Animosities at Home. Who is there, Sir, that can read the Spanish Manifesto without the utmost Concern and Indignation? Britain *troubled with intestine Divisions!* There is the Source and Spring of our Misfortunes; 'tis from thence that our Enemies have drawn their Hopes of Success against us, and formed such despicable Ideas of our Strength and Power, as to dare to contend with this Nation. But, Sir, 'tis not yet too late; we have it still in our Power to disappoint their Views and Expectations: Let us act with Union and Harmony amongst ourselves; let us join in the common Cause of our Country, and support his Majesty with Vigour and Unanimity; and we shall again make the Arms of Great Britain dreaded, and put a speedy End to the War by a glorious and honourable Peace; and therefore I shall beg Leave to move, *as in the Address.*

Mr. Pultney.

S I R,

Mr. Pultney.

• The Honourable Gentleman, who made the Motion, has said so much in Praise of the Wisdom and Propriety of his Majesty's and his Ministers Conduct, that he has left little or no Room for me to add any thing to his Panegyrick. As to his Majesty, I know that when he is honestly informed of the State of the Nation, of the Distresses of his People, and the Causes that produced them,
none,

none, even of those who labour under the Evils, are more desirous of seeing them redressed: As for his Ministers, I have always, when I had an Opportunity, endeavoured to do them Justice; I wish that to do them Justice and Honour had been more frequently the same. But, Sir, before I take any Notice of the Motion made by the Honourable Gentleman, I should speak a little with regard to a Step taken by some of my Friends and myself last Session, which we thought necessary, as Affairs then stood, for clearing our Characters to Posterity from the Imputation of sitting in an Assembly, where a determined Majority gave a Sanction to Measures, evidently to the Disgrace of his Majesty and the Nation.

Anno 13. Geo.
II. 1739.

‘ This Step (however it has been hitherto censured) will I hope for the future be treated in a different Manner, for it is fully justified by the Declaration of War, so universally approved, that any further Vindication will be superfluous. There is not an Assertion maintained in it that was not almost in the same Words insisted upon by those who opposed the Convention. Every Sentence in it is an Echo of what was said in our Reasonings against that Treaty; and every positive Truth, which the Declaration lays down, was denied with the utmost Confidence by those who spoke for the Convention. Since that Time, Sir, there has not one Event happened that was not then foreseen and foretold: But give me Leave to say, Sir, that tho’ the Treatment which we have since received from the Court of Spain may have swelled the Account, yet it has furnished us with no new Reasons for declaring War; the same Provocations have only been repeated, and nothing but longer Patience has added to the Justice of our Cause. The same Violation of Treaties, the same Instances of Injustice and Barbarity, the same Disregard to the Law of Nations, which are laid down as the Reasons of this Declaration, were then too flagrant to be denied, and too contemptuous to be borne: Nor can any one Reason be alledged for justifying our going to War now, that was not of equal Force before the Convention. After that was ratify’d, Sir, and after the Address of Parliament to his Majesty on that Head, there was indeed some sort of Pretext for not commencing Hostilities, because you had laid yourselves under a kind of Obligation to see if the Court of Spain would fulfil their Part of the Stipulations; but this was a Reason that could have no Place before that Conduct was entered into and approved. It is therefore evident that if the War be now necessary, it was necessary before the Convention: Of this Necessity the Gentlemen (known, however improperly, by the Name of Seceders) were

Anno 13 Geo.
II. 1739.



were then fully convinced. They saw, instead of that Ardour of Resentment, and that Zeal for the Honour of Britain, which such Indignities ought to have produced, nothing but Meanness, and Tameness, and Submission; and their natural Consequences, a low, temporary Expedient, a shameful Convention; a Convention which, had the Spaniards not madly broken it, must have ended in our Ruin, must have thrown our own Navigation into the Hands of our Enemies. To such a Conduct as this they could give no Sanction; they saw that all Opposition was ineffectual, and that their Presence was only made use of, that what was already determined might be ratify'd with the plausible Appearance of a fair Debate. They therefore seceded, if that Word must be used on this Occasion, and refused to countenance Measures which they could neither approve nor defeat.

• The State of Affairs is now changed; the Measures of the Ministry are now altered; and the same Regard for the Honour and Welfare of their Country, that determined these Gentlemen to withdraw their Countenance from such a Conduct as they thought had a Tendency to destroy them, the same has brought them hither once more, to give their Advice and Assistance in those Measures, which they then pointed out, as the only Means of asserting and retrieving them.

• Having said thus much, Sir, in Vindication of that Step, I shall not at present give myself the Trouble of enquiring into the Effects with which it was attended; or whether it had any Influence in producing this Declaration of War. Neither shall I take any Notice of the Unwillingness with which a certain Right Honourable Person near me is said to have entered into this War. I shall only take Notice of the Motion for an Address now made.

• Here, Sir, I am very willing to agree with the Honourable Gentleman in what he observed, with regard to the Wisdom and Necessity of the Declaration of War, and the Insults and Injuries we have received from that Nation, which is now the Object of our Resentment; I am very glad to hear these Sentiments from that Quarter. But I have somewhat to add about the Means of making it conducive to the Honour and Interest of this Nation. There is one Measure, which, if constantly and resolutely pursued by us, will make this War of most lasting Advantage to the Nation, and that is, Sir, to take and hold. Let us attack their Settlements in the West-Indies with such a Force as cannot be defeated; and let us put it out of the Power of any Ministry to give up the Conquests we shall make: We shall

shall then put the Trade and Navigation of this Nation beyond all future Violation.

Anno 13 Geo
II. 1739.

And here I beg Leave to observe, that all the Nation has just Reason to regret the Miscarriage of a Bill which I had the Honour to bring in two Sessions ago, by which his Majesty's adventuring Subjects might have been encouraged to attempt Conquests upon the Enemy. If it had passed, I make no doubt, but before this Time we should have seen the good Effects of it; for nothing, Sir, next to our own weak and inconsistent Conduct, has contributed more to the Insolence of Spain, than a Notion which they entertain, that we neither can nor dare attack them in their most sensible Parts. If that Bill had passed, this Nation would soon have done itself ample Justice upon its Enemies, without putting the Government to one Shilling Expence. We have an Instance of the Spirit and Power, with which the private Adventurers of this Nation can act, in the glorious Reign of Queen Elizabeth; which was distinguished by nothing more than the Success of our Arms and Counsels against that Power which has now so long insulted us. It was to private Adventurers that all the Success of Sir Francis Drake was owing; and till that Spirit is revived, till we take and hold, we never can expect to see any Advantage arise to the Nation from this War: For which Reasons I hope to see, before the End of this Session, a Bill brought in with proper Clauses to encourage not only his Majesty's Forces, but his Majesty's Subjects, to make Conquests in the Spanish West-Indies. In the last great War, Sir, this was thought a very proper Conduct; and when one Bill for that Effect was not found sufficient to answer every Objection that might arise, another Bill was passed a very little Time after more full and more explicit.

Perhaps I have been a little too long on this Subject, and what I have said would have come much more properly from some Gentleman in the Administration; but I thought myself obliged, Sir, to say thus much in Vindication of my own Conduct when I brought in that Bill, and of the Arguments I then used to enforce it. Another Reason why I have insisted so much upon it, is to do Honour to his Majesty, who in his Speech certainly points to this Conduct, and to express my Readiness to support the Ministry in that and all other Steps that shall be taken in order to carry on this War with Vigour and Advantage. I dare say, Sir, that all my Friends are of the same Opinion with myself; I can venture to answer for them, that there will be no other Contest on this Occasion, but who shall be most forward in assisting his Majesty to act with the Weight that becomes
the

Anno 13. Geo.
II. 1739.



the Dignity of his Crown, and may make the Success answerable to the Justice of his Cause,

‘ Having said thus much, Sir, I am naturally led to consider some Expressions both in the Speech and Motion, which I must own I could not, at first, hear without Concern, and to which longer Consideration has not yet reconciled me. His Majesty mentions Heats and Animofities, Sir, I don’t know who drew up this Speech; but whoever he was, he should have spared that Expression: I wish he had drawn a Veil over the Heats and Animofities that must be owned once subsisted upon this Head; for I am sure none now subsist. Was it the Effect of these Heats and Animofities (to use the Words of the Speech) *industriously fomented throughout this Nation*, that Spain, for twenty Years, treated us with all the Insolence, Barbarity, and Injustice that could have been practised upon a Nation conquered and enslaved? Was it the Effect of our Heats and Animofities, that our Ministry concluded a Treaty with that Crown, which at once gave up all our Trade and Navigation to her Mercy? Was it owing to our Heats and Animofities, Sir, that this Treaty was ratified, approved of, and must have been now in force, had not the Spaniards themselves broke it? No, Sir; if there were Heats and Animofities, they were occasioned by the Ministry’s not pursuing those Measures they have now fallen upon. But since their Conduct is happily changed, all Animofities are extinct; nor will they ever disturb us again, till a Conduct, as much to the Discredit and Dishonour of the Nation as that which gave rise to them, shall make it necessary to revive them.

‘ I will make no Motion upon what I have said; only I must repeat it once more, that I heartily wish, for his Majesty’s Honour and Service, that no mention had been made of Heats and Animofities; and I think we should more consult the Reputation and Dignity of this House, if in our Address we should take no Notice of that Clause of the Speech.’

Sir Robert Walpole.

S I R,

Sir Robert
Walpole.

‘ After what passed last Session, and after the repeated Declarations of the Honourable Gentleman who spoke last, and his Friends, I little expected that we should have this Session been again favoured with their Company. I am always pleased, Sir, when I see Gentlemen in the Way of their Duty, and glad that these Gentlemen have returned to theirs; though, to say the Truth, I was in no great Concern lest the Service either of his Majesty or the Nation should suffer by their Absence. I believe the Nation is generally

nerally sensible, that the many useful and popular Acts which passed towards the End of last Session were greatly forwarded and facilitated by the Secession of these Gentlemen, and if they are returned only to oppose and perplex, I shall not at all be sorry if they secede again.

Anno 13. Geo.
II. 1739.

‘ The Honourable Gentleman who spoke last said, That they took that Step, because he and his Friends conceived that Measures were pursued which tended to ruin the Honour and Interest of this Nation; and that they have returned to their Duty, because these Measures are now at an End. Sir, I don’t remember any one Step which was taken in the whole of our Transactions with Spain, that has not been fully canvassed in Parliament, and as fully approved. The Parliament can best judge what is fit or not fit to be done, and while I have the Honour of bearing any Share in the Administration, I shall still think myself safe, and my Actions compleatly justified, if they are, after mature Deliberation, approved by a British Parliament. The stale Argument of Corruption never shall have any Weight with me; it has been the common Refuge of the Disappointed and Disaffected ever since Government had a Being; and it is an Accusation, that like all other Charges, tho’ unsupported by Proof, if advanced against the best and most disinterested Administration, and pushed with a becoming Violence, a pretended Zeal for the public Good will never fail to meet with Applause among the Populace. I cannot, however, believe that the Honourable Gentleman and his Friends have found any Reason to boast of the Effects produced by their Secession upon the Minds of the People; for it was a very new Way of defending the Interests of their Constituents, to desert them when they apprehended them to be endangered. I should not have touched so much upon this Subject, had I not been in a manner called upon to do it by what fell from the Honourable Gentleman who spoke last. I shall now proceed to take some Notice of what he further advanced.

‘ The Declaration of War against Spain is neither more nor less than the Consequence, which his Majesty again and again informed this House would arise from the Spaniards persisting in their Refusal to do Justice to his injured Subjects; and what the Honourable Gentleman has said upon that Head amounts to nothing more than that after the Spaniards had absolutely refused to do that Justice, his Majesty proceeded to those Measures which he had then more than once promised to take. I am sorry that the Honourable Gentleman should so far distrust the Royal Assurances, as rather to absent himself from his Duty as a

Anno 13 Geo.
II. 1739.



Member of this House, than put any Confidence in his Majesty's Promise. But give me Leave to say, Sir, that, from the well-known Character of his Majesty, this Declaration of War is no more than what the Honourable Gentleman and his Friends had not only Reason, but a Right to expect, even at the time of their Seccession, if the Continuance of the Injustice of the Court of Spain should make it necessary to have recourse to Arms. So that upon the whole, I neither see how his Majesty's not issuing this Declaration of War, when they were pleased to require it, was a good Reason for their running from their Duty; nor how its being issued at last is any Apology for their Return.

‘ The Honourable Gentleman has dwelt long on a Measure which he appears to be very fond of, and that is, attacking the Enemy in America, and vesting the Property of what shall be conquered there in his Majesty's Subjects. Sir, I don't think this a very proper Time to come to any Explanation upon that Head; if it is a Step proper to be taken, the Wisdom of his Majesty and the Parliament will certainly not omit it; and in that Case I think the less it is talked of before it is put in Execution, the better it will be for this Nation, as the more likely to succeed.

‘ As to the Honourable Gentleman's favourite Bill, which he has mentioned, and which was, I think, with great Justice thrown out two Sessions ago, I can see no Use it could have been of, since, tho' it had passed then, it could not have taken Place before the Declaration of War. And if that Bill should be thought proper, we can now pass it, and let it immediately take Effect.

‘ The Honourable Gentleman made some Remarks upon that Part of his Majesty's Speech, which mentions Heats and Animosities, and seemed to think that they are now extinguished. Sir, I could wish they were; but I think it is evident to every common Understanding that they are not. But tho' all former Heats and Animosities were now extinguished, the Caution and Advice given by his Majesty are very proper upon this Occasion, because but very lately they rose to a very great Height, to such a Height, Sir, as in some measure even to disown the Authority of the Supreme Legislature; for what Construction can I put upon the Actions of Gentlemen who retire from the Service of this House, because, as they pretend, the Proceedings of the House are contrary to Law and the Constitution, though it is plain, that both the Law and Constitution of this Nation have no other Foundation than the Determinations of Parliament?

• Sir,

* Sir, I will not say all I can upon this Head. The Honourable Gentleman demanded whether the Heats and Animofities of the Nation made you bear with the Insolences of Spain for twenty Years? If Spain treated this Nation with Insolence, if she injured his Majesty's Subjects, her Insolence was encouraged, and her Fears removed by our Divisions. For while such Heats and Animofities against an Administration subsist, no Government could be imagined so mad as to rush into a War, and expose themselves to foreign and domestic Enemies at once. If these Divisions appear to be laid asleep at present, 'tis only because the Faction think they cannot with the least Shew of Decency continue their Clamours, since they have been gratified in their favourite Measures. The Honourable Gentleman blamed the Convention. Sir, I still think as well of the Convention as ever I did; and I believe the Wisdom and Moderation shewn by his Majesty in accepting of the Convention as a Preliminary to a Peace have produced this happy Effect, that you have at present only Spain to contend with. It was this Inclination for coming to Terms, if Terms in any Degree equitable could have been obtained, which his Majesty had all along shewn, that has convinced all Europe that the Insolence, Injustice, and Obstinacy of the Court of Spain were the only Causes of the War.

Anno 13. Geo.
II. 1739.

Upon the whole, Sir, I think the very Objection which the Honourable Gentleman has made is some part of a Proof, that Divisions still subsist; for it is no great Sign of Unity that such Insinuations and Objections are started on the first Day of the Session; especially as the War has been hitherto so successfully and so vigorously carried on, as not to leave the least Ground for reflecting either upon his Majesty or the Administration. Therefore, Sir, I am entirely for agreeing to the Motion.

Sir John Barnard.

SIR,

* As I attended my Duty in this House all last Session, and as I am resolved ever to do so while I have the Honour to be in Parliament, I can with the greater Freedom declare my Sentiments with regard to what has passed between the two Honourable Gentlemen who spoke last.

Sir John
Barnard.

* As to the Step that was taken by the Honourable Gentleman and his Friends, in absenting themselves from the Service of this House, I have nothing more to say, than that I am convinced the Gentlemen themselves acted from good Motives, and thought it for the Service of the Nation. This, Sir, I say, from my personal Knowledge of these

Anno 13. Geo.
II. 1739.



Gentlemen, and of their Zeal. But whatever were the Motives to their taking that Step, I am persuaded that they now no longer subsist; and that as the Declaration of War has rendered us all unanimous, so nothing is now necessary to preserve our Unanimity but a hearty and vigorous Prosecution of it on the Part of the Ministry.

‘ The Honourable Gentleman who spoke last said towards the End of his Speech, That the War had been hitherto so successfully and vigorously carried on, as to leave no Grounds for reflecting either upon his Majesty or the Ministry. Sir, I believe there is not a Man in the Nation who would reflect upon his Majesty in whatever Manner it is conducted; but I fear, that, as it is, great Numbers are dissatisfied with the Ministry. As I have the Honour to be a Representative in this House for the most populous City, and a City of the greatest Trade in his Majesty’s Dominions, or perhaps in the World, it is my Duty to declare, that I don’t think the War has been carried on with that Vigour and Success that might have been expected: I shall take the Liberty to point out a few Instances wherein it appears to the trading Part of that City, that there has not been the best Management.

‘ To the Trade of this Nation all Administrations ought to have the principal Regard; and every Step, every Measure they take ought to be with a View of protecting or improving it. But how does it appear, that the Security and Encouragement of Trade has been, in the Course of this War, attended to? Instead of building small twenty Gun Ships, the only Ships that can most effectually curb the Spanish Privateers, we have equipped scarce any other than great, pompous Ships of 70, 80, or 100 Guns, which, though they may be very serviceable in an Engagement, I apprehend are almost useless for the Purpose I have mentioned. It is, Sir, from their Privateers only that we have any thing to dread; the Spanish Fleet is not at present, nor can be for some time, in any Condition to face ours; therefore the principal View of those who have hitherto had the Direction of this War, ought to have been the Protection of our Merchant Ships from Privateers, by a sufficient Number of twenty Gun Ships. If the Government had wanted such Ships, they might have bought as many as they wanted ready built; and in my Opinion, the public Money would have been laid out to much greater Advantage than we have seen it.

‘ There is another Point, Sir, in which I think there has been a considerable Defect in our Management of the present War; and that is with regard to the small Number

of Ships sent to the West-Indies. It is there, that we can only hope to distress the Enemy, and it was alone that the whole, or the greatest Part of our Force, ought to have been employ'd. An § Admiral was indeed sent out, and it is generally thought he is gone to the West-Indies, but we have not yet heard that the Fleet he has with him has been able to do any thing; and indeed we have no great Reason to expect that he can do much, as he carried out no Land Forces with him, nor any Stores that are commonly used in attacking or demolishing Forts, which is the Business that must be first done in those Parts.

Anno 13 Geo.
II. 1739.

‘ Another thing which the Merchants have very much at Heart, is the stationing his Majesty’s Ships in proper Places for protecting our own Trade, and annoying that of our Enemy. They observe that our Trade has suffered very much for want of Ships stationed at proper Places; and that, except by the Capture of two Caracca Ships, the Spaniards have suffered very little.

‘ From these Considerations I am afraid it will appear that upon balancing the Accounts between Us and Spain, since this War has commenced, the Disadvantage is on our Side. There was indeed one Opportunity, which if we had been vigilant and active in the Use of it, might have gone far towards repairing our Losses; and that was the intercepting the Assogue Ships: But that, like many other Measures, has it seems proved unsuccessful. Perhaps, Sir, before we boast too much of the Vigour and Success with which the War has been carried on, it may be expedient to enquire by what Means these Ships escaped, especially as it was known that they were on their Voyage, and as the Course which they actually held was that in which our Government might most reasonably have expected to have met them.

‘ As to what the Honourable Gentleman said with regard to our Divisions, really, Sir, I am of Opinion, that whatever Divisions are among us, must be charged upon the Ministry, who, whether they have raised them or not, may now easily extinguish them by such a vigorous Prosecution of this War, as may convince the Nation that they are in earnest. At least I can venture to answer for the great Body of which I have the Honour to be one of the Representatives, that they will think no Expences they shall contribute too large, they will think no Testimonies of their Duty and Zeal for the Administration too strong, if this
War

Anno 13. Geo.
II. 1739.



Sir Charles
Wager.

War is prosecuted with as much Vigour as it has been un-
dertaken with Justice.

Sir Charles Wager.

S I R,

‘ I did not think that I should have spoken upon this Occasion, but as some Things have fallen from the Honourable Gentleman who spoke last which it is my Duty to answer, I shall give the House what Satisfaction I can with regard to the Management of the present War.

‘ As to our being greater Sufferers by Captures than the Spaniards have been, that, Sir, I believe is very true, and there is a sufficient, perhaps an invincible Reason for it, which is that we have a great deal more to lose than they. The Sea is covered with our Ships, and the Extent of our Trade gives the Spaniards the Advantages of very frequent Captures. They have but very little foreign Commerce in Europe, and the little they have is carried on in other Bottoms than those belonging to themselves; so that the Flag of other Nations protects their Property.

‘ As to their American Commerce, but a few Ships are employ’d in it, and the great Distance of the Voyage, with the Wideness of the Navigation, renders the intercepting them very uncertain. The Honourable Gentleman mentioned the Course of the Affogue Ships. If I could conceive it necessary, I could easily convince every Gentleman here, that it was not owing to any Defect either of Zeal or Prudence in the Administration, nor to any Negligence of the Admirals who lay on those Coasts, that they were not taken, but meerly to an Accident of their having met with an Advice Boat sent from their Court, which it was fifty Chances to one they would not have met with, and which made them alter their Course. It was insinuated that we had not a sufficient Number of Ships employ’d to protect our own, and to annoy the Enemy’s Trade in the West-Indies. I don’t know what Gentlemen mean by a sufficient Number, but to the best of my Remembrance we have at present four and thirty Ships great and small employ’d in that Service. I believe that we have seldom or never had so great a Number in those Seas, and that in the present State of our Navy, we cannot spare a greater Number without neglecting the Service in other Places.

‘ The other Objection was founded on a supposed Error of the Ministry in not employing a sufficient Number of twenty Gun Ships. Sir, I own that twenty Gun Ships are of very great Service in the present War. But the twenty Gun Ships in the Service of the Government, were not sufficient to supply all the Services which the particular Circumstances

cumstances of this War required. Besides, that a good Number of them had been found unfit for Service, and must therefore be rebuilt. The Honourable Gentleman said that the Government might have bought Ships from private Persons for that Purpose. This very Method is now pursued; some have been already purchased; and several Contracts are now depending for purchasing more; but still there is required some Time to fit them out, and to render them serviceable as Ships of Force.

‘ Upon the whole, Sir, there is no Manner of Doubt that some of the Merchants, and trading Part of the Nation, have been Sufferers since the Commencement of this War, and possibly they may suffer still more if it continues: But this, Sir, was often foretold in the House before the War was declared, and is what our Merchants ought to have charged their Account with.’

The Question being put, pass without Division.

Nov. 16. Mr. Pultney rose up, and spoke as follows:

S I R,

‘ As War is at last declared against Spain, it will be very proper to pass a Bill for encouraging our Seamen. I had the Honour to present one for that Purpose two Sessions ago, but it had not the good Fortune to meet with the Concurrence of this House. It was then objected, that by passing such a Bill we might interrupt the Course of our Negotiations at the Court of Spain: This, I presume, was the chief Reason for which it was rejected. But as the Negotiations with that Court are now at an End, I hope the Proposal I now rise up to make, will meet with no Opposition. The best Method, Sir, for making the War successful, is to carry it on with Vigour; if therefore any Laws or Regulations have formerly been thought necessary, they ought to be revived. For this Reason, I take the Liberty to move, that the 6th and 8th Sections of an Act made in the 6th of Queen Anne, entitled, *An Act for the better securing the Trade of this Kingdom by Cruizers and Convoys*; and also the 2d Section of an Act made in the same Year, entitled, *An Act for Encouragement of Trade to America*, may be read.—This being accordingly done, he desired that Leave might be given to bring in a Bill ‘ For the more effectual securing and encouraging the Trade of the British Subjects to America, and for the Encouragement of Seamen to enter into his Majesty’s Service.’

Upon this, the Honourable Henry Pelham, Esq; stood up, and spoke to the following Effect, viz.

S I R,

‘ The Encouragement of our Seamen is so necessary for preserving

Anno 13. Geo.
II. 1739.

Mr. Pultney,

Henry Pelham, Esq;

Anno 13. Geo.
II. 739.



preserving the Rights, and vindicating the Honour of this Nation, that I can with the greatest Sincerity declare, that no Man has a greater Regard for that useful Part of his Majesty's Subjects than I have. I shall always be for giving them all the Encouragement that is in our Power to bestow, and therefore shall always be ready to agree to any reasonable Proposition that can be made for that Purpose. What the Honourable Gentleman intends by the Bill he proposes to bring in, I cannot pretend to be thoroughly acquainted with; but if it is to be such a one as was brought in by him and some other Gentlemen about two Years ago, I must think his Motion a little too precipitate.

By our Constitution the Crown has the sole and absolute Property in every Ship and Cargoe taken from an Enemy by any of his Majesty's Ships of War; and therefore, when any Share of a Prize is given or promised to the Captors, it ought to be considered as a gracious Condescension in the Crown, for their Encouragement. This, Sir, is the true State of the Case, with regard to all Prizes taken by any of his Majesty's Ships of War; and as all Acts of Grace and Favour ought to come originally from the Throne, I think, if any Law be necessary for regulating the Distribution of those Prizes that may, in the present War, be taken from the Enemy, or for giving the whole or any Share of them to the Captors, we ought to wait till we have a Message from the Crown for that Purpose. If such a Bill be brought into this House, before we have a Message from the Crown, it will, in my Opinion, shew a Sort of Disrespect to his Majesty, which, I am convinced, is very far from being the Intention of the Honourable Gentleman who has made this Motion. It will be in some Measure fore-stalling the Favours of the Crown, and transferring from his Majesty to some of the Members of this House, that Popularity which is to be gained by a Measure that has the Appearance of so much Generosity and Bounty.

If it be proper to give the whole of every Prize taken by any of his Majesty's Ships of War to the Officers and Seamen employ'd in taking her, his Majesty may do it without the Authority of an Act of Parliament, and if any farther Powers are wanted for encouraging our Seamen, I am convinced, his Majesty will apply to us for that Purpose in a very short Time. If we had sat for any Number of Days, and no such Message had been sent to us, any Gentleman might have taken the Liberty to propose what he thought was necessary for encouraging our Seamen, or any other Part of his Majesty's Subjects, to attack and plunder the Enemy. If we should think the Proposition reasonable, and necessary for the

the public Service, it would be incumbent upon us to comply with it; and the performing of our Duty, as Members of this House, can never be inconsistent with the Respect that is due to our Sovereign; but, however reasonable the Proposition now made to us may be, however necessary for the public Service, I am sure, it is neither necessary, nor incumbent upon us, as Representatives of the People, to enter into the Consideration of it the very second Day of the Session; and as it is a Proposition that, in its own Nature, ought first to be brought before us by means of a Message from the Crown, I think we ought to wait, at least for a few Days, in order to give his Majesty Time to consider and communicate to us, what he thinks may be necessary for encouraging not only our Seamen, but every individual Person in his Majesty's Dominions, to concur and assist in vigorously prosecuting the War now declared against Spain.

This, I think, Sir, is the least we can do upon this Occasion; and therefore, I must beg Leave to say, that I think it would be, in some measure, taking Advantage of the Crown, to order such a Bill to be brought in, even before we have paid our Duty to his Majesty in an Address, by way of Answer to his most gracious Speech from the Throne. Therefore, I hope, the Honourable Gentleman will agree to have his Motion postponed for a few Days; because the Consideration of it may in that Time be recommended to us by his Majesty; or if it should not, we may resume the Consideration of it, without any Breach of that Duty which we owe to our Sovereign. I know that, during the late War against France, a Bill was brought in and passed into a Law, for giving all Prizes taken from the Enemy to the Captors. As I have not lately looked upon that Part of our Journals, I cannot positively say, what it was that gave Rise to that Bill; but I am apt to believe, that it proceeded from some Message, or Intimation from the Crown; and as it cannot be more necessary in the present War, than it was in that, I can see no Reason for our being in such a Hurry. The public Service cannot suffer much by a few Days Delay, and by such a Delay, we shall avoid doing that, which may be looked on by many, as an evident Sign of Disrespect to our Sovereign.

At present, Sir, I shall not enter into the Merits of the Question; but as I have the Honour to serve the Crown, and consequently must know several Facts, which some Gentlemen in this House may not be acquainted with, as I am at Liberty, I think myself obliged, upon this Occasion, to inform the House, that with regard to those Prizes which Providence has already put into our Hands, different Ap-
 VOL. VI. P plications

Anno 13. Geo.
II. 1739.

Anno 13. Geo.
II. 1739.



plications have already been made to his Majesty : One from the Captors, and another from the suffering Merchants. I hope it will be allowed, that both ought to be regarded. The former think they have, from Custom, a Title to a very large Share of the Prizes, which have, by them, been taken from the Enemy : The latter have suffered greatly by the Enemy, and as Reparation is one of the Ends proposed by our going to War, they think they have a Title to have some Part of their Losses made good, by appropriating to that Use some Share of those Prizes that shall be taken by his Majesty's Ships of War. Both these Petitions are founded on Justice, and for this Reason his Majesty has already answered, that when a Value is put upon the Prizes, and the Ships and Cargoes disposed of to the best Advantage, both shall be considered. With regard therefore to the Prizes already taken, we neither can, consistently with his Majesty's Promise, nor ought we to give the whole to the Captors; and with regard to those that may hereafter be taken, I am in great Doubt, whether we ought to do so by an established Law : His Majesty will certainly do so, when he thinks they deserve it, and as often as the Treaties now subsisting between us and our Allies, and the Justice that is due to our injured Merchants, will admit of it; therefore, I believe, the best and the wisest Thing we can do, is to leave the Law as it stands at present. I am sure, his Majesty will never desire to make an Advantage to himself by any Prize that shall be taken. The Captors will always be sufficiently rewarded, and the Residue, so far as is consistent with the Regard we ought to have for our Allies, will be applied either to the public Service, or to make good the Losses of our Merchants. Thus, whilst a discretionary Power remains in the Crown, our Seamen will have a proper Encouragement, without doing Injustice to any other Part of his Majesty's Subjects, and without giving a just Offence to any of our Allies. Whereas, if by an established and unalterable Law we give the whole to the Captors, they may often have more than ought, either in Justice or Prudence, to be given them : Injustice will, in my Opinion, be done to our suffering Merchants, and we may give some of those who are now our Allies, or at least our pretended Friends, a good Pretence for joining with Spain against us.

‘ But as these Objections, Sir, will be best understood, when the Bill comes regularly before us, I shall insist no farther upon them at present. The Ends proposed by the Motion I highly approve of, and if the Bill be calculated effectually to answer those Ends, I shall be ready to agree, not only to its being brought in, but to its being passed into a Law, as soon

as

as is consistent with the Respect we owe to the Crown, and with the Methods and Forms of Proceeding in this House; but, as such Bills ought to owe their Rise to some sort of Application from the Crown, and as it is a Bill of great Consequence, I do not think it would be altogether consistent with either, to order such a Bill in the very second Day of the Session. This, Sir, is my Opinion, and I am convinced, there are many Gentleman in this House of the same Opinion; therefore, I hope the Honourable Gentleman will not, by insisting upon the Question, lay us under a Necessity of giving a Negative to a Motion which we should otherwise most heartily agree to, and which, if it be postponed but for a few Days, will, I believe, meet with an universal Approbation.

Anno 13 Geo'
II. 1739.

To this Samuel Sandys, Esq; replied as follows;

SIR,

When I heard the Motion made by my Hon. Friend, Mr. Sandys. I little expected it would have been opposed. To secure and encourage effectually the Trade of his Majesty's Subjects in America, and to encourage Seamen to enter into his Majesty's Service, are Points of such great Consequence to this Nation, and so necessary upon the present Occasion, that I imagined every Gentleman would have been curious to see what Expedients had been thought of for these Purposes. Surely, it must be allowed, that our Trade to America is of the utmost Consequence to this Kingdom; and I am sure, it has neither been secure, nor encouraged for almost these 20 Years past: It must certainly be allowed, that it is at all Times, but especially in Time of War, of great Consequence to the Nation to have our Seamen ready and willing to enter into his Majesty's Service; and I am sure, that for several Years past, they have been so far from being ready and willing, that many of them have most industriously, and often even perilously, avoided being forced into his Majesty's Service. Gentlemen may make Declarations of the Regard they have for our Seamen, and of their Readiness to concur in any proper Measures for their Encouragement. I am persuaded the Honourable Gentleman who spoke last was sincere in the Declarations he made. But it is not from our Declarations, but from our Actions, that those without Doors judge of our Intentions; and unless they feel the good Effects of our Declarations, they will be apt to judge amiss of our Sincerity. I have, in this House, heard many sanguine Declarations in favour of our Seamen; and yet, I do not know by what Mischance, that useful Body of Men have of late Years been very little regarded, whilst our mercenary Troops, an useless and dan-

Anno 13. Geo.
II. 1739.



gerous Body of Men, have met with all possible Favour and Encouragement. The former have been of late Years so often pressed into his Majesty's Service, and dismissed again without making the Advantages they might expect, that I do not at all wonder to see them now absconding, and even venturing their Lives to avoid being forced into the Service. As the Pay in his Majesty's Navy is not near equal to that given by Merchants, nothing can tempt them to enter on board the Navy, but Hopes of extraordinary Advantage by the Prizes they may take: But these Hopes they have been of late so often disappointed of, that they began to despair of ever meeting again with any such Opportunity; and the Disappointment the Bill now proposed met with two Years ago added not a little to that Despair. Even when his Majesty's Orders for Reprisal were issued and published, they doubted if they should be allowed to execute them as they ought, or have any Share of the Prizes they might take. It is chiefly owing to these Doubts, Sir, that we still find such a Difficulty to man our Fleet; and therefore, I wish the Bill proposed two Years ago had passed into a Law. It could have been attended with no Inconvenience, and would have been of great Advantage at the Commencement of a War. We have already severely felt the Disadvantage of not passing it at the Time it was proposed, and therefore, in Duty to our Country as well as our King, we ought to take the first Opportunity for rectifying that Mistake. The best Method for shewing our Respect to his Majesty, is to do every thing we can for his Service, and to do it as soon as we find it is become necessary. To delay doing what we think necessary for his Majesty's Service, till it be applied for, or till he be advised by his Ministers to apply for it, may be a Testimony of our Respect for them, but it is a Breach of that Duty we owe to him. In all Cases we ought to distinguish carefully between the Respect due to the Crown, and the Regard that may be claimed by the Ministers of the Crown. To the Crown we owe a great and a sincere Regard, but to Ministers none, but what they justly acquire by their Conduct. Nay, a Regard for the latter may often be inconsistent with that Regard which is due to the former. Of late Years Parliaments have shewn a much greater Respect to the Ministers of the Crown, than was usual in former Ages; and I am under some Apprehensions, that by continuing to shew the same Respect for a few Years longer, we shall at last lose all that Respect which the People of this Kingdom ought to have for their Parliaments. If this should ever happen to be our Case, which God forbid! our happy Constitution would be at an End: Our People could not

not then be governed by Parliaments, or by any sort of Civil Government: They must be ruled by a Standing-Army, and a Military Sort of Government.

Anno 13. Geo.
II. 1739.

‘ I admit, Sir, that some Acts of Grace and Favour, such as Indemnities and the like, are usually brought into Parliament by a Message from the Crown; but that nothing of a popular Nature ought to be brought into Parliament, without such a Message, is a Doctrine new and surprizing. At this Rate no Law for the public Service, or for removing a public Grievance, could be proposed in Parliament, without a previous Message from the Crown; for every such Law must, in its own Nature, be attended with Popularity; and to introduce it without such a Message, might in every Case be called forestalling the Favours of the Crown, with as much Justice as in the Case now before us. Such a Doctrine would indeed make Parliaments very respectful to his Majesty’s Ministers, but it would make them very useless to his Majesty’s Subjects, and of as little Use to his Majesty himself; therefore, I hope, it will never gain a Prevalence in this House. As soon as we are assembled here, we are in Duty bound to consider what Laws are necessary for the public Service; and we are in Duty bound to bring them in, and to pass them as soon as we can. If they are such as are popular, our Sovereign will always have a great Share in that Popularity, by readily giving them the Royal Assent: Even his Ministers may have a Share in the Popularity, by readily giving their Concurrence in passing them through the two Houses of Parliament. But if the King should, by the Advice of wicked Ministers, refuse his Assent, or if the Ministers should oppose them in Parliament, and thereby expose themselves to the Hatred of the People, they meet with nothing but what they deserve, and whatever may be the Consequences, they have themselves only to blame. For this Reason, Sir, if there is any Popularity to be gained by this Bill, I hope those in the Administration will take Care to have a Share of it, by giving us their Assistance to get it passed into a Law; and I think I have clearly shewn, we can testify our Respect to his Majesty no way better, than by bringing it in and passing it with all imaginable Dispatch.

‘ I grant, Sir, that his Majesty may without the Authority of an Act of Parliament give the whole of every Prize to the Captors; and I verily believe his Majesty is of himself extremely willing to do so. Where then is the Harm, or where is the Disrespect, in doing that by a Law, which his Majesty is willing to do of his own accord? It may, ’tis true, be promised by Proclamation: I think it ought to have

Anno 13. Geo.
II. 1739.



have been promised by Proclamation as soon as the Reprisals were published; but to do so by an Act of Parliament is a more solemn Way of doing it, and will add to the Confidence, and consequently the Encouragement of our Seamen. Besides this, Sir, it will prevent that Grievance so intolerable to all the Officers and Seamen in the Navy, which gave Occasion to a Bill of the same Nature in the late Queen's Time. We all know, that before the Act of the 6th of Queen Anne, for the Encouragement of the Trade to America, we had a Prize-Office established, which had the Disposal and Distribution of all Prizes taken by her Majesty's Ships of War; and we likewise know, that a great deal of the Money produced by the Sale of any Prize stuck to the Fingers of the Officers and Clerks employ'd in that Office. Now, as it is both better and easier to prevent than remedy a Grievance, and as some such Office as this must be now revived, unless such a Law be passed as is by this Motion intended, I hope the Bill now proposed will meet with no further Opposition.

‘ It does not appear from our Journals, Sir, that either the Law by which this Prize-Office was abolished, or any of the Regulations now proposed to be revived, were owing to any previous Message or Intimation from the Crown. Nay, I doubt much, if the Law for demolishing the Prize-Office was so much as advised, or sincerely approved of, by those who were at that time the chief Ministers of the Crown. The Ministers in that Age were, I believe, something like those we have in this; and I have always found Ministers extremely unwilling to demolish any Office where the Nomination of the Officers belonged to them. On the contrary, they have always been inventing new Offices of this Sort; and if at any time they found themselves under the Necessity of consenting to the Demolition of such an Office, they have generally taken the first Opportunity they could safely lay hold on, for reviving it. Therefore, when a Law becomes necessary for demolishing any such Office, or for preventing the Establishment or Revival of such a one, I must think that, if we are to wait for a Message from the Crown for that Purpose, no such Law will ever be passed.

‘ Having thus, I hope, fully answered the only Argument advanced for postponing this Motion, I shall next say something to those Objections that have been made against giving the whole of the Prizes to the Captors; and here I find the Sufferings of our Merchants are to be made a Handle against giving the same Encouragement to our Seamen, that was given in the last War. Sir, I am glad to find, that we now begin to shew some Regard to our suffering

fering Merchants. No Man can more sensibly feel the Losses and Misfortunes they have met with than I do, and for this very Reason, I am for giving the whole of every Prize to the Captors, because, I think, it is one of the best Methods for procuring them full Reparation and perpetual Security. It is not from the Prizes that may be taken during the War, that our Merchants can expect full Reparation. If we resolve to give them a large Share of every Prize, I am afraid very few will be taken; and if we give them but a small Share, the whole Amount will not near answer the great Damages which they have suffered, during the long Course of Time they have been left exposed to the Depredations and Insults of Spanish Guarda Costa's. It is from a vigorous Prosecution and happy Issue of the War, and thence alone, that they can expect a full Reparation; and therefore I am convinced, that most of our suffering Merchants will, for the necessary Encouragement of our Seamen, frankly resign the insignificant and partial Reparation they can expect, by having a Share in such Prizes as may be taken, in order to have not only a full Reparation for their past Sufferings, but an absolute Security for the future, by a happy and glorious Issue of the War we are now engaged in.

Anno 13. Geo.
II. 1739.

' I am convinced, Sir, that the Honourable Gentleman pleaded for our Merchants having a Share in the Prizes entirely from the Compassion he has for their Sufferings; but I must beg Leave to say, that I think it a sort of Compassion, which can do no Service either to them or their Country; because it creates a kind of Opposition between them and our Seamen, which is an Opposition that, I believe, very few of them will desire to propagate. It is something extraordinary, that we should now testify such a Compassion for our suffering Merchants, when some few of them may perhaps by a Petition have set themselves in Opposition to our Seamen; and that we were so slow in relieving them, when the only Opposition was, between them and those who plundered them, or who tamely allowed them to be plundered. For many Years we gave no Proof of Compassion for their Sufferings, but by fruitless Applications to the Court of Spain; and now we are engaged in War, we seem to be getting into as wrong a Method for shewing our Compassion, as we were in before; for 'tis certain, that the most proper and effectual Way is, to take every Method we can think of, that may any way conduce towards bringing the War to a happy and speedy Issue.

' But I must put Gentlemen in mind, that at the same time we are testifying our Compassion for those that have suffered,

Anno 13. Geo.
II. 1739.



suffered, we should think of having a Compassion for those that may suffer ; for if we do not, our future Sufferings may far exceed those that are past. For this Purpose, Sir, the Bill now proposed to be brought in is absolutely necessary. In the present War, if proper Care be not taken, our Merchants may suffer vastly more by the Enemy's Privateers, than they have ever done by their Guarda Costa's. To prevent this, we ought by all possible Means to encourage our Ships of War, both public and private, to attack, and take or destroy those of the Enemy. Every one knows, that there is very little to be got by taking a Privateer ; and therefore we can hardly suppose that our Privateers will attack, or endeavour to take or destroy any one of the Enemy's, unless we give them a Reward for so doing. I know, that his Majesty's Ships of War are obliged to attack an Enemy, when any one of them fall in their Way ; but I am afraid, that even some of his Majesty's Ships of War will not be very diligent in looking out for such, or in cruising where such only can be met with, unless we give them something more than they can expect by the Capture. This we soon became sensible of in the late War, and therefore, by the Act of the 6th of Queen Anne, for the better securing the Trade of this Kingdom, by Cruisers and Convoys, a Reward of 5 *l.* for every Man on board any Ship of War or Privateer of the Enemy's at the Beginning of the Engagement, that should be taken by any of our Ships of War, public or private, was given to the Captors, over and above what they could make by the Sale of the Prize. This Encouragement, Sir, was found absolutely necessary in the late War, and by Experience proved to have a very good Effect. And as this is one of the Encouragements intended by the Bill now moved for, I am surprized to find a Delay proposed by a Gentleman, who I am sure has a true and sincere Regard for the Merchants and Trade of this Kingdom. To delay it but for a few Days, upon a pretended Punctilio of Respect to the Crown, may occasion the Ruin of several honest Merchants, and a Ruin too, which might otherwise have been prevented. Sir, it has already been delay'd six Months longer than it ought to have been. The War was certainly known at least by our Ministers, before the End of last Session, to be unavoidable ; and therefore I must say, that if they had done their Duty, they themselves should last Session have brought in that very Bill which they had so great a Hand in throwing out but the preceding Session. They had time enough after the 24th of May to have brought it in, and to have had it passed into a Law before the Conclusion of the Session. I am sure,

ture, those who brought it in before would have been so far from envying them the Glory or Popularity of bringing it in a second Time, that they would have joined in getting it passed through both Houses with the utmost Dispatch; and the passing of such a Bill could not have tended to alarm Spain so much, as the Vote of Credit did, which was passed towards the latter End of last Session. If such a Bill had passed last Session, I am convinced, our Merchants would not have suffered so much as they have already done by the War. I am convinced, the Enemy's Privateers would not have traversed the Seas of Europe with so much Security and Impunity as they have done, since the Commencement of the War.

This Encouragement, Sir, so necessary for tempting our Ships of War to look out for and destroy the Enemy's Privateers, is what his Majesty cannot give without the Authority of Parliament; at least, he cannot appropriate to that Purpose any of the Money given for the public Service. He may, 'tis true, give it out of the Civil List Revenue, and in that Case promise it by Proclamation. To have advised him to do so, would, I believe, have been one of the best and most faithful Advices that could have been given by his Ministers; and I wonder that those who now seem so jealous of depriving the Sovereign of that Popularity, that may be acquired by Acts of Grace and Favour, did not advise him to do so, especially as they had neglected to provide for it, when it ought to have been done out of the public Revenue of the Kingdom. It might, by this Time, have amounted to a large Sum, considering the Number of Privateers the Enemy have fitted out against us, especially if our Ships of War had been dispersed, and properly stationed for intercepting them; but the more it had amounted to, the more Esteem and Affection would have been acquired, not only by his Majesty, but by those Counsellors who had advised him to such a popular Measure; and the highest Sum it could have amounted to might, I believe, have been compensated by abolishing or curtailing some of those useless Pensions and Salaries, which are now paid out of the Civil List Revenue, and which may add to the Number of his Majesty's Servants and the Minister's Flatterers, but never can add to the Number of his Majesty's faithful Subjects, nor to that of the Minister's sincere Friends.

This, I say, Sir, his Majesty might have done without the Authority of Parliament; but as it has not been done, I little expect it will; and therefore this Encouragement ought as soon as possible to be given, and provided for out of the public Revenue of the Kingdom, which can no way

ANNO 13 GEO.
II. 1739.



be, but by such a Bill as is now proposed. Besides this, Sir, there are several other Things intended by this Bill that can be done no way but by Act of Parliament; and therefore no Delay ought to be made, upon any Pretence whatever, in bringing in and passing it. The very bringing in such a Bill will give new Spirits to those Seamen that have entered, or have been pressed into his Majesty's Service, and will prevail with many, who are now absconding, to appear and enter themselves on board some of our Ships of War. We hear daily Complaints of the Difficulties of manning our Fleet; and shall those very Gentlemen who make them, out of a pretended Punctilio of Respect to the Crown, put off, but for a few Days, the most proper Thing we can do for removing those Complaints? But suppose we should humour those Gentlemen, in their imaginary Respect for the Crown, by postponing this Motion for a few Days, how are we sure that any Message will come from the Crown in that Time? And will not the Argument for putting off the Motion be much stronger then, than it is now; for if we should now postpone the Motion, upon the Pretence that it would be disrespectful, I think it would shew not only a Disrespect, but a Contempt, if we should at any time hereafter order a Bill in for these Purposes without such a Message; therefore, I hope, my Honourable Friend will insit upon his Motion; I am sure, he shall have my hearty Concurrence.

Sir Charles Wager spoke next to this Purpose :

S I R,

Sir Charles
Wager.

• When any present Grievance is felt, or any future Grievance apprehended, and when the one cannot be removed, nor the other prevented, without a new Law for that Purpose, it is our Duty to think of, and pass such a Law; but as a Multitude of unnecessary Laws is as great a Grievance to Society as any it can labour under, we ought to be extremely cautious of introducing any new Law; for if the Evil can be remedied by the Laws in being, this may, perhaps, be our Case at present: Our Seamen ought to be encouraged: Our Ships of War ought to be encouraged to do their Duty: But I shall be against bringing in a Bill, till I am well convinced, that the Laws now in being are in this Respect deficient; for the Evils proposed by this Bill to be remedied, cannot be said to be present Evils; none of them have yet been felt; and whether they may not be prevented by a due Exercise of that Power, with which the Crown is now invested, is a Question that, in my Opinion, admits of some Difficulty. In the late Queen's Time, it was not so. The War we were then engaged in had been carried on for several Years, and the Prize-Office had been found

found by Experience to be an intolerable Grievance upon the Officers and Seamen of her Majesty's Navy. I had, at that time, the Honour of being Commander of one of her Majesty's Ships of War; and with regard to one of the Prizes I had the good Fortune to take, I remember, I was so far from getting any thing by it, that I was brought in Debt to the Prize-Office. This was a convincing Proof that some new Regulation was necessary, with regard to the Prizes taken by her Majesty's Ships of War; and it had likewise been found by Experience, that our Ships of War had been a little negligent of their Duty in looking out for, and attacking those of the Enemy; which at that time made the Parliament, as well as the Government, think it necessary to give the Reward of 5 *l.* a Man, mentioned by the Honourable Gentleman that spoke last. These were Evils that were then present and severely felt, and therefore it became necessary to make the new Regulations which are now proposed to be revived; but the Parliament did not then think, that those Evils would recur, or that those Regulations would be necessary in every future War; if they had, they would have made those Laws perpetual: Whereas they were made temporary, and to continue no longer than during the War we were then engaged in. Nay, I believe, if they had then but thought it probable, that those Evils would always recur, they would have made those Regulations perpetual. Therefore, if we now form our Judgment upon the Opinion that then prevailed, we must suppose, that neither of these Evils will probably be felt in the present War; and surely, we are not to increase the Number of our Laws, which is already almost intolerable, by making new Laws for preventing Evils, that will probably never happen. For my Part, Sir, I believe the Evils cannot happen during the present; because, I think, his Majesty has it very much in his Power, by the Laws now in being, to prevent them. He has already resolved, that after reserving some Share for our suffering Merchants, he will give the whole Residue of the Prizes to the Captors. This, I hope, will be a sufficient Encouragement for our Seamen to enter into his Majesty's Service; considering the rich Prizes that may fall into our Hands, it will encourage the Officers of his Majesty's Ships of War to be vigilant in looking out for the Enemy's Merchantile Ships; and as the Preferments in the Navy are all at his Majesty's Disposal, I hope they will be bestowed in such a Manner, as must make it necessary for every Officer in our Navy to be diligent in their several Stations, in looking out for, and taking or destroying every Ship of War belonging to the

Anno 13. Geo.
II. 1739.



Enemy, that they can meet with and overcome. Thus, I hope, Sir, all the Ends that can be answered by the Bill now proposed, may be attained by those Powers, with which his Majesty is invested by the Laws now in being; and if this can be done, I am sure it is unnecessary, and consequently would be wrong, to make any new Law for that Purpose.

‘ If there are, his Majesty must be allowed to be the best Judge, whether any new Powers be wanted, either for preventing the Evils apprehended, or for contributing any Way to the vigorous Prosecution, and happy Success of the War. I am sure, they will be applied for by his Majesty, as soon as he thinks it proper and necessary to do so; and till then, we ought to suppose, either that none such are wanted, or that it is not yet proper to think of them; so that even from the very Nature of the Case, we ought to wait for a Message, or some other sort of Intimation from the Crown, before we begin to think of Methods for encouraging our Seamen, or any other Part of his Majesty’s Subjects, to do their Duty, in the Prosecution of the present War. If we bring in a Bill for this Purpose, before we have any such Message, or any Information, it may happen to be very imperfect and defective; and thus we may be obliged to bring in two Bills, for what might have been easily done by one, which is a Consequence we ought as much as possible to avoid.

‘ Whatever other Gentlemen may think, Sir, of the Respect that is due to the Crown, I shall always be against our doing what may in the least look like a Disrespect, when it is any way possible to avoid it; and as his Majesty has, by the Laws now in being, a sort of Property in every Prize taken by his Ships of War, I cannot but think, that it will look very much like a Piece of Disrespect in us, to order in a Bill for disposing of that Property, without having his previous Consent signify’d to us. This, I think, may be avoided, by postponing the Motion but for a very few Days, which I shall grant will be a Delay with respect to the bringing in of the Bill, but I do not think it will be any Delay with respect to its being passed into a Law; because, when a Bill is hastily brought in, it generally requires mature Deliberation, and many Amendments in its Progress through the two Houses, which always takes up a great deal of Time: Whereas, when it is maturely considered, and fully concerted, before being brought in, the first Draught of the Bill is generally so perfect, that it requires but few Amendments; and the Rapidity of its Progress always bears a Proportion to the Maturity
of

of its first Concession. For this Reason, as the passing of any Law, necessary for the Purposes intended by this Bill, will not be retarded by postponing the Motion, I hope the Honourable Gentleman will agree to it.

Anno 13. Geo.
II. 1739.

The Right Honourable the Lord Baltimore.

SIR,

Since those Gentlemen, who have spoke against the Motion, seem so very fond of having a Message from the Crown, I must observe, that his Majesty's Speech is, in my Opinion, a Message sufficient for warranting our agreeing to this Motion, or to any other Measure, we think may contribute towards a vigorous Prosecution of the present War. His Majesty, in the very Beginning of his Speech, has told us, that he called us together, at this Time, sooner than has been usual of late Years, that he might have the immediate Advice and Assistance of his Parliament, at this critical and important Conjunction; and that he makes no Doubt, but he should meet with a ready and vigorous Support in this just and necessary War. Does not his Majesty, by these Words, expressly signify his Pleasure, that we should immediately enter upon the Consideration of what may be necessary for his Support in the present War, in order to give him our Advice thereupon? And does not he shew, that he expects, we should readily agree to whatever we think necessary for that Support? The present Question therefore is not, Whether we shall wait for a Message relating to the Bill now proposed; for if it be necessary, or may contribute to a vigorous and successful Prosecution of the War, we have already, in his Majesty's Speech, received a Message; so that the only Question now before us is, Whether the Regulations intended are necessary, or may contribute to encourage our Seamen to do their Duty in annoying the Enemy, and protecting the Trade of our Fellow-Subjects in Europe and America, as much as shall lie in their Power; and this, surely, no Gentleman can pretend to be a Judge of, till he sees the Bill which the Honourable Gentleman proposes to bring in. I think therefore, that whoever opposes this Motion must be of Opinion, that we have no Occasion for giving any new Encouragement to our Seamen to enter themselves voluntarily on board our Ships of War, or to do their Duty when they are entered; and this is an Opinion, which no Gentleman can be of, that considers the extreme Backwardness our Seamen shew, in entering themselves on board his Majesty's Navy; or that considers the Inconveniences we found ourselves exposed to, in the Beginning of Queen Anne's War. The former of these Evils is what we
now

Anno 13. Geo.
II. 1739.

now feel, and the latter we must certainly feel, from the very Nature of Things, unless we make the same Provision against it, that was made in the last War. If no such Provision be made, a Prize Office must be set up; for tho' his Majesty should give the whole to the Captors, he cannot empower them to appoint their own Agents for the Sale and Distribution of the Prize, without an Act of Parliament; and if a Prize-Office be set up, can any one expect that the Officers and Clerks of that Office will be more honest, or less rapacious in this Age, than they were in the last? I am far from thinking we have improved in public Virtue since that time: On the contrary, I believe, that a selfish and rapacious Spirit is now more general than it was in those Days; therefore, I am convinced, that a Prize-Office will be a greater Oppression upon our Seamen in this War, than it was found to be in that; and for this Reason, I think, we cannot provide too soon against it.

‘ Then, with regard to the Encouragement to be given to our Ships of War, to attack those of the Enemy, I shall grant, Sir, that if all the Commanders of our Navy were endued with a true heroic Spirit, they would be as ready to attack the Enemy where little else but hard Blows is to be got, as where the richest and most defenceless Prize may be acquired; but this Spirit of Heroism is now, I believe, no more prevalent than it was in the last Age; and will, I am convinced, be found equally ineffectual for the End proposed. If Rewards and Punishments were duly and justly distributed; if Merit only were preferred, and Cowardice or Negligence severely punished; I must confess it would, in this respect, have a very good Effect upon the Officers of his Majesty's Navy; but without derogating from our present excellent Ministers, I believe, I may say, that no greater Miracles can be expected from them, than were pretended to by those great Men that were our Ministers in the Beginning of the late Queen's Reign; and they, we find, were willing to take the Aid of an Act of Parliament, and a pecuniary Recompence, for encouraging the Officers even of his Majesty's Navy to do their Duty. I hope our present Ministers will follow their Example; for whatever Effect a just Distribution of Preferments may have upon the Officers of our public Ships of War, it can have but very little Effect upon those Ships of War that may be fitted out by private Men; and in order to destroy that Swarm of Privateers, that have been, and may be fitted out by the Enemy, I think it is worth our while to purchase the Assistance even of our private Ships of War.

‘ Sir, The Laws, now proposed to be revived, were not made

made temporary, because the Parliament then thought there would be no Occasion for them in any future War, but because they could be of no Use but in time of War; and that Parliament certainly imagined, that after they had introduced the Precedent, the Parliament would never fail to revive them, as soon as any new War should break out. But I must observe, that a Law's being at first made temporary, is no Argument against its being of perpetual Use. It is, I think, a very prudential Caution in a free Country, never to make any Law perpetual, 'till it is found by Experience to be a good Law, and no Way hurtful to our Constitution. If this Caution had always been observed, several perpetual Laws now in being, I believe, would never have met with the Honour of being revived, far less of being made perpetual.

The Honourable Gentlemen who oppose this Motion are pleased to tell us, Sir, that his Majesty is the best Judge of the Question, Whether the Evils, now apprehended, may be prevented by the Powers, with which the Crown is already, by Law, invested. I wish these Gentlemen would leave his Majesty's Name out of this Question, as well as every other. It is not his Majesty, but his Ministers, that we are to suppose Judges; and, I hope, his Ministers will not take it amiss, if I say, that I think this House as good a Judge of this or any other Question as they are. There are several Gentlemen in this House, that know the Powers, with which the Crown stands by Law invested, as well as Ministers can do, and, I believe, they are more impartial Judges; for Ministers are apt to be partial in Favour of the Powers and Prerogatives of the Crown, and to suppose them much more extensive than they really are. One may easily guess from the expired Laws that have been read to us, that several Things are intended to be done by this Bill, which cannot be done by any of the Powers with which the Crown now stands invested; and yet they are such Things as every Man must allow to be necessary for encouraging his Majesty's Subjects, of all Ranks and Degrees, to assist and to do their Duty in the Prosecution of the present War. For this Reason, Sir, suppose our Ministers had done all that was in the Power of the Crown to do, for the Encouragement of our Seamen in the present War, yet it could be no Argument against the Utility of the Bill now proposed. But when we consider, that all has not been done that was in the Power of the Crown to do, it renders it not only necessary to bring in this Bill, but to bring it in as soon as possible. It was in the Power of the Crown to have promised to give the whole Value of every

Anno 13. Geo.
II. 1739.

Anno 17. Geo.
H. 1739.



every Prize to the Captors. This is so far from having been done, that we are told, it is not to be done. I feel as sensibly as any Man the Sufferings of our Merchants, but I am not for putting the Encouragement of our Seamen, and consequently the Success of the War, on a Balance with giving them a little immediate Reparation; and therefore, what the Honourable Gentleman, who spoke against this Motion, has told us concerning the promised Distribution of the Prizes already taken, is, in my Opinion, a strong Argument for our bringing in and passing this Bill. His Majesty has called us together sooner than usual, in order to have our Advice: If then, his Ministers have committed a Mistake, ought not we, in Duty to our Sovereign, to rectify that Mistake as soon as possible? With regard to the Prizes already taken, no Gentleman, I believe, will be for altering any thing his Majesty has done; but with regard to all future Prizes, I hope we shall give the Seamen the whole, in order to encourage them to be vigilant and active in doing their Duty. No suffering Merchant, that has Prudence and a Regard for his Country, will repine at this; because if we push the War with Vigour, and Providence does not declare against us, we shall obtain full Reparation for them by an honourable Peace, before, perhaps, even the Prizes already taken shall be disposed of and divided amongst them. But suppose, Sir, it were right to give the suffering Merchants a Share of every Prize, ought not this Share to have been ascertained and publicly declared before now, that our Seamen might have known what to expect from the Prizes that were to be taken by their Conduct and Courage? Discretionary Powers are, I know, of all Powers, the greatest Favourites with Ministers; but those Ministers must have a most extravagant Love for discretionary Powers, who will not depart from them or limit them, even by their own Act and Deed, in a Case where the Success of their Country depends upon a Limitation of some kind or other. At present our Seamen do not know, that they are to have any Share of the Prizes they take; and this may probably be one of the Reasons that has made them appear so much averse to his Majesty's Service. If our Ministers have resolved, after reserving a small Share for our suffering Merchants, to give the whole Residue to the Captors, why reserve this Resolution in Petto? Why not publish it by Proclamation? This is what they might have done by Virtue of the Powers now lodged in the Crown: This would certainly have been more agreeable to our Seamen, than to remain in that Uncertainty, under which they labour at present;

Tent; and since it has not been done by Proclamation, I think we ought as soon as possible to endeavour to do it by Act of Parliament. In such a Case, shall we wait till the Ministers come and desire us to rectify their Mistakes? Surely no Member of this House will say, that such a Delay would be consistent with the Duty, or the Dignity of Parliament.

Anno 13. Geo.
II. 1739.

• If the Bill now proposed were a Bill that had never been thought of before, there might be some Occasion for mature Deliberation. But this is not the Case: The Bill moved for is no new Bill. It is a Bill only for reviving a Law that was found necessary in the last War, and which from the Nature of Things must appear to be necessary in this. Besides, the very Bill now proposed was fully considered, and actually brought in two Years ago: I believe there will be Occasion for very little Alteration, unless it be in the Preamble; and if any in the Administration think, that there were Faults or Deficiencies in the former Bill, it is to be hoped they will assist in drawing up this in order to have those Faults or Deficiencies rectified; therefore I can see no Reason for postponing the Motion, nor do I think, that the Delay thereby occasioned can be made good by any Dispatch that can afterwards be given in passing it through the several Branches of our Legislature; for which Reason, if the Question be put upon my Honourable Friend's Motion, and I hope he will not part with it, I shall certainly give my Affirmative to the Question.

John Howe, Esq; §

S I R,

• I have read over and considered his Majesty's Speech with as much Care as I ever did any thing, and if I may be allowed to understand the English Language, I am sure, there is not a Word in the whole Speech that can be supposed to relate to the Bill now moved for. With regard to the Supplies necessary for the Service of the ensuing Year, the Speech may, indeed, be allowed to be some Sort of Message, and I hope we shall comply with it both readily and unanimously; but with regard to any thing else, we may, I think, as well call it a Prayer, or a Command, as a Message. His Majesty has told us, 'tis true, that he has called us together sooner than usual, in order to have our Advice at this important Juncture; but if we have any Advice to offer, we ought to do it by an Address, which is the usual Way of communicating our Thoughts to the

VOL. VI.

R

Crown,

§ Since created Lord,

Anno 13. Geo.
II. 1739.

Crown, with regard to any thing we think ought to be done. I must think, that it is a pretty odd, and a new Way of offering Advice to the Crown, to do it by Way of Bill, and by a Sort of Bill too, that makes a direct Incroachment upon the Prerogative Royal ; for if it be intended by the Bill now proposed to give the whole of every Prize to the Captors, I must say, the Bill will be a direct Incroachment upon the Prerogatives of the Crown, among which, that of having the Disposition and Distribution of every thing taken from the Enemy is certainly one.

‘ By our present Constitution, Sir, the Crown may dispose of what is taken from the Enemy, as a Reward to the Captors, and to encourage others to take as much as they can from the Enemy ; in which Case, the Crown has the Power of proportioning that Reward to the Behaviour of each Man concerned in the Capture, which will always have a great Effect upon the Behaviour of private Men ; whereas, if you give the whole thus by the Lump to the Captors, you put it out of the Power of the Public to reward the Bravery, or punish the Indolence of any Officer or Seaman concerned in his Majesty’s Navy. The whole will depend upon the Chance of War, which, in every sort of War, must be allowed to be very whimsical, but in a Naval War it is more whimsical than in any other. A rich Galleon, or Spanish Register Ship, may escape a most diligent Admiral or Captain in the West-Indies, or about the Canaries ; and by mere Accident may fall into the Hands of a most slothful and negligent Commander upon the Coasts of Spain. In this Case, surely, it would be Justice to give some Part of the Prize to those who had been diligent in looking out for her, and but a very small Part to those who, perhaps by their Sloth, and not by their Diligence, had met with her ; but if the Bill now proposed should pass into a Law, the slothful may have the whole, and those who were diligent, and perhaps by that Diligence threw the Prize in the other’s Way, may have nothing. What an Effect this must have upon the Behaviour both of our Officers and Seamen, I shall leave to those that hear me to consider.

‘ In all other limited Governments, Sir, the Power of the supreme Magistrate is always made more extensive in time of War, in proportion as the War is more dangerous. Amongst the Romans, who were as jealous of their Liberties as any People ought in Reason to be, a most absolute and arbitrary Government always took Place, when they found themselves engaged in a dangerous War. What the present War may be to this Nation, no one can tell : I

grant,

grant, we have yet no great Reason to be much afraid of its Consequences: As long as Spain stands single and alone against us, I believe we never shall: But who knows what other Powers may engage? And if some of the other Powers of Europe should engage against us, they may render the War not only burthensome, but dangerous to this Nation; in which Case, I should not think it very prudent to put Restraints upon the Power of our Sovereign, which our Constitution is very little acquainted with, and whose Consequences we had no Opportunity of knowing in the late War, both because it lasted but for a few Years after the Regulations, now proposed to be revived, were made; and because, from the Time they were made, it was rather a Land than a Naval War, the Enemy having been in some Measure drove quite out of the Seas some time before the 6th of Queen Anne.

Anno 13. Geo
II. 1739.

But, Sir, suppose there were no Objection to be made against any of the Regulations intended by the Bill now moved for, what Occasion have we to be in such a Hurry, as to order the Bill in the very 2d Day of the Session? Let the Bill be brought in, and passed when we will, we cannot make it commence till after *Christmas*; because by Treaties long since entered into, we are engaged to restore all Goods and Effects found on board the Ships of any Nation we are at War with, if upon Examination it shall appear, that they belonged to any of our Allies, and that the Ship was taken within so many Weeks in the Seas of Europe, or so many Months in the Seas of Africa or the Indies, after the Declaration of War. Now, as the War against Spain was declared but the 23d of October last, we cannot pretend to give to the Captors the Goods or Effects of our Allies, which may be taken even in the Seas of Europe before *Christmas* next; therefore, if we were now to pass the Bill, as well as order it to be brought in, we could not make it begin to take Effect before some Day in January next; and before that time, it may be passed into a Law, even though it should not be brought in, or ordered to be brought in, for this Week or ten Days to come. For this Reason, Sir, I can see no Occasion for being in a Hurry about ordering this Bill to be brought in, especially as some Gentlemen seem to think it inconsistent with that Respect which is due to Crown; for since passing the Bill can have no Effect till the Day of its Commencement, and since postponing of the Motion will not postpone the Day of its Commencement, I think we ought to have so much Compliance for one another, as to postpone a Motion which may, in a few Days hence, be unanimously agreed to, even

Anno 13. Geo. by those who this Day find fault with its having been
II. 1739. made.



‘ Sir, I shall always be against our shewing a Respect, either to the Crown or to Ministers, that is inconsistent with the Dignity of this House ; but in the present Case, I must think the Delay desired so far from being inconsistent with our Dignity, that I think it would be inconsistent with the Respect we owe to the Crown, not to comply with it. I even wish the Motion had not been made, till some Message for that Purpose had been sent to us from the Crown. The Bill is certainly in its own Nature a Bill of Grace and Favour : Our Seamen will look upon it as such, and will think themselves highly obliged to those who were the Authors of it. For this Reason I wish, the first Step towards its Introduction had been made by the Crown : I think we are in Duty, as well as out of Respect to his Majesty, bound to allow such a Bill to owe its Birth to him. If the Motion be postponed but for a few Days, we may probably have a Message from his Majesty for that Purpose ; and surely those who think it a right Thing, will be willing his Majesty should have the Merit of proposing it. The Motion that has been made will derogate a little from that Merit ; but as I am convinced, that no Gentleman has a greater Regard for his Majesty than the Honourable Gentleman who made the Motion, I hope that now, after he has considered it, he will endeavour to lessen the bad Effects it may have, by preventing its appearing in our Votes, which he may prevent, by not insisting upon the Question.’

Mr. Howe was answer'd by Edward Hooper, Esq;

S I R,

Edward
Hooper, Esq;

‘ As I was one of those that were sanguine for having a Bill of this kind passed into a Law two Years ago, when it was actually brought in, it cannot be expected that I should be against it now, when such a Law seems to be more necessary than it was at that Time. Yet, I own, if the Motion had not been made, I should have been against making it so very early in the Session. But now, that the Motion is made, I shall be against its being postponed ; and I hope no Gentleman will think of having a Negative put upon it. Whether it appears in our printed Votes or no, it will be heard of without Doors. Even the Populace, and particularly our Seamen, will hear, that such a Motion has been made in Parliament, and that it was made without Effect, which will be attended with very unlucky Consequences. We are engaged in a War with an Enemy that cannot be attacked by us, nor can they attack us, but by Sea. For this Reason, we have Occasion for a great Number
ber

ber of Seamen; for without them, we can neither attack the Enemy, nor defend ourselves. From whatever Causes it may proceed, we find by Experience, that our Seamen are unwilling to enter into his Majesty's Service. In these Circumstances, will not our putting a Negative upon this Motion, or even our postponing it, render our Seamen more backward than ever, to enter into his Majesty's Service? It will be impossible to make them understand the Reasons assigned for postponing it, or to make them believe that it will be shortly resumed: They will look upon the Delay as an absolute Refusal to bring in or pass such a Bill, and thereupon they will naturally reason thus with themselves: What should we enter into the King's Service for? We can have higher Wages of the Merchants; and by what has happened in Parliament we may see, that we are to have no Share, or but a small Share, of any Prizes we take. Will not this make them avoid entering into his Majesty's Service as much as they can? And this must of course retard, if not disappoint some of our Designs against the Enemy. As I am convinced the Law now proposed will not only increase the Alacrity of our People, but intimidate our Enemies, I am sorry to find no Intimation in his Majesty's Speech relating to its being revived. Had such a Law been recommended to our Consideration from the Throne, it would have convinced the World of, what I do not doubt, his Majesty's Intentions to carry on the War with the utmost Vigour.

The Honourable Gentleman who spoke last has told us, that the bringing in of such a Bill can have no Effect till it be passed into a Law. Sir, I must beg Leave to differ from him. The very Motion for bringing it in, the Motion that is now before us, if it be agreed to, will have a very great and good Effect. It will shew our Seamen, that they are to have the whole of every Prize they take divided among them, and managed, disposed of, and distributed by Agents chosen by themselves. This will make them consider, that besides their Wages they have a good Chance of enriching themselves and their Families, by being in the King's Service; and this will of course make them fond of being in the Service. I believe there will still be a Want of Seamen, as there always must be at the Beginning of a War, unless we keep in continual Pay a large Body of Seamen, even in time of Peace; but it will probably remove that Want of Seamen in his Majesty's Service, which is now so sensibly felt, and so much complained of, even by those who are for postponing this Motion. Therefore, do not let us do a real Injury to his Majesty's Service,

by

Anno 13. Geo.
II. 1739.

by shewing an unseasonable, and perhaps I may say an imaginary Respect to the Crown.

‘ I was indeed surprized, Sir, to hear it pretended, or insinuated, that we could not make this Bill commence till the Month of January next, because of the Treaties between us, and some of the Powers of Europe, who are now our Allies and good Friends. I know, Sir, that by some of those Treaties, the Goods of our Friends or Allies are not to be confiscated, tho’ found on board an Enemy’s Ship, if it shall appear that those Goods were shipped on board that Vessel before the Declaration of War, or within so many Weeks or Months after the Declaration of War as are mentioned in the respective Treaties. But what has this to do with the Bill now proposed to be brought in? Our Seamen are not by this Bill to get any Title to a Ship or Cargo taken from the Enemy, till both be condemned by our Courts of Admiralty, as lawful Prize. Can the Goods of Friends, tho’ found on board an Enemy’s Ship, be condemned as lawful Prize, when it appears that those Goods ought by Treaty, or by the Law of Nations, to be restored to the proper Owners? In this Case the Law is extremely plain, and Care will certainly be taken in the drawing up of the Bill not to alter it, or render it doubtful by any Clause, or any Expressions in the Bill. The Bill is to be drawn up upon the Plan of those expired Laws, that have been read to you; and can it be said that there is any thing in either of them, that could authorize a Judge-Admiral to condemn as lawful Prize all Goods found on board an Enemy’s Ship, even tho’ it should be made appear, that some of them belonged to the Subjects of a Nation in Friendship with us; and that they were shipped on board that Vessel before our Declaration of War against Spain, or even after that Declaration, but within the Times respectively limited by Treaty? What then should hinder us from making the Bill begin to have Effect, as soon as it shall receive the Royal Assent? Therefore, we ought to pass the Bill as soon as possible, because it will encourage the Officers and Seamen of his Majesty’s Navy to be watchful and diligent in looking out for, and taking all Ships belonging to the Enemy; and we should, as soon as possible, order the Bill to be brought in, because that very Order will induce our Seamen to enter themselves voluntarily on board his Majesty’s Navy. And as our postponing or disagreeing to the Motion, now it is made, will have a quite contrary Effect, when Gentlemen consider the Circumstances we are in, I hope they will depart from their Punctilio of Respect to the Crown, and allow the Motion

to have, what it ought to have, the unanimous Approbation of this House.

Anno 13. Geo.
II. 1739.

Then Sir John Barnard spoke in Effect as follows :

SIR

I find that the Gentlemen, who oppose this Motion, pretend that a Respect for the Crown is the chief Cause of their present Opposition; and that they are not against the Bill, but against its being moved for, till we have some Message from his Majesty for that Purpose; but I must observe, that most of them have said several Things against the Bill itself; and therefore, as some of them may be supposed to have some Influence in his Majesty's Councils, I am afraid that, if we postpone the Motion till we have a Message from the Crown, we must postpone it till the End of the War. The Point really in Dispute is, about taking from the Crown one of those discretionary Powers, it is at present possessed of; and in such a Dispute, Sir, I am no way surprized to hear the Continuance and Utility of that Power argued for by the Gentlemen, who have, or the Favourites of those who have, the Exercise of all the discretionary Powers of the Crown in their Hands; for Ministers are extremely apt to fancy they see great Advantages in every Prerogative of the Crown, and to be quite blind to the Disadvantages it may be attended with. But as I have not the Honour to be concerned in exercising any such Powers; nor, I believe, the Fortune to be much in the good Graces of those that are, I can judge of the discretionary Powers of the Crown with less Prejudice; and I can say without Fear, that I am against all such, where they are not absolutely necessary; for I look upon a discretionary Power to be very near a-kin to an arbitrary one; and am therefore for having as few such as possible. At present the Crown has, 'tis true, the sole Property in all Prizes taken from the Enemy by his Majesty's Ships of War; but I must beg Leave to observe, that this Property is vested in the Crown only as Trustee for the Public; because the whole ought to be disposed of in the most prudent Manner, for the Benefit of the Public; and Ministers may be punished for a Misapplication of that, as well as any other Property belonging to the Public; so that the Power of disposing of those Prizes is not, even as the Law stands at present, altogether discretionary, nor is it near so arbitrary, as some People may perhaps imagine. As our Laws stand at present, the Crown, or rather the Ministers of the Crown have, I admit, a discretionary Power to apply the Produce of those Prizes, that may be taken from the Enemy by his Majesty's Ships of War, to what public Services

Sir John
Barnard.

Anno 13. Geo.
II. 1739.




Services they please, and in what Manner they please. If I thought that the Power they have would always, or even for the most Part be made use of, in the most just and prudent Manner, for the Service of the Public, and for that only, I should be loth to take it from them; I know it might be of great Service to leave it in the Power of the Crown to grant a larger Share of the Prize to some of the Captors, than to others; and sometimes to grant a Share of the Prize, even to those who were not immediately concerned in the Capture. I know that some of those who have, by a Law, a Title to their Share of a Prize, may sometimes behave in such a negligent, or cowardly Manner, as to deserve Punishment rather than a Reward; and therefore it would be of Service to the Public to leave a discretionary Power in the Crown, to reward the Captors according to their several Deserts, if it could be expected that this Power would be wisely and justly apply'd; but this is not to be expected. This Power will, I am sure, like all other discretionary Powers, be often abused, and it may be made to serve very bad Purposes; therefore I am for putting an End to it, by vesting the Property of every Prize in the Captors; and to this I am the more inclined, because I know, that all the Officers and Seamen in the Navy, at least those who have the greatest Merit, would chuse it.

But suppose, Sir, his Majesty were to grant the whole, or a certain Share of every Prize to the Captors by Proclamation; yet the Inconvenience of a Prize-Office would still remain: Without an Act of Parliament he cannot empower the Officers and Seamen to name their own Agents: He cannot by Proclamation order, that with respect to this Nomination, the Minority of the Officers concerned shall be determined by the Majority; or that the Minority of the Ship's Company concerned shall be determined by the Majority; therefore without an Act of Parliament the Grievance of a Prize-Office must still remain, and it cannot be expected that it should be a less Grievance now, than it was found to be in the late Queen's Time. When the Agents are named by Ministers, they are not only apt to levy exorbitant Fees and Perquisites upon the Officers and Seamen concerned, but they are apt to keep the whole Produce in their Hands for a long Time, or for ever, if they can. It is now twelve or thirteen Years since our last Skuffle with Spain; and, I believe, some of the Prizes which were then taken, are not as yet accounted for: I believe, the whole Produce of some of them remains yet in the Hands of those Agents, that were appointed by the Crown; which

which, I am sure, would not have been the Case, if the Agents had been appointed by the Officers and Seamen concerned.

Anno 13. Geo.
II. 1739.



‘ This Inconvenience therefore must still subsist, unless some such Bill, as what is now proposed, be brought in, and passed into a Law; and besides this, several other Things are intended to be established by this Bill, which will be of great Service in the Prosecution of the present War; and which cannot be established any other Way than by an Act of Parliament. The 5 *l.* per Man, Reward, can be given no other Way; and in my Opinion, it is absolutely necessary to give it, in order to encourage our Ships of War to destroy those of the Enemy. Preferment may be one Motive, but that Motive is not of itself sufficient, even tho’ duly and regularly bestowed, which can hardly be expected; for true Merit is seldom the most prevalent Title to Preferment. A pecuniary Reward is a Motive much more certain. Money often makes Men do what nothing else can make them do. Without such a Reward, it is not to be expected that any of our Privateers will attack those of the Enemy. That Privateers seldom attack one another is become almost a Proverb in every Nation of Europe. In King William’s War the French and Spanish Privateers often met in the Bay of Biscay. They were upon opposite Sides in the War; but did they ever attack one another? No, Sir; when they met, they saluted, like good Friends, wished one another a successful Trip, and went upon their respective Business. No one of them ever fought another, but once, that the Captain of a Spanish Privateer, and the Captain of a French one had a personal Quarrel at a neutral Port, whereupon they sailed out to Sea, and engaged their two Ships in the Quarrel. If we have a Mind therefore to have the Enemy’s Privateers destroy’d, we must tempt our own by a pecuniary Reward, as well as the Hopes of Preferment, to attack them; and this can only be done by Act of Parliament.

‘ Lastly, Sir, with regard to the Encouragement intended by this Bill to be given to private Adventurers, to attack and take some of the Dominions belonging to the Enemy: This too can only be done by Act of Parliament. His Majesty may incorporate them by Charter; but he cannot by Charter empower them to sail within the Limits of the South-Sea Company’s Charter, those Limits being exclusively established and secured to that Company by Act of Parliament. Nay, I doubt, if his Majesty’s Commission can give our Privateers a Right to sail within the Limits of that Company’s Charter, because by Act of Parliament it

Anno 13. Geo.
II. 1739.



is declared, that every other Person, besides those employ'd by the Company, that shall frequent or trade to the South-Seas, shall forfeit the Ship and Goods, and double the Value thereof. In our present Circumstances therefore, a new Law is absolutely necessary for empowering our Privateers and private Adventurers to sail within the Limits of that Company's Charter; and till such a Law be passed, we cannot propose to make any great Advantage of the War; for which Reason, I hope the present Motion will not only be insisted on, but agreed to.'

The Right Hon. Sir Robert Walpole then stood up, and delivered his Sentiments in Substance as follows :

S I R,

Sir Robert
Walpole.

Whatever other Gentlemen may think, I can see no Reason why we should be now more jealous of the discretionary Powers lodged by our Constitution in the Crown, than we were heretofore; for, I am sure, no Man can say that his present Majesty has ever made an improper or imprudent Use of any one of them. The Property of all Conquests made, and all Prizes taken from the Enemy, has been vested in the Crown ever since we had any such thing as a Constitution, except for a few Years in the late Queen's Reign; and the War we were then engaged in was so heavy upon the Nation, that it was prudent and necessary at that time to encourage, by an established and public Law, all private Adventurers to distress the Enemy, by giving them the sole and absolute Property in every thing they should take; but I do not think the War we are now engaged in is yet become so heavy as to render it necessary for us to make an Alteration in our Constitution, for the sake of carrying it on with the more Vigour. Besides, there is a very great Difference between our Circumstances now, and our Circumstances when those Laws were made, that are now proposed to be revived. The War we were then engaged in had been declared and continued for above three or four Years before those Laws were made; so that, if any of our Friends had then any Goods on board the Ships of our Enemies, or had granted any Policies of Insurance upon any of those Ships, they could pretend no Excuse, nor had they the least Shadow of an Argument against our shewing no Regard to them, when those Ships fell into our Hands. Whereas the War we are now engaged in is but just declared, and therefore, even our People at Home, as well as our Friends Abroad, may have valuable Properties on board Spanish Ships, which were shipped on board before they heard of the Rupture; or they may have granted Policies of Insurance

for

for large Sums of Money before they had the least Notice of our Declaration of War; in which Case it would be very hard, and in my Opinion unjust, to shew no Regard to them, in case any of those Ships should fall into our Hands.

Anno 13. Geo.
II. 1739.



‘ I admit, Sir, that the Judges of our Courts of Admiralty could not declare those Goods to be lawful Prize, that should appear to belong to our Friends, and to have been shipped on board before the Declaration of War, or even after the Declaration of War, but before the Time limited by Treaties between them and us; but if we should stand peremptorily upon the very Letter of the Law, especially with regard to those foreign Friends with whom we have no such Treaties, it might afford many just Causes of Complaint against us; and our Judges could give no Relief in any Case where the express Letter of the Law is against the Claimants, particularly with regard to Insurance; for tho’ the Insurance was made perhaps here at London before the Declaration of War, the Judge must declare the whole Ship and Cargo lawful Prize, without the least regard to the Insurer; and by this Bill, you will put it out of the Power of his Majesty to shew any Regard to him, or to give him any Relief; tho’ for his Credit’s Sake he would be obliged to pay, even to the Subjects of Spain, the Sum for which he had taken a Premium and granted a Policy.

‘ From these Considerations, Sir, I think it is evident, that our Circumstances are now very different from what they were, when those Laws were made, which are now proposed to be revived; and that the reviving of them so soon after the Declaration of War may be attended with many Inconveniences they could not be subject to, when first enacted: Besides, it is yet a Doubt, whether or no it will be necessary to make such an Alteration in our Constitution, during the present War; and, I think, it ought not to be made, unless it be found absolutely necessary; because whatever Exceptions we may be obliged to make upon particular Occasions, I hope, it will always be held as a general Rule, not to be departed from without Necessity, to vest in the Crown the Property of every Thing taken from a public and declared Enemy, and to leave the Disposal or Application of that Property to our Sovereign.

‘ I readily grant, Sir, that with respect to the Disposal of this Property, the Crown is properly but a Trustee for the Public. The whole ought to be applied, in some Shape or other, to the Service of the Public; and the Parliament may call to Account, and ought to punish severely, any

Anno 13 Geo.
II. 1739.



Minister that shall dare to apply the least Part of it otherwise. But as there are several public Services, to which it may be usefully applied, applying the whole, by an established and unalterable Law, to any one particular Service, may be both imprudent and unjust; and I must think, that those who are entrusted by our Sovereign with the Conduct and Management of our public Affairs, may without any Breach of Modesty pretend, that they are the best Judges of those public Services, to which this Property ought to be applied; for they must know many Facts, and the general Circumstances of the Nation with regard both to our foreign and domestic Affairs, much better than others can do; and if they have not so much common Sense, the Parliament ought to think of bringing about a Change in the Administration, rather than of encroaching upon the Prerogatives of the Crown.

There are four public Services at present to which the Produce of the Prizes taken from the Enemy may be properly applied. It may be given to the Captors, in order to encourage our People to take as much as they can from the Enemy; or it may be applied for giving Reparation to our injured Merchants; or it may be applied for defraying a Part of the Expence of carrying on the War, in order to prevent our being obliged to encroach upon the Sinking Fund, or to load our People with any new or additional Taxes; or lastly, it may be applied towards paying our public Debts. If we should have the good Luck to seize any very valuable Prizes, I shall be so free as to declare, that in my Opinion the Produce of them should be divided, and applied in some certain Proportions to every one of these Purposes, or at least to the first three. I am, as much as any Gentleman can in Prudence be, for encouraging our Seamen; and therefore when the Prize is but of small Value, or not above a certain Value, I should be for giving the whole to the Captors; but when the Prize is of an immense Value, as some of them may, and I hope will be, I am sure, if you give the whole to the Seamen concerned in the Capture, they will be Seamen no more. There is one Ship now expected, Sir, from Buenos Ayres, which is reckoned worth a Million Sterling: This Ship may happen to be taken by one single Man of War: If this should be the Case, in my Opinion, any Minister that should give the whole of such a Prize to the Captors would deserve to be impeached by Parliament; and I must think, it would be a little odd for the Parliament to do by an Act of theirs, what they ought, and, I believe, certainly would impeach a Minister for doing, or advising his Majesty to do.

It would be giving a most extravagant Reward to the Captors, and doing, I think, an Act of great Injustice to the Nation, and in particular to the suffering Merchants. If such a Prize should happen to be taken by one single Man of War, we might give a sufficient Reward to the Captors, and might reserve as much as would go some Length towards giving full Reparation to our suffering Merchants, or towards saving our Land-holders, for one Year at least, a Shilling in the Pound Land-Tax: And both these Sets of Men have, I think, some Title to our Regard, as well as our Seamen. Every War must fall heavy upon our Land-holders; and therefore, when we are successful, some Part of what we get by the War ought to be applied to their Relief: And as to our suffering Merchants, I think, we are both in Honour and Justice bound to make good to them, at least the 95,000*l.* which was to have been paid to them by Spain, in case we had not begun Hostilities against that Nation. We have already got some considerable Prizes; and his Majesty has given his Royal Word, that our suffering Merchants shall be considered, when those Prizes come to be disposed of; but I must observe, that if the Bill, which was brought in two Years ago, had passed into a Law, those Merchants could have expected no Share of these Prizes: And if such another Bill should be passed this Session, they can expect no farther Reparation till the End of the War; and, I think, it would not be altogether just to make them wait till the Conclusion of a War, which may last for several Years, without any Reparation, whilst many others of our Subjects are made rich by the Prizes they take. I must likewise think, it would be still more unreasonable, to make the Reparation of our Merchants depend upon the uncertain Event of a War. By so doing, we may encourage our Seamen, but we shall very much discourage our Merchants; and let us consider, that if we have no Merchants, we can have no Trade, and that without Trade we shall have but few Seamen.

‘ I wish, Sir, with all my Heart, we had already met with more Success than we have done; but those who consider the many Chances that are against us must give Thanks to Providence for the Success we have already met with. In such a wide Sea, as that between New and Old Spain, ’tis a great Chance if our Squadrons meet with any of the Enemy’s Ships. And even tho’ our Squadrons got Sight of them, a dark Night, a Fog, or a contrary Wind intervening, may prevent their being taken. Besides this, the Enemy may probably soon find out how our Squadrons

Anno 13. Geo.

II. 1739.

Anno 13. Geo.
II. 1739.



Squadrons are stationed, and may by sending out several Advice-Boats prevent their rich Ships from coming near those Stations; for several straggling Advice-Boats may more probably meet with a Ship at Sea than can be expected from a Squadron, which must always keep close together. By these means their Assogue Ships escaped Admiral Haddock's Squadron; and yet those Ships would in all Probability have fallen into our Hands, as well as the Caracca Ships, if Admiral Vernon had not been detained in the Channel by contrary Winds, till about the Time of their Arrival in Spain. These Considerations shew, Sir, that it will be a great Chance, if we meet with many rich Prizes during the War; and therefore we ought to make the best Use of those we do meet with. If the disposing of them be left to his Majesty, I am persuaded, the best and the most prudent Use will be made of them; but if it be thought necessary to regulate this Matter by a new Law, I think, I have shewn that it will be no easy Matter to make proper Regulations for this Purpose; and therefore, I hope, Gentlemen will, by postponing the Motion, take Time to consider of what is most proper to be done.'

Philip Gybbon, Esq;

S I R,

Philip Gyb-
bon, Esq;

' The Objections at first made use of against the present Motion were only upon account of its being too early; because, we were told, such Bills ought to proceed originally from the Crown; and that therefore we ought to wait a few Days, in order to give his Majesty an Opportunity to send us a Message for that Purpose. But the Arguments made use of by the Honourable Gentleman, who spoke last, seem to be levelled against the Bill itself, and that therefore no such Motion ought to be made at this Time, or at any future Time. This indeed I suspected would be the Turn which the Debate would take at last; and therefore I foresaw what, I think, is now evident, that postponing the Motion would be the same with rejecting it.

' To vest the Property of every Thing taken from the Enemy in the Captors by Act of Parliament, and thereby to destroy an Office which has always been a lucrative one to the Officers employ'd, who are all named by the Crown, must be allowed to be a Diminution of that Power, which is now lodg'd in the Crown, and consequently in the Ministers of the Crown; and I do not think, that our present Ministers have given us any Room to hope, that they will advise his Majesty to apply for any such Act of Parliament. To tell us, upon such an Occasion, that there is no Reason for our being jealous of any of the discretionary Powers lodg'd in the Crown,

or

or that his present Majesty has never made an improper Use of any of them, is an Argument that, out of respect to his Majesty, ought never to be made use of in this House. His Majesty never has made, his Majesty never can, by our Constitution, make an improper or imprudent Use of any of the Prerogatives of the Crown ; but his Ministers may, and by our Constitution we may in this House say, that they have. We meet here, Sir, to watch over and preserve the Liberties of the People, and therefore we ought always to be jealous of every discretionary Power, be it lodged where it will : We ought to admit of none such, but those that are absolutely necessary for the Administration of our Government, and the Preservation of our Constitution.

Anno 23. Geo.
II. 1739.

“ The discretionary Power, which is to be limited by the Bill now proposed, is so far from being necessary, that it was found to be a Grievance in the last War, and will certainly be found to be one in this. Bills in Parliament are often designed to prevent Grievances that are foreseen, as well as to remedy Grievances that have been felt ; and, I am sure, he must be very little acquainted with the History of the last War, or the Nature of Things, who does not foresee the Grievances which this Bill is designed to prevent. The Prize-Office was in the last War found to be a most intolerable Grievance upon the Officers and Seamen of our Navy ; and the Backwardness that was shewn by our Privateers, and even by our public Ships of War, to attack those of the Enemy, was then found to be a Grievance of very pernicious Consequence to our Trade. These were Grievances that did not proceed from the Nature of the War we were then engaged in : They proceeded from the Nature of Mankind ; and will therefore be found to be Grievances in every War we can be engaged in, unless the same Methods be taken for preventing them, that were then taken for removing them. In public Offices, the Officers will extort Fees and Perquisites from those that are obliged to have recourse to that Office, and will detain in their own Hands the Money that goes through their Office, as long as they can, in spite of all the Care that can be taken to prevent it ; therefore no such Office should ever be established or kept up, if the public Business can be carried on without it. The public Service may be a Motive with some Men for attacking the Enemy's Privateers ; but the Public is generally best served, when Men know that they serve themselves by serving the Public ; and therefore, Care should be taken to join these two Services together in every Case where it is possible. Thus

we

Anno 13. Geo.
II. 1749.



we may see, that both the Grievances that were felt in the last War proceeded from the Nature of Mankind, and consequently must be felt in this War as well as they were in that. What then should hinder us from taking the same Methods now to prevent them that were then taken to remedy them? Those Methods were then found to be effectual, and to be attended with no Inconvenience; and therefore it may, with much more Propriety, be asked, what should make us now more shy of abolishing any of the discretionary Powers of the Crown, than we were at that Time? The Heaviness of that War, Sir, might have been made use of as an Argument for being cautious of diminishing any of the discretionary Powers of the Crown, because in Time of War, the more absolute a Government is, the more vigorously, and the more expeditiously it may exert its Strength; but those, we had the good Luck to have at that Time in our Administration, judged better. They were not so fond of discretionary Powers as to oppose any Diminution, they saw would contribute towards encouraging our Seamen to execute their Orders with Vigour and Alacrity. The Burden of the War, I say, Sir, might have then been insisted on more properly than now; and our Ministers might then, as well as now, have endeavoured to recommend themselves to our County Electors by an affected Compassion for the Burdens thrown upon the Land-holders. But they scorned to amuse any Sett of Men in the Kingdom with such frivolous and shallow Pretences. If they had, I am sure, we should have acquired no such Glory as we did by that War, and the Nation might have been put to a much greater Expence, by being much longer engaged in it; for the more vigorously a War is prosecuted, the sooner it will be brought to a Conclusion; and if, by applying to the present Ease of the People, what should be applied to the Encouragement of those employ'd in prosecuting the War, we should make it endure but for one Year longer than it would otherwise have done, the People will always find themselves Losers by the Favour pretended to be done them, besides the Danger the Nation may be exposed to by a languid Prosecution of the War, and the Loss our Trade must suffer, by not putting so speedy an End to it as we might have done.

• It is certain it is acknowledged, even by those who oppose this Motion, that our Seamen at present shew an Aversion to his Majesty's Service. Let that Aversion proceed from what it will, we ought to endeavour to remove it. To assure them, by Act of Parliament, of the
Property

Property of every Thing they take from the Enemy, and to free them from the Plague of dancing Attendance through an Office for the Recovery and Distribution of that Property, will certainly contribute in some measure to remove that Aversion; and in framing the Bill, perhaps, some new and additional Means may be thought of; therefore, I am astonished to hear a Motion for such a Bill opposed by those, who complain so much of a Want of Seamen for his Majesty's Ships of War. But I am still more astonished to hear them oppose it upon a Pretence, that no such Bill ought to be brought in without a previous Message from the Crown for that Purpose. What a dangerous Doctrine this is, every Gentleman must be sensible of, that considers the Nature of the Bill. It is a Bill for altering, nay for abolishing one of the Prerogatives of the Crown; and shall it be admitted in this House as a Maxim, that we can make no Alteration with regard to any of the Prerogatives of the Crown, unless we have Leave to do so, by a previous Message from the Crown? I hope no Gentleman will insist upon the Necessity of our having any such Leave. I hope it will be unanimously admitted, that all the Prerogatives of the Crown are under the Cognizance of Parliament, and that any one of them may be altered, restrained, or quite abolished by Act of Parliament, when the public Service, or the Safety of our Constitution requires it. Sir, if I were against the Bill, I should be for the Motion, if it were for no other Reason, but because this has been made use of as an Argument against our agreeing to it; for I should be afraid, lest a seeming Approbation of such an Argument should be afterwards made use of as a Precedent for establishing such a Maxim. But as I am for the Bill, I have a two-fold Reason for agreeing to the Motion; and as I think it necessary in our present Circumstances to bring in the Bill as soon as possible, I shall be against postponing the Motion upon any Pretence whatsoever: For if there be such Difficulties as have been represented, in framing a proper Bill for the Purposes intended, those Difficulties can be no way augmented by an Order for bringing it in. Such an Order will awaken the Attention of the Nation, and may probably bring in Assistance from those without Doors, which we cannot expect till we have once ordered the Bill to be brought in; and the sooner it is ordered to be brought in, and Persons appointed for that Purpose, the sooner those Difficulties will be got over; for till then, the solving of those Difficulties may be said to be every Man's Business, and we all know, that what is Everybody's Business is Nobody's Business.

Anno 13. Geo.
II. 1739.



I cannot, indeed, see any of the Difficulties the Honourable Gentleman suggested: We have a Plan before us in what was done last War. Besides, the whole Affair was fully considered, and a Bill actually framed and brought into this House, two Years ago: I wish that Bill had been then passed into a Law: If it had, we might not now have been at War. At least, we should have found less Difficulty in getting Seamen to man our Fleet at the first breaking out of the War; and I cannot yet find out, that our passing it at that Time would have been attended with any Inconvenience.

‘ I am surprized, Sir, to hear the Honourable Gentleman say, that if the Bill had been then passed into a Law, our suffering Merchants could have expected no Share of the Prizes we have already taken. Surely he cannot forget, that the Bill was not to take Effect till several Weeks after his Majesty’s Declaration of War; therefore, it could no way relate to any of the Prizes already taken, or to any we shall take for some time to come. But surely, a Share in those Prizes would have been of small Account in Comparison of the Advantage which the Nation would have gained by our passing that Bill, or the Advantage which the Merchants themselves might have made, by associating to fit out Privateers, or make Conquests by his Majesty’s Ships of War. For this Reason, Sir, neither the Honourable Gentleman, nor his Friends, can now have any Reason to exult in their having then thrown out that Bill; and if they now throw it out a second Time, I believe, they’ll find themselves very much disappointed, if they expect Thanks for so doing from our suffering Merchants, or from any Sett of Men in the Kingdom.’

William Pultney, Esq;

S I R,


William Pult-
ney, Esq;

‘ As I did not expect an Opposition to my Motion, I, at first, avoided taking up your Time with saying any Thing in its Favour; but now it has been opposed by so many Gentlemen, and by Gentlemen of such Weight, I hope I shall be indulged the Liberty of giving you my Reasons for making it, and of adding something to what other Gentlemen have done me the Favour to say by way of Answer to the Objections made against it.

‘ I freely own, Sir, that if I had not made this Motion, I should have been mighty easy about delaying it for a few Days: I should have most readily agreed to such a Delay, if it had been for no other Reason but to oblige those Gentlemen near me, who have always seemed fond of Delays with regard to every Measure that had the Face of War; but

but as they have resolved upon, and actually declared War, since I last had the Honour to meet them in this House; I presumed, they had altered their Affections, and that they would now be fond of every Measure that might contribute towards a vigorous Prosecution of that War, they had at last agreed to declare. If I had but suspected that it was otherwise; or, if they had any Way signified their Desire to me, before I made my Motion, I should have waved it for a few Days; but now it is made, I cannot part with it; because, as an Honourable Gentleman has already observed in this Debate, the postponing of it, after it has been once moved, will be looked on without Doors, as putting a Negative upon it; and this in our present Circumstances may be attended with most terrible Consequences.

Anno 13. Geo.
II. 1739.



If the Motion be popular, Sir, I am glad to hear it: It is, in my Opinion, a very strong Proof of its being right; but I did not make it with any View of Popularity, and should have been glad to have shared the Popularity of it with the Honourable Gentleman near me, and with every Member of this House; which would have been the Case, if it had not been opposed. It will still in some measure be the Case, if it happens to be agreed to; because it will then be the Act of the House, and every Member will have a Share of that Popularity which may be acquired by it. But I must think the Conduct of some Gentlemen, who generally agree in Opinion, very singular upon this Occasion. Some of them say, the Bill I have proposed is so right and so popular a Measure, that we ought to allow the Crown to have the Credit of proposing it; whilst others rise up and tell us, that it is quite wrong, that it would be an unnecessary and dangerous Incroachment upon the Prerogatives of the Crown, and that it would be doing an Injustice to our suffering Merchants, to our Land-holders, and to the People in general.

These two Methods of arguing, I profess, Sir, I do not know how to reconcile. If we should resolve to postpone the Motion, and wait for a Message from the Crown, I am afraid, it would occasion a Division in his Majesty's Councils; and therefore, to preserve the usual Unanimity there, I believe it will be the best Way for us, not to wait for such a Message, but to enter immediately into the Merits of what I have proposed, and if it be right, agree to it. For this end, I shall lay before you the Reasons that induced me to make this Motion, and answer some of the Objections that have been made to it. In the late War, Sir, I mean that in the late Queen's Time, we had so great

Anno 13. Geo.
II. 1739.




Success, and gained so much Glory, that I thought the best Thing we could do in the present War would be to consider our Conduct in that War, in order to make it a Rule for our Conduct in this. With this View, Sir, as soon as I thought that a War with Spain was become unavoidable, which was above two Years ago, I began to recollect the several Steps that had been taken for carrying on the late War. One of the Supports we had in that War, I mean a powerful Alliance upon the Continent, I foresaw, we could hardly expect in this, and that therefore it would be necessary for us to make the best Use of our own Strength. Among the other Methods taken in the last War for exerting our own Strength, I observed, that two Laws had been made for encouraging our Seamen to do their Duty; and for encouraging private Men to join together in Societies for attacking and making Conquests upon the Enemy. As these Laws were made to continue only during that War, I thought it would be necessary to revive them in case of a new War with Spain; and for this Purpose I did, with the Assistance of some other Gentlemen, bring in a Bill two Years ago. The Bill was then rejected, because we were not come to an actual Rupture; but that Objection being now removed, I thought it incumbent upon me to offer my Bill again to the House; and for this Purpose I made you the Motion now under your Consideration.

‘ To encourage our Seamen to do their Duty, and to encourage even private Men at their own Expence to attack and distress the Enemy, must necessarily contribute greatly to a vigorous Prosecution of the War; and if it be vigorously prosecuted, it cannot be of long Duration. Sir, as the Affairs of Europe are at present circumstanced, our very Being depends upon bringing this War to a speedy Conclusion. There is a Spirit of late Years raised in every Nation of Europe for improving their Trade, Navigation, and Manufactures. All the Powers of Europe, except Spain and us, are now at Peace amongst themselves: Our two great Rivals in Trade, the Dutch and French, are in perfect Tranquillity. What then will become of our Trade, if by a languid Prosecution of the War, we allow it to be interrupted for several Years by Privateers under Spanish Colours, whilst our Rivals in Trade are carrying on theirs without any Disturbance? By the Difference of Freight and Insurance, they will be enabled to undersell us, and in a few Years to turn us out of every Market in the known World. Thus our Trade must be undone, unless by a vigorous Prosecution we bring Spain to a speedy Compliance.

Spain

Spain has no Trade to lose: She has no Trade to be interrupted, but that between one Part of her own Dominions and another; and this Trade may be suspended, but cannot be lost by the Interruption. The Spaniards therefore can lose nothing by the Continuance of the War, but what we take from them; whereas We may be undone by a long Continuance, even tho' we should be successful against the Enemy. It is therefore our Business to take every Method that can be thought of for bringing the War to a speedy, as well as honourable Conclusion; and in the mean Time, to take as much Care as possible to prevent our Trade's being interrupted by the Enemy's Privateers.

Anno 13. Geo.
II. 1739.



• Nothing can be more effectual for preventing the Interruption of our Trade, than to encourage our Seamen by a pecuniary Reward, to be diligent in looking out for, and alert in attacking the Enemy's Privateers, wherever they can be met with; and as the Enemy must have their Treasure brought from the West-Indies to Spain in straggling Ships, (for they cannot have it in Fleets or Squadrons) one of the best Ways we can take for distressing them, and thereby compelling them to agree to reasonable Terms, will be to intercept and take as many of these Ships as we can. What can be more effectual for encouraging our Seamen to be diligent in cruising, and looking out for these Ships, than that of assuring them, by Act of Parliament, that all they take shall be their own?

• But, Sir, as this will not of itself be effectual enough for forcing Spain to a speedy Compliance; and as it is incumbent upon us to think of gaining some national Advantage by the War, in order to compensate the great Expence the Nation must be put to in carrying it on; and moreover, as no such Advantage can be gained, but by attacking and possessing ourselves of some of the Spanish Settlements in America; we ought to think betimes of carrying such Projects into Execution. I do not say, that we ought to think of conquering and holding the whole Spanish America; but if we should take Possession of the whole, or greatest Part, which, I believe, is far from being impossible, we might pretend to hold it till the Court of Spain agreed to give us Satisfaction for all past Injuries, and Security against all future. Nay, we ought to insist upon keeping Possession of some Parts of the West-Indies, and upon having the absolute Property of them yielded to us, not only as a Compensation for the Expence we have been and may be at, but as a Security for our Trade in Time to come. As long as we keep to a naval War only,
the

Anno 13. Geo.
II. 1739.



the Spaniards can be no great Sufferers by it: On the contrary, I believe, they will always be Gainers, let us take what Care we will. But if we should once turn them out of the whole, or a great Part of their Possessions in America, they would then immediately submit to any Terms we should propose, in order to have that Possession restored. I am sorry to find that no Measures were concerted for this Purpose, before we began Hostilities against them: for by the Execution of such Measures we ought in good Policy to have opened the War. It is by these Means alone we can force them to a speedy and honourable Peace: It is by these Means alone, we can procure any Security for our Trade in Time to come; and it is by these Means alone, we can propose to get any Compensation for the Expence we must be at in the Prosecution of the War.

‘ If this be the Case, Sir, and that it is, must, I think, appear evident to every Gentleman that considers the Circumstances of the two Nations, ought we not to encourage private Men to assist the Public by endeavouring to make Conquests upon the Spaniards in America? Would it not be of great Service to any public Expedition we may undertake, to have a Sett of private Adventurers attacking the Enemy in one Place, whilst his Majesty’s Squadrons and Armies were attacking them in another? Does not this shew the Expediency of reviving that Law which was made in the late Queen’s Time, for encouraging private Adventurers to attack and make Conquests upon the Enemy in the West-Indies? It had then no great Effect, because People that had Money made so much by turning it in the public Funds, that no Man thought of putting his Money to any other Use; but as that Trade is now, thank God! not near so gainful as it was then, if this Law be revived, the War prosecuted with Vigour by the Public, and our Councils directed by those upon whom the People may depend, I am convinced, the Law will now have a much better Effect. We have all the Reason in the World to expect, that private Adventurers will unite for making Conquests upon the Enemy, if they be convinced, that we are serious in carrying on the War; and that after they have been at a great Expence, they shall not be prevented in their Attempts by an unseasonable Suspension of Arms, nor their Conquests sacrificed by a dishonourable Convention.

‘ We may remember, Sir, that soon after the Revolution there was a Corporation established in the Northern Part of this Island, for making a Settlement in a Part of America, which the Spaniards pretend to belong to them, tho’ they never had, nor have now, the least Right or Title

to it. That Corporation did accordingly make their design- ed Settlement, after having by fair Purchase got a good Title from the Natives to whom it belonged; and, I believe, they would have kept Possession in spite of the Spaniards, if a very preposterous Sort of Jealousy and Envy had not at that Time possessed us in this Part of the Kingdom. Whilst the two Crowns were disunited, I do not wonder that there was a mutual Jealousy between the Southern and Northern Parts of this Island; but after the two Crowns came to be united, I cannot comprehend, how a Disunion and Jealousy still subsisted between the two Nations. Two Nations inhabiting the same Spot of Earth, and that Spot distinct and separated from all other Parts of the Earth, ought surely to have united, and to have removed all Sorts of Jealousy, as soon as possible; that the Northern Part might not be left as an Inlet for an Invasion upon the Southern; and yet, I do not know how that Jealousy remained for some Time after the Revolution, and was the Cause of defeating that Project, which would now have been of great Advantage to the whole Island. If the Bill I have proposed should pass into a Law, that Society may again revive, and may be encouraged to take Possession of what belongs to them. I am convinced, they would now be powerfully assisted by the People in this Part of the Island; and, I hope, our Government would likewise give them all proper Encouragement and Assistance.

• From what I have said, Sir, I hope it appears, that the Bill I have proposed to be brought in must contribute greatly towards a vigorous Prosecution of the present War, and consequently towards procuring us a speedy, an honourable, and an advantageous Peace. This was the Reason that induced me to move for its being brought in; and my Reason for making this Motion so early, proceeded from the great Distress we are in for want of Seamen, and the Unwillingness they generally shew to enter into his Majesty's Service. That we are in a very great Distress for want of Seamen, will not, I believe, be denied even by those who have the Honour to be employ'd in our Administration; for they would not surely have put such a Stop to our Trade by Pressing and Embargoes, if a sufficient Supply for his Majesty's Navy could have been got by any other Means. This Distress, Sir, I think it no very difficult Matter to account for. Our Seamen have for these twenty Years been not only neglected, but ill-treated. They have been upon every Occasion, and often without Occasion, pressed and hawled like Slaves on board our Men of War, without allowing them so much as the Li-
berty

Anno 13. Geo:
II. 1739.

Anno 13. Geo.
II. 1739.



berty of chusing which Captain they would serve under. They have been discouraged from entering into his Majesty's Service by sending them upon Expeditions with such Instructions, as sometimes exposed them to great Dangers and Hardships, and at all times disabled them from gaining either Riches or Renown. They have been often dismissed, before their Wages would answer the Charge of fitting themselves out; and they have been dismissed at Ports, from whence they had many Miles to travel on Foot, perhaps without a Penny in their Pocket, before they could come at any Place where they could expect to get into the Merchant-Service, or into any other Business. These, and many other Hardships put upon them, drove some into foreign Service, made others leave the Sea, and betake themselves to some Employment at Land, and discouraged all in general from breeding themselves or their Children to the Sea-Service. By these Means, our national Stock of Seamen, if I may so express myself, has been greatly diminished; and those that remain, have been made to conceive such a Distaste of his Majesty's Service, that we find, they often run the Risk even of Death itself rather than be forced into that Service.

• From these Causes, Sir, our present Distress for want of Seamen proceeds; and as I think the Bill intended by this Motion will be a great Encouragement to Seamen, and likewise to Landmen, to enter into his Majesty's Sea-Service, I resolved to move as soon as possible for its being brought in, because I was, and am still convinced, that the very Motion for bringing in such a Bill, if it be agreed to, will contribute not a little towards removing our present Distress; but if it should be either refused or postponed, I shall be extremely sorry for having made it. It will dispirit those Seamen that are already in the Service; it will prevent our Seamen that are Abroad from having any Thoughts of returning Home; and it may probably make some of those that are now at Home fly into foreign, that they may not be pressed into his Majesty's Service.

• Having thus, Sir, laid before you some of the chief Reasons that induced me to make this Motion, and to make it so early, I shall next take Notice of some Objections that have been made against it; and I must say, I was a little surprized at the first that was made. As I was conscious of the Innocence of my Intentions, I could not but be surprized at my being accused of shewing a sort of Disrespect to the Crown, by moving for such a Bill without a previous Message from the Crown for that Purpose. I am no Minister, Sir; I have no Share in any of his

his Majesty's Councils, and therefore I cannot certainly know what may be agreeable to the Crown; but as a Country Gentleman and a Member of this House, I supposed, that a Bill for promoting the Service of the Crown could not but be agreeable to the Crown; and I could not suppose, that in such a Case it was necessary to wait for a Message; especially when I considered, that Bills of the same Nature had before been brought in and passed into Laws, without any previous Message from the Crown. Nay, the very Bill now intended was brought in two Years ago without any such Message, and not the least Complaint made against it on that Account. The offering such a Bill at that Time, might perhaps by some be thought premature; but now it must be agreeable to every one who wishes to see the present War vigorously prosecuted, and honourably and speedily concluded; and for this Reason, I am sure, it will be agreeable to his Majesty, if the Intention of the Bill be honestly and fairly represented to him, whatever it may be to some of those who have a much more free Access to him than I have.

Anno 13, Geo
II. 1739.

So much I thought myself obliged to say, Sir, in my own Vindication; and as this Objection has already been shewn to be nothing but a Pretence, I have no Occasion, I think, to take any farther Notice of it. The other Objections are of a different Nature: They are Objections against the Bill itself, as well as against the Motion; and were chiefly insisted on by the Honourable Gentleman that spoke last on the other Side of the Question. Those that spoke before him, insisted principally upon the Unseasonableness of the Motion; but he threw aside all Disguise, and directed his whole Artillery against the Bill itself; and therefore, I must add a little to what has been extremely well said by my worthy Friend that spoke last, by way of Answer to his Objections.

The Honourable Gentleman endeavoured, Sir, to shew a Difference between our present Circumstances, and the Circumstances we were in, when such a Bill as this was passed in the late Queen's Time. Does he think, that if the Grievances which were afterwards felt, had been foreseen at the Beginning of that War, those Bills would not have been brought in and passed the very next Session after that War broke out? The Inconveniences he has mentioned, would not, I am sure, have been thought of any Weight by that Administration, whatever they may be by this. The Difficulty about Goods put on board an Enemy's Ship before the Declaration of War, or within the Time limited by Treaties, has already been fully answered;

Anno r3, Geo.
II. 1739.

and as to the Difficulty about Insurance, I believe, all the Spanish Ships, upon which any Insurance was made before the End of May last, are now arrived at their designed Ports. If the Insurance was made since that Time, the Insurer ought to suffer; because it was then evident that there would be a Breach between Us and Spain: But in order to remove this Difficulty, and to gain the Honourable Gentleman's Approbation of what I propose, which I believe is extremely necessary for securing its Success, I shall be ready to agree, that the Bill shall not commence or begin to take Effect, till so many Weeks in Europe, and so many Months in America after his Majesty's Declaration of War, as are stipulated by Treaties between us and any of our Friends, or Allies.

As for our Merchants, Sir, that suffered by the Spanish Depredations in time of Peace, I wish we had shewn a proper Compassion for them several Years ago: If we had, I am sure they would not have suffered so much; and they might probably have got full Satisfaction before this Time. But when we are thinking of shewing Compassion for those that have suffered by our peaceable Measures, we ought to think of shewing Compassion for our Merchants and Trade in general, which must suffer and may be undone by a long Continuance of the War. If we do this, we shall think of nothing but of putting a speedy and honourable End to the War. This ought to be our principal Aim; and if we allow ourselves to be diverted from this, by a Regard for any Thing else, we may probably find ourselves disappointed of both, which, in the end, will be a much greater Loss even to our suffering Merchants, than the Advantage they can reap by having a Share of such Prizes as may be taken during the War. And as to our Land-holders, or any other Set of Men in the Kingdom, that may be relieved by applying a Part of the Prizes towards defraying the Expence of the War. If the Hon. Gentleman has a real Concern for their Relief, and for relieving them in such a Way as may not interrupt our Prosecution of the War, he should agree to this Bill; because it may be the Cause of the War's being carried on principally at the Expence of private Men. It is remarked by all Historians, as a Piece of good Conduct in Queen Elizabeth, that she often got her War against Spain carried on at the Expence of private Adventurers, who did infinite Mischief to the Enemy, without putting that wise Queen to any other Expence, than that of lending them a few of her Ships of War. But I question much if this Example will be followed in the present War; for some People are so
fond

fond of touching public Money, that they are, I believe, Anno 13, Geo.
 afraid lest any Money should now be laid out in the Pro- II. 1739.
 secution of the War, that does not pass through their
 Fingers.

‘ I believe, no Man will doubt of my rejoicing in the
 Success we have already had in the War; but I must ob-
 serve, Sir, that if it had been begun, as it was either in
 Queen Elizabeth’s, or Oliver Cromwell’s Time, our Suc-
 cess might probably have been much greater. We might
 have been by this Time in Possession of some of the Ene-
 my’s Provinces, as well as some of their Ships; and if
 proper Care had been taken, I am sure, they could not
 have been in Possession of so many of our Merchant Ships
 as they are; for, notwithstanding the Success we have had,
 I believe, they are pretty equal with us upon the Balance,
 at least in the Seas of Europe, whatever they may be in
 those of America; for as that Part of the World is not so
 immediately under the Influence of our domestic Councils,
 I do not know but that the War may be carried on there
 with a little more Vigour. But whatever Prizes we may
 meet with, either in the Seas of Europe or America, I am
 for giving the whole to the Captors, let it be of what Va-
 lue it will. Whoever has it, it will be so much taken from
 the Enemy, and added to the Wealth of this Nation; for
 whatever belongs to private Men, belongs to, and may be
 reckoned a Part of the public Stock of the Nation. If it
 be divided among our Seamen, it will soon circulate, and if
 considerable, may contribute to reduce the Interest of Mo-
 ney, which will be an Advantage to our Trade in general,
 and to every private Man in particular, except Usurers
 and Pawn brokers. Suppose some of our Seamen should
 by a rich Prize get great Fortunes, and should take such
 Care of what they get, (which is seldom the Case) as to
 prevent their going to Sea any more: Instead of dimi-
 nishing, it would increase our Number of Seamen; for if
 we should lose 2 or 300 Seamen by such a lucky Accident,
 their good Fortune would send 10,000 to Sea in their
 Room; so that the Nation can no way suffer by giving
 the whole of every Prize to the Captors, and it will con-
 tribute a great deal towards a vigorous Prosecution of the
 War.

‘ However, Sir, as I am willing to gain at any reason-
 able Rate the Honourable Gentleman’s Approbation to a
 Bill, which I think so necessary in our present Circum-
 stances, if he thinks it too much to give the whole of a
 Galleon or Register Ship to the Captors, we may easily
 guard against this Inconvenience by excepting such Ships

Anno 13, Geo
II. 1739.



out of the Bill, which I shall, for the sake of having his Concurrence, agree to; tho' I think it not quite so right, because I am afraid, it may be the Cause of some of those Ships escaping, when they might otherwise fall into our Hands; which will be a double Loss to us, by preventing our adding to our own Wealth, and by adding to the Wealth of our Enemies, whereby they will be enabled to continue the War longer, or to prosecute it with more Vigour against us.

• I shall readily grant, Sir, that, notwithstanding the best Measure we can concert, and the utmost Care we can take, many of the Enemy's Ships may escape us by various Accidents at Sea; but this, in my Opinion, ought to be an Argument for our giving the greater Encouragement to our Ships of War to be diligent in cruizing, and watchful in looking out for them; and therefore, I think, our giving the whole of every Prize as an Encouragement to the Captors, is the best Use that can be made of those Prizes we may have the good Luck to meet with. To this I must add, Sir, that this Uncertainty of meeting with their Ships at Sea ought likewise to be an Argument for our resolving to attack them at Land, as well as Sea; and that therefore, in order to save the public Expence as much as possible, we ought to encourage private Adventurers to attack and make Conquests upon them at Land. So that this Uncertainty, instead of being an Argument against the Bill, is in every respect an Argument in its Favour.

• Thus, Sir, I hope, I have fully answered every Objection against the Bill, that was not before sufficiently removed: I hope, I have shewn, that the Objections are such as do not in the least affect the Motion, because they may be effectually removed by proper Clauses and Expressions in the Bill; and therefore, if a Negative should be put upon this Motion, I shall look upon it, I believe most Men will look upon it, as a most terrible Omen with respect to our future Conduct in this just and necessary War. To most People without Doors it will be a Confirmation of what his Majesty has been pleased to tell us in his Speech from the Throne. They will from thence conclude, that his Majesty has secret Enemies, not only at Home, but in his own Councils; and I wish the Obstinacy of Spain, and the Conduct she has of late Years dared to hold towards us, may not be more owing to this, than to those Divisions and Animosities that subsisted amongst us before the War broke out; for as those Divisions and Animosities were entirely owing to some of our People's shewing too great a Fondness for Peace, she could from thence expect no Advantage
after

after a Declaration of War, unless she had Reason to believe that those very People would betray us into an imprudent, pusillanimous, and destructive Method of prosecuting the War, in order to justify, by our Misfortunes and Want of Success in War, the Fondness they had before shewn for an infamous and ruinous Peace.

Anno 13, Geo
II. 1739.

November 26. This * Bill being read a first time, Horatio Walpole, Esq; spoke as follows :

Debate on the
first reading
the Bill.

SIR,

I shall very readily own, that it may be necessary to pass a Bill of this kind at the present Juncture; but I think at the same time no Bill ever was brought in since I had the Honour to sit in this House, which deserves a more mature Deliberation. Gentlemen, I observed in the last Debate upon this Bill, talked of it, as a very right Thing to bring in such a Bill, because the like was brought in and passed three or four and thirty Years ago. But Gentlemen will please to consider that there is a great Difference betwixt that Juncture and the present. We had then been at War with Spain and France for seven or eight Years; at present we have not been at War with Spain above so many Weeks; and we are as yet at Peace with France. Now, Sir, tho' I know that Gentlemen say upon this Head, We have no Reason to be afraid of France; we are at War with Spain, and we will distress her every way we possibly can; I say, Sir, tho' this is the Language of Gentlemen upon this Occasion, I can by no means agree that we ought always to do in Prudence what we may do with Justice. I am afraid, Sir, that tho' by Treaties with Spain all other Nations are precluded from having any Concern in their Treasure, that Practice and Custom have established a kind of Right, at least, Sir, they have come to look upon it as a Right, to a Share in the Treasure of the Plate Fleet. It is no Secret, Sir, that the French have thought this Right so well established, that they have actually claimed their Shares by Memorials at this Court, when a Part of that Treasure fell into our Hands while we were at War with Spain. Now, Sir, tho' I am far from being of Opinion that we ought not to distress Spain for fear of France, yet I think we ought by no means to provoke France wantonly, without being able to distress Spain the more. The French, as I am informed by People who know very well, have seven in nine Parts of the Galleons that center with them, and most Part is actually their own Property before it is landed in Spain. — We are now at War with Spain — We pass this Bill — We

fix

* Never before printed.

Anno 13, Geo
II. 1739.

fix a limited time for its taking Effect, as by the Nature of all our Treaties we must. What is the Consequence, Sir? Why the Consequence is, that France will look upon this Bill as affecting her more than it does Spain; she will look upon it as a kind of Trap laid by the Parliament of Britain for intercepting her Property; for I observe that, by this Bill, the Crown has no Power to restore any Part of the Treasure taken by our Ships, even tho' it should be proved to belong to France or Holland; nay, tho' it should belong to our own Subjects. Don't Gentlemen apprehend that this must alarm France? Supposing at the Time the Bill takes Effect the Galleons are coming Home, and our Ships intercept them; every Shilling of the Money there must fall to the Sailors and Crews of our Ships. Neither the French, the Dutch, nor in short any body can reclaim a Farthing of it. How would this Nation, how would our Neighbours take it? Would not our Merchants think that some Part of it should repair the Loss they have sustained from Spain? Would not our Neighbours think that it was little better than robbing of them? Consider, Sir, that the short time since this War has been declared, has not given them any Opportunity of taking these Precautions with regard to Spain, that they might and certainly would otherwise have taken; and I believe, if the Case were our own, we should think ourselves very hardly used. Therefore, Sir, tho' I don't say but that this is a right Bill, I think Gentlemen ought to consider whether it is not wrongly timed. We are to consider, Sir, whether some Part of the Money which may be taken from the Enemy may not be better applied; nay, whether our suffering Merchants have not a just Claim to so much of it as may repair their Losses. We are likewise to consider, whether our passing this Bill may not lose you a great Number of your Seamen, by making them too rich to go to Sea; for I remember to have heard my * honourable Friend who sits by me say, that if at the Time he took and destroyed the Galleons in America, he had done it but six Weeks later, by which Time the Bill for encouraging the Trade to America would have taken Effect, that his Share of the Prizes must have amounted to half a Million of Money.'

Mr. Pulteney,

SIR,

William Pulteney, Esq;

' I think all the Considerations that the honourable Gentleman has talked of, can no way affect this Bill. If there

* Sir Charles Wager.

there is any thing in them, the proper Time for the honourable Gentleman to mention them, is when the Bill shall be committed. I don't say, Sir, but that this Bill may receive great Amendments in the Committee; I dare say I see † several Gentlemen over the way who are capable of giving us great Lights how to make the Bill a useful one.

Anno 13, Geo
II. 1739.

'As to what the honourable Gentleman has said with regard to France, I think I remember, Sir, somewhat of an Article in one of our Treaties that the French shall not accept of any Trade to the Spanish West Indies. I think, Sir, it is high time for us now to take Care that they may have as little as possible. The honourable Gentleman behind us has mentioned some Considerations; let me in my turn beg leave that Gentlemen will consider what we are doing, if we don't check any Power that shall trade to the Spanish West Indies. Why, Sir, if we don't, we put it in their Power to bring Home their Treasures, and to carry on their Trade in the Bottoms of neutral Nations; so that Spain can never feel the Misfortune of being at War with us, and our Neighbours may, at our Expence, bid fair for running away with all the Trade both in Europe and America. I could say a great deal more upon this Head, Sir, but I think it unnecessary at present. If, when the Bill shall be committed, Gentlemen shall have any Objections to offer, I will do my best to clear them: In the mean time I hope, that nothing that has been yet thrown out that will prevent its being read a second time.'

Mr. Corbet.

SIR,

'I own, I lie under several Difficulties with regard to the Bill; but as the honourable Gentleman who spoke last, said that there will be an Opportunity of debating upon the Amendments that may be thought proper, in the Committee, I shall now mention but one; which one I cannot mention in the Committee. It is with regard to the Method of bringing in this Bill. Gentlemen have spoken a good deal of the Bill passed in the 6th of Queen Anne; and we have been told that this Bill is the same; but Gentlemen will please to consider, that that Bill came before this House in consequence of the Crown's resigning, and the Lord High Admiral of England's resigning, previously, all their Share in the Captures. I don't tell Gentlemen that this was done in any formal Message at the time when this Bill took Place; on the contrary, I believe, this Resignation was

Mr. Corbet.

† *The City Members.*

Anno 13, Geo.
II. 1739.



was made three or four Years before: But if Gentlemen will give themselves leave to consult the History of that Time, they will find such a Cession was actually made. Now, Sir, tho' there is at present no High Admiral, yet I conceive the Commissioners of the Admiralty have that Post in Trust for any future Admiral; and I think they have a Right to take Care that his Privileges do not suffer; I am not sure, Sir, but that they have a Right to be heard by Counsel upon this Point. In any shape I apprehend we ought to wait till we have a Message from the Crown, which I am persuaded we shall have if his Majesty shall think that this Bill is of any Service to the Nation.'

Mr. Sandys, †

SIR,

Samuel Sandys, Esq;

What has fallen from the Gentleman who spoke last, reduces this Point to this single Consideration, Whether it is in the Power of the Parliament of Great Britain to dispose of the Property of Prizes taken from an Enemy; or whether they belong to the Crown or the Nation? Sir, I never thought that this could have admitted of any manner of Doubt; and I have looked over the History of the Time the honourable Gentleman has mentioned, but I cannot find that this House ever made any Application for leave to bring in this Bill. I can't find that either the Queen, or Prince George, who was then Lord High Admiral, were consulted about it; I cannot find that any Message or Speech was delivered, which could give them a better Right than they had before to dispose of Prizes. The Parliament thought it a right Bill, they therefore passed it without consulting either the Queen or the Admiral; and the Message mentioned by the honourable Gentleman will be found upon your Journals to have had no manner of Influence upon their Proceedings at that time.'

The Bill was afterwards ordered to be printed; and having passed both Houses, received the Royal Assent.

Debate on raising a Body of Marines.

The 27th the House proceeding to take his Majesty's Speech into farther Consideration, Mr. Sandys expressed himself as follows:

SIR,

Samuel Sandys Esq;

' His Majesty, in his Speech from the Throne, having been so gracious as to tell us, that he had called us together, at

† Since Chancellor and Under-Treasurer of the Exchequer, and one of the Lords of the Treasury; on the Resignation of Sir Robert Walpole, (Earl of Orford.)

at this time, sooner than has been usual of late Years, that he might have the immediate Advice and Assistance of his Parliament at this critical and important Conjunction, I, from thence, thought it was the Duty of every Member of this House, to consider our present Circumstances, and, if he could think of any thing that might contribute to our Success in the present War, to lay it before the House, that, in case it should be approved of, it might be offered as the Advice of this House to his Majesty.

Anno 13, Geo.
II 1739.

For this Reason, Sir, I hope I shall stand excused, in what I am to offer to your Consideration; for, I think, no Gentleman can be accused of Presumption, when he does no more than what is his indispensable Duty, and what his Majesty has told us he expects from us, as Members of this House. We have already in one Instance answered his Majesty's Expectations. We have laid before him the Advice of his Parliament, with respect to the Conclusion of the War. What I am to offer, relates to the Method of conducting it. If the Advice I am to offer be approved of by this House, I am convinced it will be followed by his Majesty; and if it be followed, it will contribute towards the War's being brought to that Conclusion which we have advised his Majesty to aim at.

In the Prosecution of this War, Sir, there are two Things chiefly to be regarded. That is, the carrying it on in such a manner, as may be most effectual for compelling the Enemy to submit to reasonable Terms of Peace, and least burdensome, and least inconvenient to ourselves.

From this Consideration, Sir, I cannot but highly approve of what his Majesty has likewise been pleased to communicate to us from the Throne: I mean the raising of a Body of Marines. At the Beginning of every War we must necessarily be in some Distress for want of Seamen; because in Time of Peace, no more Men will breed themselves up to Sea, than are necessary for supplying the Merchant Service, and the few Guard Ships and Men of War we keep in Commission in a Time of profound Tranquillity; which must of course occasion a Deficiency of Seamen when a War first breaks out; especially after the Nation has been, for a great Number of Years, in a continued State of Peace. This Deficiency, which proceeds from the natural Course of human Affairs, we can no way supply at the Beginning of a War, but by sending a Body of Land-Soldiers or Marines, to serve on board our Men of War; unless we should, for the sake of supplying our Men of War with all thorough-bred Seamen, put an entire Stop to our Trade, which ought never

Anno 13, Geo.
II. 1739.

to be done, but in the Case of imminent Danger from an impending Invasion.

• This is a Danger, Sir, which is far from being the certain Consequence of every War we can be engaged in; and therefore, at the Beginning of every War which is not attended with any such Danger, as we have then no Occasion for keeping up a large Body of Land Forces at Home, we ought to indulge our Trade, by sending Land-Men, or Land-Soldiers, to serve as Marines on board our Men of War, in order thereby to leave a sufficient Supply of expert Seamen for our Merchant-Service, and for carrying on our Trade; for, as it is not our Interest to make any Conquest upon the Continent of Europe, the Protection of our Trade is the only Motive, peculiar to ourselves, that we can have for going to War; and it would be very ridiculous in us to carry on a War for the Protection of our Trade, in such a manner as to destroy it. And this, of putting a great Number of Land Soldiers, by way of Marines, on board our Men of War, is the more prudent and the more necessary, because, as few of our Merchant Ships carry more Men than are barely sufficient for navigating the Ship, they can employ none but expert Seamen; whereas a Man of War does not require above one half, or one third, of her Complement, to be thorough-bred Seamen. With regard to the other half, or two thirds, as they are to be employed in Fighting, and are not necessary for navigating the Ship, Land-Men may, in a few Days, be made as fit for the Service, as the most expert Seamen whatever; and, if those Land-Men be such as have been bred to military Discipline, they will be better, and more useful for making Invasions and Incurfions upon the Enemy at Land, than the most expert Seamen, very few of whom are ever bred to that sort of Discipline, which is necessary to be observed in Land-Engagements.

• Every Gentleman must therefore highly approve of his Majesty's having resolved to raise a Body of Marines; and the manner of raising this Body of Marines, is what I am now to propose to you for your Consideration. In my Opinion, Sir, this Body of Marines ought to be raised by making proper Draughts out of the regular Regiments now on Foot in Britain and Ireland; because, I think, a Body of Marines raised in this manner, will be more useful against the Enemy, and not only less expensive, but more convenient to ourselves, than a Body of raw, undisciplined Men, newly raised for that Purpose. As the Spaniards have no Trade, and very few Ships at Sea, we cannot propose to force them to agree to such Terms as we can safely or honourably accept

cept of, unless we attack them at Land, in some Part of Anno 13, Geo. II. 1739.
 their Dominions. I think we ought to attack them in every Part. When I say so, I do not mean, that we shou'd endeavour to make a Conquest of any Part of their Dominions in Europe; but, I think, we ought to have a Fleet, with 5 or 6000 Marines and Land-Forces, continually hovering about the Coasts of Spain, and making Invasions at every Place where they can find a proper Opportunity; for, notwithstanding the numerous Land-Army now kept up in that Country, they cannot have 5 or 6000 Men at every Place where our Troops may land, and therefore, with such a Body of Land-Forces we may plunder and destroy many Parts of their Country, and keep their maritime Provinces in a continual Alarm; and, for this Purpose, I am sure a Body of Marines drawn from our regular, and, I hope, well-disciplined Regiments, will be much more serviceable, than a Body of Marines composed of raw and undisciplined Men.

‘ As for the Spanish Dominions in America, Sir, I believe no Man questions but that we ought to attack them. Nay, we ought not only to attack them, but we ought to take and hold some of them, for the future Security of our Trade in that Part of the World; and, if disciplined Troops are not better than raw and undisciplined Men for that Purpose, I am sure we have been at a great Expence in keeping up a numerous Army for many Years to no Purpose. I indeed wonder, that a large Detachment of our regular Troops has not been already sent into that Country. In my Opinion, if we had considered what we were about, or what was the most probable and effectual way, either of distressing the Enemy, or gaining an Advantage to ourselves, we should have begun Hostilities, by sending a well-provided Squadron and Army to America. This we might have done without declaring War. It was time enough to declare War when they were arrived there and ready to attack the Enemy. If we had done this, we might in a short time, perhaps before now, have been in Possession of what would have forced Spain to agree to our Terms.

‘ But this, Sir, is Time past, which is not to be recalled; let us therefore look forward, and do the best we can, in Time to come. I have shewn that a Body of Marines, drawn from our regular Regiments, will be the most serviceable for attacking the Enemy, and it is certain, that this Method will be the least expensive, and most convenient for ourselves. By this Method, the additional Charge will be but very inconsiderable; and the Country will be freed from the Inconvenience and Expence of quartering a great Number of

Anno 13, Geo.
II. 1739.

useless Troops. I say useless, Sir, and, I think, I may most justly say so; for, in a War with Spain, every Man that is kept in this Island, above the Number that is absolutely necessary in a Time of the most profound Tranquillity, must be allowed to be useless. We cannot be in the least Danger of an Invasion from that Country, considering the present Circumstances of the two Nations. We were never more united amongst ourselves, than we are at present. There is a most general, and, I am sure, a most just Indignation against the Spaniards, stirred up in every Corner of the three Kingdoms, and among all Ranks and Degrees of Men; and therefore, we can be in no Danger of an Invasion from thence, unless it were to be made with such a Number of Troops as would be sufficient to conquer the three Kingdoms. This we know they cannot accomplish: There is not in all Spain, Ships enough for transporting such a Number of Troops; and, if they had Ships, they could not, in the whole Kingdom of Spain, find Provisions enough for victualling such a numerous Fleet of Transports.

‘ We can therefore, Sir, have no Use for such a numerous Army here at Home; and, since we have no Use for them here at Home, for this Reason alone, if we had no other, we ought to send a great Number of them to serve as Marines on board our Men of War. But I have already shewn, that they must be of more Service both at Sea and at Land, than raw, undisciplined Men can be supposed to be; and therefore I shall add no more, but conclude with moving, That an humble Address be presented to his Majesty, humbly to lay before him, as the Advice of this House, that he would be pleased to give Directions, that the Body of Marines intended to be raised, may be done in the most frugal manner, and put upon the least expensive Establishment, by having as many private Men, and as few Officers, as the Nature of the Service will admit; OEconomy at first setting out, being absolutely necessary to enable us to support his Majesty in the vigorous Prosecution of this War; and as Draughts from the present Regiments of Foot, which are all equally proper to be employed, either by Land or Sea, will be attended with the least Expence, as well as be most expeditious for any immediate Service, humbly to recommend that Method to his Majesty, in tender Compassion to his People, already burdened with many heavy and grievous Taxes; and, to assure his Majesty, whenever he shall judge it necessary to increase the Corps, from whence such Draughts are made, that his faithful Commons will most readily enable him to do it; being fully convinced, that their
Safety,

Safety, and all that is dear to them, consist in the Preservation of his Majesty and the Protestant Succession.' A. No 13, Geo.
II. 1739.

Philip Gibbon, Esq; *

SIR,

'The Method proposed by my Honourable Friend for raising a Body of Marines, I always thought so reasonable, that when the Regiments were last Summer brought from Ireland, I imagined they were brought over for that very Purpose; and therefore, I could not but be in some sort of Surprize to hear such Complaints for want of Seamen, and to see our Trade so much interrupted and distressed by Pressing and Embargoes, whilst these Regiments, and all our other Regiments of Foot in Great Britain, were lying idle in their Quarters, and oppressing all the Inns and other Public Houses in the Kingdom. Nay, even when I heard, by his Majesty's Speech from the Throne, that we were to have a Body of Marines, I still imagined, they were to be raised by sending some of our Foot-Regiments, or Detachments from all of them, to serve on board our Ships of War; and this continued to be my Opinion, till I saw the Estimates which have been delivered into this Session of Parliament.

'But, Sir, when I saw these Estimates, I was astonished to find, that what was to be called a Body of Marines, was to consist of six Regiments of Land-Forces, all to be new raised, and to consist mostly of Men never trained to any sort of martial Discipline either at Land or Sea. This certainly is loading the Public with a very great, and, in my Opinion, a very unnecessary, additional Charge, and forming a new Body of Land-Forces, which are not, I hope, to be employed as Marines, or in any other manner sent against the Enemy; for, surely, if we have a Mind to prosecute the War with Vigour; if we expect, or intend to have Success in the War, we ought to employ our oldest and best Corps in the Prosecution of it, and keep our youngest, or new-raised Regiments at Home, till they have made themselves so much Masters of military Discipline, as to be fit to be employed against the public Enemy. This was the Method we took in the Prosecution of the last War: We were not then so much terrified with Invasions, tho' we were often threatened with them, by an Enemy that had some sort of Power to put such Threats in Execution; I say, we were not then so much terrified with such Phantoms, as to keep our best Troops at Home to defend us from them. If we had,

we

* Since made one of the Lords of the Treasury.

Anno 13, Geo. II. 1739. we should not have had such Success in the War Abroad; where, if we had been unsuccessful, the Danger of an Invasion at Home would have become not only real but irresistible.

‘ If it be really necessary to raise new Regiments of Land-Forces, let them be raised upon the same Footing with the other Land Forces, in order to re-place those that are to be sent against the Enemy, or employed on board our Ships of War. Even this would save the Public some of that Expence I find calculated in the Estimate, for the six new Regiments, which are to be called Marines. But do not let us send raw and undisciplined Men upon any Expedition against the Enemy, when we have such a Number of old Regiments, that must be allowed to be more fit for that Purpose. These we ought to send Abroad, even supposing that we were in immediate Danger of being invaded with a formidable Number of Troops, and therefore obliged to keep such a numerous Land-Army at Home as we now have in Britain and Ireland; because, by carrying the War to the Doors of our Enemy, we may prevent its being brought to our own. But, as I think we neither are, nor can be in any such Danger, as long as Spain continues alone in the War against us, I cannot think we have as yet any Occasion for raising any new Regiments: I must think, we can spare, out of those we have now upon the Establishment, a sufficient Number for our Ships of War, and likewise for invading the Enemy both in Europe and America; and therefore I shall conclude with seconding the Motion, which my worthy Friend has been pleased to make.’

Sir William Yonge.

S I R,

Sir William
Yonge.

‘ I have often heard that, according to the old Maxim of our Constitution, the King is invested with the sole Power of making Peace and War; but, from the late Conduct of some Gentlemen in this House, I begin to doubt whether this ought to be allowed as a Maxim in our Constitution. There are some amongst us who, of late Years, have taken upon them to prescribe to his Majesty not only when, but how he is to make both Peace and War. In the last Session, there were, among us, many Gentlemen who seemed willing to prescribe to his Majesty, when he was to make War: In this Session, we have already, by an Address, prescribed to him how he is to make Peace; and now it is proposed, that, by another Address, we should prescribe to him how he is to make War. Our last Address, tho’ I could not think it altogether so decent, I did not oppose, because I saw no bad
Conse-

Consequences it could be attended with, and because I believed, that what was thereby recommended, was what his Majesty had previously resolved on, as a Rule from which he was not to depart in any future Treaty of Peace; and, as I did not then oppose it, I shall not now find fault with it, especially since it is become the Act of this House, by being unanimously agreed to; for I shall never indulge myself in that Liberty, which is too often taken by others, of finding fault with any thing that has once had the Sanction of this Assembly.

Anno 13, Geo.

II. 1739.

But as to the Address now proposed, Sir, I shall be extremely sorry, if it should be approved of by the Majority of this House. Let it be considered in what Light you will, it is such a one as I must oppose. If it be considered as a Rule to be prescribed to his Majesty, with regard to the Methods of carrying on the War, I must look upon it as disrespectful to the Crown, and an usurping of a Province, which, by our Constitution, does not belong to this House. And if it is to be considered as an Advice humbly offered to the Crown by this House, I must be against it, because I think it would be a very bad Advice, and such a one as might be attended with the most fatal Consequences. But, suppose it did not appear so to me; suppose I could not determine whether the Advice be right or wrong, yet I should oppose it, because I shall always think it wrong in us, and inconsistent with the Dignity of this House, to pretend to give Advice in any Case, where it is impossible for us to be proper Judges. We may judge of national Rights, and may advise his Majesty not to agree to any Terms of Peace, unless those Rights be fully established; but it is impossible for us to judge of the proper Methods for prosecuting a War, or of the Number or Nature of the Troops that ought to be employed in that Prosecution. It is impossible for us to be competent Judges in this respect, without knowing all that secret Intelligence, both from Spain and from the other Parts of Europe, which his Majesty, and those chiefly employed by him, may be supposed to be Masters of; and this, I think, no Gentleman, that wishes well to his Country, would desire to have laid before us. If it were, we could not expect to make any future Advantage of that Intelligence, and much less could we expect to have any more such Intelligence; for it generally comes from those, who would never give any such, if they thought it could ever be discovered from whence it came; which would soon be the Case, if it were to be laid before such a numerous Assembly.

Thus, I think, Sir, it is evident, that, tho' the Advice now proposed

Anno 13, Geo.
II. 1739.



proposed should even appear to us to be right, it would be wrong in us to offer it: But from the Confidence I have in his Majesty's Wisdom and Conduct, the Advice itself must appear to me to be wrong. I very well know, that public OEconomy and Frugality are fine Topics for Gentlemen to harangue upon. Frugality in the Management of public Affairs will always, I know, be a most popular Pretence for finding fault with, and traducing the Conduct of Ministers; and I shall readily grant, that it is in itself a very commendable Thing. But it must be allowed, that it may be pushed too far; and then it becomes ridiculous. It then deviates into that contemptible Quality called Miserlyness; which in public, as well as private Life, may prove the Ruin of those that are governed by it. Such Men often allow themselves to be destroyed, rather than be at the Expence of saving themselves. *Quid refert morbo, an furtis, percamne rapinis?* was the Reflection long since put into the Mouth of a Miser, who would not be at the Expence of purchasing the Medicines that were proper for removing a most dangerous Distemper. War I look on as a National Distemper, and it is always a dangerous one. The proper Medicines are Fleets and Armies. If you will not be at the Expence of providing those Medicines, you must be destroyed; and, if you do not provide a sufficient Dose, those you are at the Expence of, lose their Effect and you ruin yourself into the Bargain.

This I take to be our present Dispute. For my own Part, Sir, I do not pretend to know what Number, or what Sort of Troops may be necessary, either for our Safe-guard at Home, or for attacking the Enemy Abroad; because, I neither know the Danger we are in, nor how our Enemies are provided to repel our Attack. But I presume, and, I think, I ought to presume, that his Majesty is well acquainted with both; and therefore, I am willing to submit to his Judgment, both as to the Number and Quality of the Troops that are to be employed, either for our Safe-guard at Home, or for attacking our Enemies Abroad. This, I think, is a Submission which is the Duty of every Subject; but with regard to the Nature or Quality of the Troops to be sent Abroad, or kept at Home, I think we must conclude, even from the Nature of the Thing, that, if we are in Danger of being invaded, our best Troops are to be kept at Home for our Defence. The Circumstances of the present War, are very different from those of the great War in the Queen's Time. We had then a numerous and powerful Alliance: Our Enemies were attacked in their own Dominions, with as numerous Armies as they could provide for
their

their Defence; so that they could not spare an Army for invading us: The Troops we sent Abroad, went but a little way off from this Island, and therefore could be re-called at a short Warning. All these Circumstances are now directly otherwise; and therefore we cannot, in Prudence, hold the same Conduct. But, if our Conduct in that War, or in any other War we were ever engaged in, is to be a Rule for our Conduct in this, I am sure we cannot agree to the present Motion. In the War in the late Queen's Time, we were so far from making Draughts from our old Regiments, for the Service of our Navy, that we not only raised six Regiments of Marines, but also six Regiments of Land-Soldiers; to serve on board our Ships of War. I believe, no Precedent can be shewn for what is now proposed: I am convinced no Example can be found, of our having ever made Draughts from regular, well-disciplined Regiments, in order to employ them as Marines on board our Navy. I must beg leave, Sir, to say, that, in my Opinion, it would be ridiculous; for I cannot but think, that new-raised Troops are as good on board a Man of War, as well-disciplined Soldiers. In fighting a Ship, there are no Marches, or Counter-marches: There is no Part of the Land-Discipline required, but that of loading and firing the Musket; and a Country Fellow from the Plough, may, in three Days, be taught to do this as adroitly as the most expert Soldier in the Army.

It seems to be granted on all Sides, Sir, that the raising of a Body of Marines is necessary. The only Question is, whether that Body should be formed by making Draughts from, and consequently diminishing our Army, or by raising new Corps for that Purpose; and, the Determination of this Question must depend upon the Danger we seem to be in of being attacked at Home. I should think we are in some such Danger, if it were for no other Reason but because his Majesty seems to think, that we ought not to diminish our Army; but there are, in my Opinion, several other very sufficient Reasons for thinking so. I shall admit, that Spain cannot invade us with such an Army as would be sufficient for conquering the three Kingdoms; but even Spain may invade us with such an Army as may be sufficient for stirring up a Civil War in every one of the three Kingdoms. We appear, it is true, at present, very much united amongst ourselves; but I doubt much if we are so. There are still great Numbers of Men, in every one of the three Kingdoms, disaffected to his Majesty and his Family. This Disaffection, all of them that have any Wisdom will take care not to shew till they have a good Opportunity: They

ANNO 13, Geo.
II. 1739.

will appear united, and will join with the rest of their Countrymen in the general and just Out-cry against the Spaniards; but if even a small Body of Spanish Troops were landed in their Neighbourhood, they would soon change their Note: They would then take off the Mask, and join with that Body in endeavouring to force the Pretender upon us. Thus the Flame of a Civil War would be blown up in the Kingdom, and, whilst we were engaged in a Civil War at Home, I believe it will be allowed, that we could not prosecute the War with Vigour Abroad.

‘ I must, upon this Occasion, Sir, observe, that Ministers are generally treated in a manner not quite so candid. With regard to Dangers, and Preparations against those Dangers, it is impossible for them to guard against those who are willing to find fault with their Conduct. If impending Dangers are prevented from falling upon the Nation, by the Preparations our Ministers make against them, which, I have good Reason to believe, has often been the Case within these twenty Years, it is then asserted, with great Confidence, by those who have a Mind to find fault, that no such Dangers ever existed; and that, therefore, the Nation was put to a needless Expence, by those Preparations that were made for preventing them. On the other hand, if any Danger or Misfortune should actually fall upon the Nation, tho’ proceeding from the most sudden, unforeseen, and unexpected Cause, which, thank God! has not been our Case for these twenty Years, it would then be pretended, that the Danger or Misfortune might easily have been foreseen, and our Ministers would be blamed for not having foreseen and provided against it. In our present Case, the Dangers of this War may blow over; we may, at last, force Spain to agree to reasonable Terms, without being invaded by that Power, or attacked by any other Power in Europe; and, if this should be our good Fortune, as I hope it will, I expect to hear warm Harangues against the needless Expence the Nation was put to during the War; by maintaining greater Armies and Squadrons than were necessary in a War against Spain. But I shall never allow such Harangues to have any effect upon me. I believe we are now in no great Danger of being invaded by Spain. I hope we are in no great Danger of being attacked, during this War, by any other Power in Europe; but I am fully convinced, that this happy Security proceeds from the Preparations we have made, and the Measures we have taken. At the Beginning of the Rupture, Spain seemed to have some View of invading us. This we must suppose, from their having marched so many of their Troops into Gallicia, which is the Province that lies next to,
and

and most convenient for invading Britain or Ireland. By the Preparations we have made, they now see they cannot carry their Design into Execution; but, if we should diminish our Army, by sending a great Number of our Troops to serve on board our Men of War, or to attack the Spanish Dominions either in Europe or America, they would certainly resume their first Design, and might land such a Body of Troops, as, in Conjunction with the Disaffected at Home, might stir up a dangerous Conflict in the very Bowels of our own Dominions; and in that Case, I do not know but that those very Gentlemen who are now for sending our Troops out, would reflect upon our Ministers, for having advised his Majesty to comply with their Request. They would then of course say, that our Ministers ought to have known better than they, and that they ought to have informed them of the Danger, in which Case they would not have made such a Request.

Anno 13, Geo
II. 1739.

• This, Sir, might be the Consequence of our diminishing our Army, with regard to Spain; but there is another Danger we lie exposed to, and which we ought to guard against. Spain is as yet alone in the War against us, and while she continues so, I hope we may with Reason flatter ourselves, that she will find herself unequally matched; but, there are other Powers in Europe who would be glad to see this Nation humbled, and consequently would be glad of an Opportunity for bringing it about. If we should leave ourselves defenceless at Home, it might encourage them to join with Spain against us; for, the first Effect of that Confederacy would certainly be an Attempt to invade this Kingdom. For this Reason, we ought to be so much upon our Guard, as to be prepared against all possible Events. Nay, I do not know, but that the Preparations we have made, and the other wise Measures his Majesty has been pleased to take, are the chief Cause of Spain's being yet alone in the War against us.

• From these Considerations, Sir, I must be of Opinion, that this Motion really is, humbly to desire his Majesty, that he would be pleased to leave his Kingdom defenceless, and our present happy Establishment again exposed to the doubtful Chance of a Civil War. It has been once already exposed to this Chance; and we must still reflect with Terror, that the Scales were pretty near equal, tho' the Disaffected had then no foreign Assistance, nor was so much as countenanced by any Potentate in Europe. God knows what might be the Consequence, if a Body of foreign Veterans were thrown into the Rebel-Scale, and the Rebels countenanced and supported by one at least, perhaps by two

Anno 13, Geo. II. 1739. of the most formidable Potentates in Europe. I am far from thinking, Sir, that the Honourable Gentleman who made, or the Honourable Gentleman who seconded this Motion, had any bad Intention, or that they viewed their Motion in the Light I do; but as I view it in the Light I have mentioned, I must think it would, in me, be contrary to my Allegiance to agree to it.

George Lyttleton, Esq;

S I R,

George Lyttleton, Esq;

I hope I need make no Professions of my Attachment to the King and his Family. The Honour and Duty I owe to their Persons (tho' no Man living has more) are yet the least and weakest Bonds to confirm that Attachment. It is the Constitution of my Country which they came to preserve, that ties my Allegiance to them, for the Sake of the Whole. This, Sir, is my Principle; and upon this, I hope, I may found as high Pretensions to Zeal for their Service and Glory, and for the Support of his Majesty's Government against all his open and secret Enemies, and be believed as sincere and warm in them, as any Gentleman here. And, therefore, if I could think, that my Compliance with the Motion made by my worthy Friend, could possibly affect the Security of his Majesty's Crown, by leaving him without a proper Defence, the Hon. Gentleman himself could not be more averse to it than I. But sure, Sir, out of an Army of eight or nine and twenty thousand Men, Draughts might be made for our Sea-Service, without leaving the Kingdom defenceless. Sure, there would remain disciplined Troops enough to secure us till Recruits could be raised. If the Hon. Gentleman thinks not, it is the worst Compliment that ever was made to the Army.

No Man can be more zealous than I, for strengthening his Majesty's Hands as much as is possible; but, upon the same Principle from which I declare for supporting the War, from the same Principle from which I shall agree to the Number of Men asked by his Ministers, I am for raising them in the manner that has been proposed by this Motion. We may play with Words as we please, but this and Marines that are to be raised, are no more Marines than every Regiment of Foot in the Kingdom: The only Difference is, that the new raised Men will have all their Business to learn, whereas the others have learned half of it, and are ready at hand; the last are Soldiers, tho' not Sailors, but the others are neither Soldiers nor Sailors, and to make them either, will take up a great deal of Time; so that if there is any Service to be done by them, it is very evident which we should

should chuse. If you had a Journey to make, and six good Anno 13, Geo
II. 1739.
Horses well in the Stable, would you stay to buy and break
six new ones before you set out?

‘ But to talk of this Thing upon the Foot of the Ex-
pence of it alone. As the Nation gives whatever it ought,
this Ministry should save whatever they can. We are most
willing to furnish his Majesty with all the Money his Ser-
vice requires; but certainly, Sir, we have not more than
we want; and, therefore, good OEconomy, tho’ it be at
all times a necessary Virtue, is more indispensably so now,
when our Expences must be so great, and when we may feel
the Loss of every Shilling that we throw idly away, in some
essential Service that may suffer for want of it. Sir, God
forbid that in a War like the present, which our Mini-
sters did not enter into lightly or wantonly, but in mere
Conformity to the known Sentiments and Desires of the
Nation, God forbid that, if any sinister Accident, any Mis-
fortune should happen, they should be charged with it, or be
to answer for any Event which, it shall appear, they could
not command; but what they are justly responsible for is,
that the public Money should not be squandered; and if,
in any Particular, it be found that they have failed in this
Part of their Duty, that they have not advised his Majesty
with a due regard to this Principle, then should this Great
Council interpose, and give such Advice, as they owe to
their King and Country in this important Coujuncture; and,
in this Light, I see the Motion made by my Honourable
Friend. But, it is not only the Expence, present or future,
the needless Pay of so many Officers, their Half-pay here-
after, Pay-Master, Deputies, and all the rest of that Equi-
page; it is not only this which we have to consider: There
is another Point before us of still greater Importance. What,
Sir, at a Time when the whole Nation is so strongly a-
larmed at the Influence attending so many Places, civil and
military, without any Colour of Necessity, against all Rules
of OEconomy, wantonly to add to that Influence, to create
new Places, new Dependences! How will this be thought
of? how will this appear to the World? Won’t it look like
taking Advantage, an unfair, indecent Advantage of the
generous Confidence placed in his Majesty by his People and
Parliament, upon all Demands made by him for the Support
of this War, to increase that Power in the Crown, from the
Growth of which they dread so many Mischiefs?

‘ Sir, not for the present only, but for all our future Deli-
berations concerning Supplies, there is one Caution I beg
leave to recommend to this House, and that is, always to
have it in our Thoughts, that to a free Constitution of Go-
vernment,

anno 13, Geo
II. 1739.

vernment, there is no Season so dangerous, as the Time of a popular War; for, it has been in the Heat of such Wars, that almost all free States, ancient and modern, have been induced to make Concessions, wink at Encroachments and establish Precedents, that have ended afterwards in the entire Loss of their Liberties. Sir, I hope the very Reverse will happen here, and that we shall, at the same time, attend to the Recovery of such of our Rights as have been invaded Abroad, and to the securing of such as may have been weakened at Home. I think it is the Design of this Motion, to prevent our being in Danger from the further Increase of Influence, of their (our Rights) being weakened yet more.

‘ As to the Practice of former Times, it must be considered, that we never had any thing like such an Army at Home in these Kingdoms before, and therefore large Draughts out of the Forces here could not have been made then, so safely as now; the Remainder would not have been a sufficient Guard to us till Recruits could be raised; but, I apprehend, we make such Draughts in full Security now; and this, I think a sufficient Answer to what was said by the worthy Member who spoke last. Sir, I shall trouble you no farther now, but heartily concur with this Motion.’

Henry Fox, Esq;

S I R,

Henry Fox,
Esq;

‘ It is a general Observation in all Debates, that those who speak upon the right Side of the Question, are generally the most moderate and cool in the Argument; and this, I think, was never more apparent, than in the present Debate. When I first heard the Motion, I thought it was a Motion that could not possibly occasion any Heat or Animosity amongst us; but in this respect I find myself disappointed, as I have often been upon the like Occasions; for some of those that have spoke in favour of the Motion, have been pleased, I think most unnecessarily, to make Use of some very warm Expressions. As the present Question can, in no Light, be considered any other way than as a Dispute about the most proper Method for raising or forming a Body of Marines, I can see no Reason Gentlemen have for running themselves into a Heat upon the Subject, or for making Use of any warm Reflection against those, who differ from them in Opinion; and, I am sure, if Gentlemen would keep close to the Subject, and take Care to make no Excursions into Matters that have no Relation to it, the Debate would be soon exhausted; because I must think it a
Debate

Debate quite foreign to any thing that can properly come Anno 13, Geo
this Day before us. II. 1739.

‘ No Gentleman, I find, Sir, has questioned its being necessary for us to raise or form a Body of Marines. If this had been the Question, we might have taken it into Consideration, even before we had read or considered any of the Estimates for the ensuing Year; but the present Debate I must look upon as anticipating the Consideration of the Estimates laid before us for the Service of the ensuing Year, before they have been read, I believe, by any Gentleman in this House; for if a Body of Marines is to be formed, it must be formed either by raising new Corps for that Purpose, or by employing some of the Regiments we have already on Foot in that Service. If you chuse the latter Method, you diminish the Number of Land-Forces that are to be kept up for the ensuing Year; and is not this, therefore, debating the Question about the Number of Land-Forces that are to be kept up for the ensuing Year; before you have so much as read the Estimate of the Charge of the Guards, Garrisons, and other his Majesty’s Land-Forces, for the Year 1740, which was but Yesterday laid before you? Some Gentlemen, who are more diligent than I, may perhaps already have cast their Eye upon this Estimate, but I must confess, that I have not so much as looked at it; and considering its being so lately laid before us, and that there was no Probability of its coming under our Consideration before To-morrow, I cannot, in this respect, accuse myself of any Neglect of Duty. But whatever may be in this, whether I am guilty of a Neglect or no, as I have not seen the Estimate, I cannot take upon me to determine, whether the Address proposed be proper or not, and therefore I cannot at present agree to it.

‘ This, Sir, must with me be a prevailing Reason for being now against the Motion, and ought, I think, to be so with every Gentleman that is in the same Circumstances with me, whatever they may be hereafter; but there is another Reason, a Reason arising from our usual Form of Proceedings, that makes me against the Motion at present. I think it was wrong to introduce such a Motion, and it would be more wrong to enter into the Merits of it, whilst we are in a House. As it is a Motion that relates to the Number of Troops to be kept up for the ensuing Year, it is proper only for a Committee, where Gentlemen have Leave to speak several times upon the same Question, and may rise up as often as Occasion requires to explain Facts, and answer Arguments or Objections, that can, perhaps, be explained and answered by none but themselves. I have not, indeed,
heard

Anno 13, Geo
II. 1739.

heard any Arguments made use of in favour of the Question, but such as, I think, may be easily answered by any Gentleman in the House; but others may be of a different Opinion; and one Gentleman has already spoke against the Motion, who, could he be allowed to speak again, as he would be, if we were in a Committee, would, I am certain, be able to answer every Argument in favour of the Motion, to the Conviction of most Gentlemen present.

‘ Whether out of 28 or 29,000 Men, a sufficient Number may be spared for Sea-Service, without leaving the Kingdom defenceless, is a Question, Sir, which, I think, we cannot enter into at present. The Estimates are, it is true; before us, but as I have not, and, I believe, few Gentlemen have, looked into them, I do not know what Number of Land-Forces we have on Foot, nor do I know what Number his Majesty thinks necessary for the ensuing Year: From what I have heard, I believe, his Majesty has augmented his Land-Forces: I think it was necessary he should; and when I look into the Estimates, if it from thence appears, that his Majesty thinks 28 or 29,000 Land-Forces necessary for the Security of Great Britain, during this next Year, I am not ashamed to say, it will be a strong Argument with me for thinking so too; because his Majesty must know our Danger better than I can. And if we ought, for the Sake of our own Security, to keep such a Number of Land-Forces here at Home, what signifies the present Motion? What would it signify to present the Address thereby proposed? If the Body of Marines, allowed to be necessary by every Gentleman that has spoke in this Debate, should be formed from Draughts made out of the Regiments of Land-Forces we have now on Foot, those Draughts must, even according to the Motion, be immediately re-placed by raising Recruits. What then can it signify, whether those Recruits be raised for Marching-Regiments, or for Marines? As Mankind are fond of every Thing that is new, and as common Fellows will be readier to enter into the Sea than the Land-Service, I believe the necessary Number of Recruits will be more easily and quickly raised, when they are all, or most of them to be listed for Land-Service; and as the War is already declared, I think the most speedy way is the best, especially as it will be the cheapest; for the more ready Men are to engage in the Service, the less we shall have Occasion to give by way of enlisting Money.

For my Part, Sir, I do not really well know what the Honourable Gentlemen mean by Draughts from the present Regiments of Foot. I hope they would not have the

Officers

Officers drawn away from our Marching-Regiments. If you do, you must immediately appoint others in their stead. For, I hope, it will be allowed, that every Regiment of Land-Forces must have its full Complement of Officers; and if you are resolved to make your Marines what Marines ought to be; I mean, if you are resolved to make them fit for Land-Service, as well as Sea-Service, you must form them into Regiments, and in that Case each Regiment of Marines must have its full Complement of Officers, the same as if it were designed for a Marching-Regiment to serve at Land only.

Thus, it appears, Sir, that with regard to the Expence, it is the same Thing, whether the Body of Marines proposed, be formed by Draughts from our Foot-Regiments, or by raising new Regiments for that Purpose; and as to the Service, his Majesty is certainly the best Judge of the most proper Method for forming the intended Body of Marines, because it must depend upon the Service in which they are to be employed. If our Marines are to be employed at Sea only, in order to make up the Complements of our Men of War, and to leave Seamen for the Merchant-Service, new-raised Men are every bit as proper as old Soldiers: Nay, they are rather better, because they will generally consist of younger Men; and this Case, I shall grant, there would be no Occasion for so many Officers. But if our Marines are to be employed likewise upon Land, and to be sent upon any Expedition against the Enemy, they must be regimented as other Land-Forces are; and in this Case I make no Question, but that his Majesty will, without any Address from us, order the Regiments of Marines to be formed partly from Draughts of private Men from old Regiments, and partly by new Recruits; in which Case, they will, with respect to Service, be upon the same Footing with our old Regiments; for every Regiment of Foot now in the Service, must necessarily, by the late Augmentation, have a great Number of raw, undisciplined Men in it.

For this Reason, Sir, I must think, that the only Question now before us is, Whether the Number of Land-Forces, proposed by the Estimate now upon our Table, be the least Number that ought to be kept up for the Defence of this Kingdom; and as this Question was never, I believe, canvassed, but in the Committee of Supply, I cannot think it proper for our present Consideration.

Gentlemen I find, Sir, are mighty apt to find fault with the Number of our Officers; and I do not in the least wonder at it: The Expence and Danger of such, are popular Topics that will, I believe, be made use of against every future,

Annō 13, Geo.
II. 1739.



ture, as well as they have been against every past Administration. Some of those, who now insist upon those Topics, may remember their having been made use of against themselves; but, I am sure, no Gentleman will say, that an Army can be kept up without Officers: I believe it will be generally allowed, that the more Officers there are in an Army, the better it will always be. The French have a greater Number of Officers in Proportion than we have, and it is this that makes their Armies so formidable; for their common Men are rather worse than those of any of their Neighbours. It is their great Number of Officers that has generally made their Troops superior to the Germans; and as the French Nation has always been our most formidable Enemy, we ought to take care to render our Troops, at least, as good at theirs: If we can fall upon any Method to render them better, we ought to make use of it; because our Troops are not near so numerous.

‘ We have, it is true, Sir, and must have a great Number of Officers, as long as we keep up either Fleet or Army; but I do not know, that the Nation is alarmed at the Influence attending so many Places Civil and Military. I know great Pains have been taken to raise such an Alarm; but, I hope, without any Effect; for Government cannot be supported without Places Civil and Military, and the Number of them must always bear a Proportion to the Largeness of the Society to which they belong, and the Use that Society may have for them. Without a proper Number of Officers in a Society, Disorder and Confusion must ensue; and therefore, I cannot think it right to endeavour to alarm the People of a Society with the Number of Officers Civil and Military, unless there were really a great Number more than were necessary for supporting Order, and preventing Confusion, which, I am sure, is not the Case of this Nation at present. In War we must have more than we have Occasion for in Peace; therefore I am surprized to hear those, who were so sanguine for a War, pretending to be alarmed at the Influence of such a Number of Officers. They could not but foresee, that, in Time of War, we must increase both our Fleets and Armies, must always produce an Increase in the Number of our Officers, both Civil and Military.

‘ But this, Sir, is departing from the Question in Hand. If we are to have a Body of Marines, we must have a proper Number of Officers for commanding that Body; and as no Gentleman denies our being under a Necessity to establish a Body of Marines, no Gentleman can doubt of our being under an equal Necessity to appoint a sufficient Number

ber of Officers for commanding them. The only Question now before us is, Whether we shall diminish the Number of our Land-Forces, by drawing from thence a Body of Marines; and this being a Question not yet ripe for our Consideration, nor proper while we are in a House, as I have already shewn, I cannot agree to it.

Anno 13, Geo.
II 1739.

Joseph Danvers, Esq;

SIR,

I am glad to find that every Gentleman, who has spoke in this Debate, seems convinced of the Necessity of our raising a Body of Marines. They are, in my Opinion, Sir, so necessary, that I shall be not only for raising, but keeping them. After they are once properly disciplined, they will do as well at Land, as any of the Regiments we have now on Foot, and always when we stand in need of it, they will be of great Service at Sea. I have had the Honour, Sir, to serve my Country at Sea. It is now, indeed, a long while ago, almost five and thirty Years; but I have not quite forgot what I then observed; and, as I have been at Sea, and have seen Marines on Ship-board, I know better what Use they may be of, than those who never were in that Service. Sir, there are many Services on board a Man of War, which Marines in a very short time become as fit for, as the best and most thorough-bred Seamen. They cannot, indeed, go aloft, but they can soon learn to manage the Guns, haul in the Anchors, and, in short, every other Service that is to be performed upon Deck, or any where between Decks.

Joseph Dan-
vers, Esq;

It is true, Sir, that even for these Services, Men must have some Experience: They must be for a few Days, or perhaps for a few Weeks, at Sea, in order to season them to that Climate, to learn to stand upon their Legs, and to make themselves acquainted with the several Services that are to be performed on Deck, or between Decks. A Soldier, therefore, let him have been trained to military Discipline as long as you will, is as unfit for being a Marine, as any Fellow just taken from the Plough, or as the meekest Vagabond that can be picked up in the Streets. Sir, a Soldier and a Marine are, I may say, quite different Creatures: They are as different as an Otter and a Fox. Why then should you diminish the Number of your disciplined Soldiers, for the sake of forming a Body of Marines, when new-raised Men are every whit as fit for the Service? As we have now had a long Tract of peaceable Times, there must be in every City and Town, and in every Corner of the Country, a great Number of idle Fellows, who are not only a Burden, but very troublesome and dangerous to the Country

Anno 13, Geo.
II. 1739.



try where they at present reside. It will be a public Benefit to rid the Country of them, and they may be usefully employed as Marines on board our Men of War. It would therefore, in my Opinion, be a double Prejudice to the Country, to form a Body of Marines by making Draughts out of our Foot-Regiments; because it would be drawing away from us those Men who, in case of an Invasion, would be of great Service to their Country, and leaving at Home those, who are at present a Burden, and who, in case of an Invasion, would be very apt to join the Enemies of their Country.

I shall grant, Sir, that the regular Troops we have now on Foot would be better for immediate Land-Service, than a Body of Marines wholly composed of new-raised Men; but unless we should be invaded at Home, I can see no Reason to suppose, that we shall have immediate Use for either. We are not, I hope, to make any Attack upon the Spaniards at Land in any Part of Europe; and if we should resolve to attack them at Land in America, we cannot propose to send out a Fleet with Land Forces on board for that Purpose, till towards the End of next Summer, because the Heats in that Part of the World are so excessive in the Summer-Time, that our Troops would probably suffer more by them than they could by the Enemy. Considering the Humour that, at present, prevails in the Nation, we may, I hope, be able to compleat the Body of Marines proposed, by new Levies, in a Month or two; and, in that Case, they will have seven or eight Months to learn their Discipline, before we can send them out upon any Expedition against the Enemy, where Land-Forces are requisite. In that Time they may be as expert in the Discipline proper for Land-Service, as any of the Regiments we have now on Foot, and would, I hope, behave as well as could be expected from any Body of Men whatever; but as it will, probably, be necessary to send a greater Number of Land-Forces Abroad, upon any Expedition we may undertake, than the whole Number of Marines now proposed to be raised, I believe our Marines, go when they will, must be accompanied by some of the Foot-Regiments now in the Service; which shews, that we ought not to diminish our present Quota of Land-Forces, by drawing such a Number out, in order to form a Body of Marines.

Whether 28,000 Men be necessary for our Defence at Home, is not now, Sir, the Question. Suppose that so great a Number may not be necessary; yet, surely, in Time of War, we ought to raise and keep up a greater Number of Land-Forces than is barely necessary for our Defence here

at Home. We ought to have such a Number on Foot, as Anno 13, Geo
 may enable his Majesty to send 8 or 10,000 Abroad upon
 any Expedition he may think fit to undertake, for distressing
 the Enemy in their own Dominions. Sir, as I most heartily
 wish to see the War prosecuted in the most vigorous
 manner, and as I do not know but that we have more Enemies
 than we as yet know of, I shall be so far from resolving
 to grant no greater Number of Land-Forces than are
 just necessary for our Defence at Home, that I am resolved,
 I came here, this Session, resolved, to grant as many Land-
 Forces, Seamen, and Marines, as his Majesty should desire;
 and since I came here, I have heard nothing that can in
 the least shake this Resolution; for if more Land-Forces
 be desired than are necessary for our Defence at Home, I
 shall suppose his Majesty intends to send out a sufficient
 Number of them for attacking the Enemy Abroad; and I
 am sure no Gentleman would desire, that his Majesty should
 communicate to us his Intentions in this respect, or should
 tell us what Number of Land-Forces he proposes to send
 Abroad for this Purpose.

II. 1739.

‘ I have not as yet perused the Estimates that were laid
 before us Yesterday, no more than the Honourable Gentle-
 man that spoke last; but, Sir, I am extremely glad to hear,
 that his Majesty desires no more than 28 or 29,000 Land-
 Forces, and 6 or 7000 Marines, for the Service of the ensu-
 ing Year. It is to me a convincing Proof, that we have no-
 thing to fear, for next Year at least, but from Spain alone;
 and if that Nation stands alone against us but for one Year,
 I hope we shall be able to give a very good Account of our
 Campaign. I expected, indeed, that the Demand would
 have been much greater, and therefore I am surprized to
 hear Gentlemen boggling at such a Demand, and endea-
 vouring to persuade this House not to agree to it; for this
 I take to be the plain Meaning of the Motion now under
 our Consideration. His Majesty has desired 28,000 Land-
 Forces, and 6000 Marines; and we are desired to tell him
 by way of Address, that we will grant him the 6000 Ma-
 rines, but then they must be draughted out of the 28,000
 Land-Forces. Is not this an absolute Refusal of the Num-
 ber of Land-Forces desired? Is it not directly telling him,
 that we will grant him but 22,000 Land-Forces? This is
 certainly the Light this Motion ought to be considered in;
 and in this Light, I hope there are not many in this House
 that will agree to it.

‘ I am as much, Sir, as any Man, against keeping up a
 numerous Standing-Army in Time of Peace, I wish there
 were not a red Coat to be seen within the Kingdom. A
 Standing-

Anno 13, Geo
II. 1739.



Standing-Army is in all Countries an Evil, and in a free Country it is a greater Evil than in any other; but it is an Evil we must submit to, for the sake of avoiding a greater; and, in Time of War, when we must always be in more Danger of that greater Evil, than in Time of Peace, I shall never be for diminishing the lesser Evil; for if our Army were ten times as numerous as it is, we ought to submit to it, rather than expose ourselves to that greater, I may say that greatest of Evils; for this Reason, I cannot agree with that Part of the Motion, which advises the Marines to be formed by Draughts from the present Regiments of Foot; nor can I agree with that Part of the Motion, which advises to have as many private Men, and as few Officers, as the Nature of the Service will admit; because it seems to insinuate, as if fewer Officers in Proportion would do for Marines, than for Land Forces. What other Gentlemen may mean by Marines, I do not know; but by Marines I mean, a Body of Troops that may be employed either at Sea or Land, as Occasion may require; and if they are ever to be employed at Land, they must be regimented, and must have the same Number, and the same sort of Officers that are necessary for Land Service. Thus, Sir, I have given you my Reasons for being against every Part of the Address proposed, and for these Reasons I shall, most heartily, give my Negative to the Question.

William Pulteney, Esq;

SIR,

William Pulteney, Esq;

It is a little surprizing, that a certain Set of Gentlemen, notwithstanding the many Admonitions they have had, should always bring his Majesty's Name into every Debate that happens in this House. As a private Gentleman, Sir, I should be ready upon all Occasions to put a full Confidence in his Majesty: To believe we are in Danger, when he says, he thinks we are; and to believe that the Sums he demands, and the Number of Troops he proposes, are necessary for our Security. This, I say, I should think myself obliged as a private Gentleman to believe, unless I had very good Reason to think his Majesty had been misinformed and imposed on. But, as a Member of this House, as a Trustee for the Purse, the Liberties and the Privileges of the People of Great Britain, I am under an indispensable Obligation, not to allow myself to be an implicit Believer, even in my Sovereign. As such, I am, in Duty to those I represent, bound to suppose, that every Speech his Majesty makes from the Throne, every Message he sends under his Hand in Writing, and much more every Demand made in his

his Name, is the Speech, the Message, or the Demand, not Anno 13, Geo. II. 1739.
of my Sovereign, but of his Minister; and that, therefore, I not only may, but ought to examine it with great Freedom, and to believe in nothing but what I am convinced of by incontestable Facts, or unanswerable Arguments.

* This, Sir, is my Duty as a Member of this House, and as a Trustee for the Purse, the Liberties, and the Privileges of the People of Great Britain; therefore, when a Demand comes to this House for loading the People with a heavy Burden, and endangering our Constitution, by raising, or keeping within the Island, a numerous Standing-Army, under Pretence of our being in Danger of an Invasion, tho' it be made in his Majesty's Name, I am to suppose it comes originally from the Minister; and, upon that Supposition, I ought to consider, whether that Army be demanded for preventing or defeating an Invasion intended to be made by Foreigners upon our Territories, or for encouraging and rendering successful an Invasion intended to be made by Ministers upon our Rights and Privileges. Gentlemen may talk what they will about reasonable Fears, and causeless Jealousies, but, in this Case, every Man ought to be guided by his own Conscience, and to take particular Care that his Judgment shall not be directed by any selfish Consideration; and, were I the most intimate Friend of a Minister, as the Invasions of Ministers have been much more frequent than the Invasions of Foreigners, I should rather chuse to be directed by my Jealousies than my Fears: Nay, were I a Minister, or even a Prime-Minister, which, I trust in God, I shall never affect to be, I should think him an honest Man that shewed more Jealousy of me than Apprehension of foreign Danger; and as long as my Designs were honest and just, I should trust more upon his Friendship, than in the Friendship of those I found ready upon all Occasions to receive whatever Impressions I had a Mind to make.

* I say, Sir, that, as the Invasions of Ministers have been much more frequent than the Invasions of Foreigners, we ought, at all times, to be more jealous of the former, than afraid of the latter; but when Dangers are pretended, which we have no Reason to be afraid of, at least no Reason but such a one as must always subsist, and an Argument is drawn from thence for convincing us we ought to load the People, and endanger our Constitution, by keeping a numerous Standing-Army within the Island, there is then no room for Jealousy; the Intention becomes evident, which, in my Opinion, is the Case at present. It is ridiculous to imagine, that the Spaniards ever designed to invade us with those Troops that have lately marched into Gallicia. When they
have

Anno 13, Geo.
II. 1739.

have a real Design to invade us, they will never prepare for it in that Quarter, as may be sufficiently convinced by Experience; because their preparing a Fleet of Transports at any Port in that Province, or in the Bay of Biscay, must always give us a seasonable Alarm. Therefore I must suppose, that their marching Troops into that Quarter, was either to guard against our invading them, or to give some People here a Pretence for frightening us with the Danger of our being invaded by them; but this Pretence can be of no Weight with those who consider, that Troops without Ships can never be of any dangerous Consequence to this Island. The Armies of Spain, nay, the Armies of France, let them march where they will, can never give Terror to any Man of Common-Sense in this Island, unless we find they are preparing Ships for transporting them hither; and this, I hope, we shall always hear of time enough to prevent the Attempt, which we may easily do as long as we have a superior Navy.

‘ Suppose, Sir, the Spaniards have a real Design to invade us, and that they have marched their Troops into Gallicia for that Purpose; we know they have no Fleet of Transport-Ships either in the Ports of that Province, or in any other Ports within their Dominions, for transporting those Troops to this Island. If they design to invade us with such a Number of Troops, as ought to give us Uneasiness, they cannot in less than three or four Months, provide a sufficient Fleet for transporting them; and in that Interval, as such Preparations cannot be privately made, we shall have time not only to provide for our Defence, but to put it out of their Power to make the Attempt. This they know very well, and therefore, I am convinced, they will never give the least Countenance to such a ridiculous Project. But suppose they intended to make an Invasion upon us with 4 or 5000 Men, which is the greatest Number they could provide Transports for, without giving us timely Notice of their Design; are we to keep 28,000 Men, or even 18,000 Men here at Home, to guard us against such an Attempt? Are the Numbers of the Disaffected here at Home so great, that 4 or 5000 Men would enable them to overturn our Government, tho’ supported by more than double that Number of regular Troops in Ireland, and more than treble the Number in Great Britain? This is what no Man, who is a Friend to the Illustrious Family now upon our Throne, will assert; and therefore, no Man that is a Friend to our present Establishment ought, I think, to pretend that we are in the least Danger of an Invasion.

‘ An Invasion, Sir, with such a small Number of Troops, would

would hardly raise any Commotion, much less a dangerous Civil War in the Bowels of the Kingdom. Even the few Disaffected we have amongst us would be shy of joining such a small Body of Troops: I am convinced, no Man of Family or Fortune would; and, therefore, I am convinced they would re-embark, if we gave them leave, as soon as they found themselves disappointed of the expected Assistance, or would surrender to the first Body of our Troops sent against them, in case they found they could not re-embark. From hence I must conclude, that, as long as Spain continues alone in the War against us, we are not in the least Danger of an Invasion; and suppose France should join with Spain, we should have no Occasion to provide against an Invasion, especially by raising a numerous Army to be kept within the Island, till they had begun to make Preparations for that Purpose. I do not suppose that France will join in the War against us: I am almost certain they will not, if we take right Measures to prevent it. But, if they should join, or if we have now any reasonable Cause to suspect that they will, I am sure we have not yet provided, or proposed a sufficient Number either of Seamen or Marines; and as France has not yet joined, nor probably will for some Months to come, instead of being so curious and nice, as we have been, since the Beginning of this War, about having expert Seamen for manning our Ships of War, we should have begun with taking as few expert Seamen as possible, and filling up the rest of every Ship's Complement with Marines, or able-bodied-Landmen. This, I say, we ought to have done, because, whilst we were at War with a Nation that could make no Head against us at Sea, we ought to have taken the Opportunity to increase our Body of Seamen, by instructing and seasoning Landmen to the Service, in order to provide against a Nation's entering into the War, that could make some Head against us at Sea. If we had done this, neither our Seamen nor our Trade would have been so much distressed, nor would the Enemy's Privateers have traversed the Seas in Pursuit of our Merchant-men with so much Safety and Success; and in a Year or two's time, we should have so much increased our National Stock of Seamen, as to have very little to apprehend from the united Power of France and Spain. What the Event of the War may be, God only knows! I wish it may be successful; but I must say, that, in my Opinion, we have not hitherto taken one right Measure in preparing for it, nor one vigorous Step in carrying it on.

‘ But now, Sir, suppose France were already actually engaged in the War against us, I shall grant, that we ought


Anno 13, Geo
II. 1739.

in that Case to have a greater Number of Land-Forces on Foot than we have at present ; but should those Forces be kept at Home to defend us against Invasions ? No, Sir, as long as we are Masters at Sea, with regard to Invasions, we have almost as little to fear from France, as from Spain : Neither of them can invade this happy Island with any considerable Number of Troops, without a long and expensive Preparation ; which Preparation can be made no where, but in one of their Sea-Ports, and there we may send and destroy it, or lock it up, as soon as we hear of it, which we shall always do long before it can be ready to put to Sea. Even in this Case therefore, instead of keeping our Troops encamped or quarter'd at Home, we ought to send the greatest Part of them on board our Fleet, or to our foreign Dominions, from whence they could easily make Incurfions or Invasions upon the Enemy. For our Security here at Home, if we keep a strong Squadron in the Channel, with a good Number of Ships ready to be put in Commission, we shall never have Occasion to be afraid of an Invasion ; and if we would but take a little more Care of our Militia, than we have done for many Years past, we should always be able and ready to repel any sudden Incurfion, nay more ready than we can propose to be any other way ; for we cannot propose to keep 4 or 5000 regular Troops in each County ; whereas, if Pains had not been taken to render our Militia despicable, in order to make a Standing-Army necessary, the Militia of any one County in England would be able to encounter, and probably defeat such a small Number of Invaders, without the Assistance of our regular Army.

‘ Thus, Sir, it appears, that for the sake of defending us against an Invasion, we have not the least Occasion for keeping a Standing-Army of 28 or 29,000 Men here at Home ; and therefore, as we have that Number now on Foot in this Island, we may easily spare to send 6 or 8000 of them to serve as Marines on board our Men of War. But now suppose we intend to make an Attack upon the Enemy, as I hope we do, the Gentlemen who have spoke upon the other Side of the Question have told us, we cannot propose to send out any Troops for that Purpose before the End of next Summer. If this be the Case, why should we raise any new Troops before the old are sent out ? It will then be time enough to consider, whether it be necessary for us to replace them, and in case it should, it may soon be done by new Levies, and in the mean time the Pay of a Number of useles Troops will be saved to the Nation. I hope we do not intend to send our new-raised Troops, call them Marines, or what you will, upon any Expedition against

gainst the Enemy. What will those Gentlemen say, who have for many Years been telling us, that new-raised Troops are good for nothing, and that therefore we ought to keep a numerous Standing-Army always on Foot? How can these Gentlemen, I say, answer for it, if they should now, in Time of War, send new-raised Troops upon the most dangerous Service, and keep at Home, where there is no Danger, those Veterans, for whose Skill in martial Discipline the Nation has, for so many Years, paid such large annual Sums of Money? Will it not then with Justice be said, that our Veteran Troops are kept at Home only for a Raree-Show; and that our new-raised Troops are sent Abroad against the Enemy, because they cannot so handsomely dance thro' their Exercises at a Review?

Annals, Geo.
II. 1739.



' Sir, this may, perhaps, look a little ludicrous; but if we consider what an Effect this Consideration may have upon Men, who have any regard to their Honour, it must appear serious to every Man, who has a regard for our present happy Establishment. In Tours of Fatigue, a Soldier, or a Regiment of Soldiers may excuse their not being employed; but in Tours of Danger, especially where Glory and Riches may be acquired, every Soldier, and every Corps of Soldiers, that have any Honour, must look upon it as an Affront, if they are not employed in their Turn. This, Sir, may make our Veteran Troops our greatest Enemies; and by such Means, that very Army, which, for so many Years, has been kept up for the Security of the Royal Family, may be the Cause of its Overthrow, and may produce as great a Revolution in this Kingdom, as ever a Mutiny of the Janizaries did in Turkey.

' For this Reason, Sir, as well as for the sake of Success, I hope our best Troops will be sent out upon any Expedition we intend for attacking the Enemy, either in Europe or America. But I am surprized to hear Gentlemen say, we cannot propose to attack Spain in Europe, or send out any Expedition against them till the End of next Summer. I shall grant it is not our Business to attempt making any Conquests upon them in Europe; but is this a Reason why we should not annoy them as much as possible, by making Incursions, and plundering the Coasts of their Dominions, even in Europe? Can they prevent this as long as we are Masters at Sea? No, Sir; notwithstanding the numerous Army they have, they cannot prevent it; because a Fleet of Ships can sail faster from one Part of the Coast to another, than a Body of Troops can march; and therefore, if we had 7 or 8000 Land-Forces on board the Squadron we now have upon their Coasts, they might often find an Opportunity

Anno 13, Geo
II. 1739.

nity to land, and ransack a great Part of the adjacent Country, and to retire again with Safety on board their Ships, before the Spaniards could gather together a sufficient Body of Troops to oppose them. By this Means, we might harrass their Troops, and keep their whole Sea Coast in a perpetual Alarm; and, perhaps, find an Opportunity to destroy those Works our Tameness some Years since allowed them to erect, within Cannon-Shot of Gibraltar.

‘ Is there any Reason to be assigned, Sir, for delaying to send Troops upon such an Expedition, till the End of next Summer? Can a Reason be assigned for its not having been already done? I know that the Month of July, August, or September, is the proper Time for sending out a Body of Land Forces to attack the Spaniards in America; and I likewise know, that, if we had followed the Example either of Queen Elizabeth or Oliver Cromwell, we should have begun the War with such an Expedition. I hope to see more vigorous and better-concerted Measures taken next Summer: I hope to see an Expedition sent out for annoying the Spanish Dominions in Europe, and another for conquering some Part of their Dominions in America; but both, I think, may be undertaken without raising so much as one new Regiment; because out of 28,000 Men, the Number of our regular Forces now on Foot in this Island, we may spare a sufficient Number of Troops for both. As we have now such a prodigious Navy at Sea, I do not think we have Use for a greater Number of Troops at Home, than we ever had in Times of the most profound Tranquillity; and therefore I think, we may spare to send at least 16,000 against the Enemy, which is a sufficient Number for both these Expeditions, and a sufficient Number for any Occasion we may have, as long as Spain stands alone in the War against us. If France, indeed, should declare in favour of Spain, we must then augment our Land-Force both Abroad and at Home; but this we may easily and almost instantly do by new Levies, and by taking foreign Troops into our Pay; and, till this Event happens, we ought to save all we can, in order to be the better able to support such a heavy War, when it happens to break out.

‘ Frugality, Sir, is extremely necessary at the Beginning of every War; because, after a War is once begun, no Man can tell when it will end. The present War may be of longer Continuance than some People imagine. I have more Fears that way, than I shall now explain. I shall now only say, that, if we accept of no Peace but an honourable one, the War will not, I believe, be soon over; and, therefore, we ought to take Care not to run ourselves

out

out of Breath in the Beginning of a long Course. Spite of Anno 13, Geo. II. 1739. the most vigorous and best-concerted Measures, the War may last for several Years, and may become much more heavy than it is at present; but, if our Measures should hereafter be as much influenced by our Fears of an Invasion, as they seem by this Debate to be at present, I may prophesy that we shall never be able to bring it to a happy or honourable Conclusion. If our Fears of an Invasion at Home should so much engross our Care and Attention, as to prevent our being able to take due Care of our Trade or Dominions* Abroad, the War may, perhaps, end in the Destruction or Loss of a great Part of both; which God, in his infinite Mercy, will, I hope, prevent; for, besides the Ruin it would bring upon this Nation, it would very much endanger our present happy Establishment, and consequently the Protestant Religion, and the Liberties of Europe.

For this Reason, Sir, we ought not to allow ourselves to be induced, by groundless Fears, to be at the Expence of raising or keeping up more Forces, either at Home or Abroad, than are absolutely necessary; and those we do keep up ought to be employed in the most vigorous manner, and in those Places where they can most annoy the Enemy, or contribute most to the Advantage of their Country. It is our Business in this House to grant what Supplies are necessary for the public Service; but it is likewise our Business to advise his Majesty to make use of the most frugal Methods, and even to point out those Methods, which we think may be the most frugal and effectual. For this Purpose we stand in need of no secret Intelligence; and therefore, tho' we cannot prescribe, we may give our Advice with regard either to Peace or War. This is our Duty; this is all that is attempted at present; and if doing our Duty in this respect is to be called Animosity, it is a laudable Animosity: It is such an Animosity as, I hope, will ever prevail in this House. An Honourable Gentleman was pleased to make an Observation, that those who have the right Side are generally the coolest in the Argument: I shall give him two for his one; tho' I am far from saying, that either of them is applicable to any Gentlemen in this House. One is, that the Deceitful, who have a mind to impose upon the Understanding, are always extremely cool in their Arguments; and the other is, that the Advocate who speaks for his Fee, seldom shews such a natural Warmth, as the Man that speaks in his own Cause. In this House it would be in vain for any Man to attempt to impose, and I hope I shall never see any Man in it speak for his Fee; but I do not at
all

Anno 13, Geo II. 1739. all wonder to see a decent Warmth expressed; for I hope every Man thinks he speaks in his own Cause, because it is the Cause of his Country.

• The present Question, Sir, is, I think, as much the Cause of my Country as any Question that ever happened in this House. The War we are now engaged in is, it is true, as yet but a Bauble: It is as yet a sort of Toy we may play a little with; but it may become one of the most heavy and dangerous Wars this Nation was ever engaged in; and then we may have Cause to repent of every Shilling we needlessly threw away at the Beginning. There is as great a Difference between being a Miser and being frugal, as there is between being frugal and being prodigal. Frugality is the Mean which a wise Man will always chuse, but the Fool generally launches out into Prodigality, in order to shun the Imputation of being a Miser. In this War, I hope, we shall put ourselves to no Expence for the sake of Shew: We have had Raree-Shews enough already: I hope, we shall now make the best, the most effectual Use of every Squadron we fit out, and every Regiment we raise or keep on Foot; and I hope we shall neither fit out, nor raise or keep up any more than we have immediate Occasion for. In Time of Peace, these expensive Raree Shews only prevented our paying off our old Debt; but in Time of War, they will make us contract new, and, by breaking our Credit, may bring sudden Perdition upon the Nation.

• This, Sir, is one of the greatest Dangers we lie exposed to; and to obviate this Danger is the Intention of the Motion now under our Consideration. It has no Relation to any Estimate: It relates only to his Majesty's Speech, in which we are told, his Majesty had judged it proper, that a Body of Marines should be raised; therefore, we have no Occasion to look into any Estimate; for this Motion might have been made and agreed to, tho' none of the Estimates had been laid before us. But I am surprized to hear any Gentleman say, that such a Motion cannot come properly before us, till we take the Estimates into our Consideration in the Committee of Supply. If it had been delayed till that Time, I am sure, it would have been called a very preposterous Motion, perhaps, even by those who now call it premature. In the Committee of Supply we must either approve of, or reject the Estimates: I hope the Gentlemen who now think this Motion improper, would not have us, when we go into the Committee of Supply, to reject the Estimate for Marines, in order to consider of and agree to this Motion; and, I am sure, it would be ridiculous to make or agree to such a Motion, after we have approved of an Estimate

Estimate for raising the Marines by new Levies. But if this Motion should now be agreed to, we may put off taking the Marine-Estimate into our Consideration, till we have a Return from his Majesty to this Address; and if he should approve of our Advice, he would certainly order a new Estimate, conformable thereto, to be laid before us.

Anno 13, Geo
II. 1739.

‘ The present is, therefore, the only proper Time for taking this Motion into our Consideration; and as I have shewn, that we can have no Occasion for such a great Number of Land-Forces, besides Marines, I think the Motion ought to be agreed to. I shall most readily join in Opinion, that a Body of Marines ought to be formed; and that it ought to be such a one as may, upon Occasion, be fit for Land as well as Sea-Service. But Gentlemen seem to mistake the principal Design of having a Body of Marines: They ought to be principally designed to come in Aid of our national Stock of Seamen, and that we may not be obliged to draw away from our Trade too many of that necessary Body of Men. If this be, as it ought to be, the chief Design, there is no Occasion for forming them into Regiments, or for putting ourselves to the Expence of having any Generals or Field-Officers of Marines. Such Officers of Marines are no ways necessary for any Service, unless it be for the Service of Ministers in this House. The Expence of such Officers is, therefore, what we may and ought to save to the Nation. It is an Expence in which we have been long most extravagant, even with respect to our Land-Army. We have long been at as great an annual Expence for our Land Army, as would maintain double the Number, according to the Establishment in any other Country of Europe. In France, it is true, as they have Officers *en Seconde*, they may have as many, perhaps more Officers than we; but the Pay of their Officers is not near equal to ours; and if it were, France would be but a bad Example for us. In that absolute Monarchy, they have a great Number of Officers, in order to have a great Number of their Nobility employed in their Army, and thereby kept dependent upon the Crown.

‘ This, Sir, is the true Reason, why the French have such a Number of Officers, and not, as an Honourable Gentleman has been pleased to assert, because it makes their Troops superior to the Germans; for it is not really so in Fact. In the last Age, the French Troops were better than the Germans, because they were much better disciplined; but now that the Germans are equally disciplined, tho’ not equally officered, they are rather better than the French, as appeared in the last War between these two Nations, when the French
trusted

Anno 13, Geo
H. 1739.

trusted more to their Numbers, or to their Art and Intrenchments, than to the Bravery of their Troops. But the very Reason that induces the French to have a great Number of Officers, ought to be a Reason for us to have as few as possible; for a great Number of Officers, whether Civil or Military, as they are all, by our present Constitution, in the Nomination, and most of them removable at the Pleasure of the Crown, must create such a Dependence upon, and thereby establish such a Power in the Crown, as is inconsistent with a free Government or limited Monarchy. I was really surprized to hear an Honourable Gentleman say, that he knows of no Alarm spread among the People by the great Number of Officers, Civil and Military, we have at present. One would from thence be apt to suspect, that he keeps Company with none but Officers, Civil or Military; for I will venture to say, that no Man can go into any other sort of Company, without hearing some of them express their Fears upon this Head: And yet, from his saying, that we have no more Officers, Civil or Military, than are necessary for the Ends of Government, one would be apt to suspect, that he knew very little of the Nature of those many new Officers that have been of late Years created, or of those old Officers that have been split into several Parts, in order to increase the Number of Officers.

Every Man, Sir, that knows any thing of our present Circumstances, must know, that we have a vast Number of Places that are absolute Sine-Cures; and these, I am sure, can be necessary for no End of Government, whatever they may be for the Ends of Corruption. Of this sort, Sir, was our late General of Marines; and in the same Light shall I look upon every General, Field-Officer, Pay Matter, Commissary, and Chaplain of Marines, that shall be hereafter created or revived. I know that Marines ought to be Men bred to Land, as well as Sea-Discipline; and for this Reason, Men who have already learned the Land-Discipline are more fit for Marines, especially as we have immediate Use for them, than raw or fresh Men, that know nothing either of Land or Sea-Discipline. But Gentlemen, I find, mistake the Land-Service, which Marines ought to be designed for: If Marines were to serve a whole Campaign at Land, and to be made a Part of a regular Land-Army, I shall grant, that they ought to be formed into Regiments, and be officered in the same manner as other Land-Forces are; but this is a Service that Marines ought never to be employed in: When such an Army is to be formed, a sufficient Number of Land-Forces ought to be sent out for that Purpose. The only Land-Service that Marines ought to be
designed

designed for, or employed in, is to support our Seamen in Anno, 13 Geo. forming a Town or Castle, after a Squadron of Men of II. 1739. War has so battered and bombarded it, as to make an Assault practicable ; or to make an Incurſion upon ſome open Country, where there are no regular Troops, or not ſuch a Number of regular Troops as can be called an Army, to oppoſe them ; and for both theſe Services a Body of Marines, formed into independent Companies, are as good as if they were formed into regular Regiments.

‘For this Reason, Sir, if we are to raiſe 6 or 7000 Men, formed into ſix Regiments, and regularly officered as other Land-Forces are, I ſhall conſider them as Land-Forces, and as an Addition to our Land-Army. You may call them by that favourite Name, Marines, in order to put a Cheat upon the Public, which I think no way neceſſary upon the preſent Occaſion ; but you cannot employ them as Marines: At leaſt if you do, the Field-Officers belonging to them will be quite uſeleſs, and their Pay an unneceſſary Expence to the Public, as long as their Regiments are employed as Marines. I ſhall readily agree to the forming a Body of 6000 Marines, or double that Number, if it ſhould appear to be neceſſary ; but that Body ought, I think, to be formed into independent Companies, and brought in Aid of our national Stock of Seamen, in order, as I have ſaid, to prevent our being forced to draw too many Sailors away from our Trade ; and, as we have immediate Occaſion to employ them at Land as well as Sea, the private Men ought, I think, to be drawn from the Regiments now in our Service, and our beſt and moſt experienced Captains and Subalterns appointed to command them. This is the Deſign of the preſent Motion, and therefore I cannot but approve of it.

‘ Having already troubled you too long, Sir, for which I beg Pardon, I ſhall conclude with obſerving, that, by the Method of arguing made uſe of in this Debate, by thoſe who have ſpoke upon the other Side of the Queſtion, they have not only condemned all the Arguments they have themſelves been making uſe of for theſe 20 Years, in favour of a Standing Army, but alſo they have condemned the Meaſures lately taken for manning our Navy. I believe, there is no experienced Officer in our Army, but will confeſs, that it requires longer Practice and more Pains to reach common Men a natural and quick Uſe of the Muſket and Bayonet, ſo as that they may exerciſe them in a Body regularly and without Confuſion, than to make them Maſters of all the Marches and Counter-Marches, for Involutions and Evolutions, that are practiſed in the moſt regular Army ;

Anno 13, Geo
II. 1739.

and accordingly at all Reviews we find, that Regiments oftener fail in their regular Firings, or in Charging and Discharging, than in any other Part of the Exercise: Therefore, if new-raised Men can in a few Days, or a few Weeks, sufficiently learn the Use of the Musket and Bayonet, which is the most difficult Part of Discipline, I am sure, we have no Occasion for keeping a Standing Army always on Foot; and however much we may neglect regular Firing on board our Men of War, I must take Notice, that when one of our late Spithead-Expeditions, for, I think, we have had several, was joined by a small Squadron of Dutch Men of War, it was observed, that the Men on board the Dutch Ships were daily exercised in the Use of the Fire-lock, and that they charged and discharged as regularly and as quickly, as could be expected from regular Troops.

‘ Thus, Sir, have these Gentlemen condemned the chief Argument they have been making use of for these 20 Years in favour of a Standing Army; and by the Arguments they have now made use of in favour of Marines, and for our supplying that Service by new Levies, they have condemned the whole Tenor of our late Practice for manning our Navy. The Hon. Gentleman who spoke last, who has himself had some Experience in the Navy, has told us, there are many Services on board a Man of War that may, with a little Experience, be performed by Landmen as well as Seamen; and that this Experience may be soon acquired by a Fellow just come from the Plough, or by a Vagabond just pick’d up in the Streets. I believe what the Hon. Gentleman says to be true, as I shall be ready to do any Fact he advances: I believe a Ploughman or a Vagabond, if he be an able-bodied Man, may much sooner learn to hawl in an Anchor, or to perform any such Service on board a Man of War, than he can learn the Use of the Fire-lock; but if this be so, why, accept of none, or a very few, for our Ships of War, but such as were expert Seamen? Why, refuse many able-bodied Vagabonds, that were pick’d up in several of our Counties, and sent at a great Charge to the Sea-Ports, where our regulating Captains were posted, and many able-bodied Landmen that came to offer themselves to the Service? Why, offer no Reward to Landmen, as well as Seamen, that should voluntarily come to list in his Majesty’s Service? Sir, what Instructions our regulating Captains had, I know not; but I know, that they refused or rejected a great many Landmen, and not a few Seamen: Whereas, in the Time of such Distress, every Man that had no infectious Distemper upon
him,

him, nor any natural Infirmity, ought to have been accepted. And if we had begun with forming a Body of Marines by Draughts from our regular Regiments, which his Majesty might have done, as soon as he found a War unavoidable ; we might have replaced them by new Levies, and might by this Time have had in the West-Indies such a Number of Marines, as would not only have taken, but held any Place we thought fit to attack ; for as our Squadron in that Part of the World can meet with no Opposition at Sea, they might, as soon as they arrived, have sent every one of their Marines upon some Expedition at Land ; and as the Enemy has no regular Army there, a Body of disciplined Soldiers, formed into independent Companies of Marines, would have been as fit for the Service, as the best and most regular Regiments we can send thither

Anno 13, Geo.
II 1739.

‘ I think I have now answered every Objection that has been made to the Motion ; I hope, Sir, I have given such Arguments for it, as are convincing, and therefore, I hope, every Gentleman that hears me, will join with me in giving his Affirmative to the Question.’

Sir Robert Walpole.

S I R,

‘ Whatever other Gentlemen may suppose with regard to the Speeches or Demands of their Sovereign, I think it is the Duty of his Majesty’s Servants, even tho’ they be Members of this House, to talk with great Respect of those Speeches that are made by him, and of those Demands that are made in his Name, as well as of those Messages that are signed by him ; and when they know, which some of them may do, that they are not the Speeches or Demands of Ministers, but the real Speeches or Demands of their Sovereign and Master, they may, I think, make use of his Majesty’s Name, even in this House, without incurring any just Censure. I know that no Member of this House ought to have an implicit Faith in any Man, or in any Opinion : We ought to give Credit to no Fact, unless it be vouched by undoubted Evidence, or supported by proper Authority, in Cases that will not admit of Evidence : Neither ought we to assent to any Opinion, unless it be established by solid Reasoning. But in State-Affairs, particularly in Time of War, Facts may arise, which may be certainly true, and may have sufficient Vouchers, and yet those Vouchers may be such as cannot be laid before Parliament : In such Cases, we must depend upon his Majesty’s Authority ; and the only Method by which that

Sir Robert
Walpole,

Anno 13, Geo. II. 1739. Authority can be communicated, is by Speech, Message, or Demand.

Every Gentleman will, I believe, Sir, allow, that designed Invasions and Insurrections are Facts of this Nature. There may be such Designs, and more probably in Time of War, than at any other Time; there may be sufficient Vouchers of such Designs, and yet those Vouchers may be such as cannot be communicated to Parliament; therefore, had I not the least Concern in the Administration, or in his Majesty's Councils, I should be apt to believe any Insinuation of such a Design, if such an Insinuation should be made by his Majesty, either in express Terms, by Speech or Message, or tacitly, by desiring such a Number of Forces as might be necessary for defeating or preventing the Execution of such Designs. This ought at all Times to be an Argument of some Weight for prevailing upon us to grant the Number of Forces, both by Sea and Land, which our Sovereign may think necessary; but in Time of War, this Argument ought to have a much greater Weight; because our Sovereign may then have in View, not only to defeat the secret Designs of our Enemies against us, but to execute some secret Designs against them.


I shall admit, Sir, that it is our Duty in this House to be jealous of the Liberties and Privileges of the People, and to be as sparing of their Purves, as is consistent with their Welfare and Security. But both Jealousy and Frugality may be pushed too far: Jealousy often prompts the Suspected to that which would never have entered into their Heads, if they had not found themselves causelessly suspected; and by not giving a little to those that are to defend us, we may have the Whole taken away by those that are to attack us. I am certain, we had never less Cause to be jealous than we have at present: No one Step of his present Majesty's Conduct could ever furnish us with the least Intimation of his having a Design to incroach upon our Liberties and Privileges, or to make a bad Use of the regular Troops we keep on Foot. Nay, if he had any such Inclination, the Complexion of our present Army would prevent his indulging that Inclination, by forming Designs against our Liberties: The Education and known Sentiments both of the Officers and Soldiers of our Army, must convince us, that they are as great Enemies to arbitrary Power, as any other Set of Men in the Kingdom: therefore, I shall always look upon our Army as a Guard to our Liberties, and the more numerous it is, the better, I must suppose, our Liberties will be guarded.

‘ It is not, Sir, from any Apprehensions I have of our Army, with regard to our Liberties, that I am against its being made more numerous than is now proposed. It is the Expence alone that gives me any Concern; and upon this Account only, I shall always be against our raising or keeping up a greater Number of Troops than I think absolutely necessary for the Security of our Liberties, Privileges, and Properties. But my Concern, in this respect, I shall never allow to carry me so far, as to expose the People to be invaded and plundered by their Enemies, for the sake of saving them that Trifle of Expence, which may be necessary for keeping on Foot a few more Troops, or for maintaining a few more Officers; and considering that the Saving to be made by what is now proposed, would amount but to a mere Trifle, I should never forgive myself for such a trifling and ill-timed Frugality, if any Corner of our Dominions should be plundered and laid waste, for want of a sufficient Number of regular Troops to repel an invading Enemy; or if the Marine Forces we send Abroad should, upon any Engagement, run into Confusion, and be destroyed, for want of Field-Officers to command them, and keep them in order.

‘ I know, Sir, it is our Duty in this House, to give our most sincere Advice to our Sovereign, as often as any important Occurrence makes it necessary; but, in order to give that Advice its proper Weight, we ought to take Care that it shall always be attended with Dignity; therefore, we ought not to interpose with our Advice too frequently, or upon trifling Occasions; and we ought never to give it but upon full and mature Deliberation. The Affair now before us is, I think, of too trifling a Nature for us to interpose with our Advice, especially as it has not been particularly asked upon the present Occasion; and I am sure it cannot be said, that we have fully and maturely considered what we are about. The Address proposed must be allowed to be something very different from an humble Advice. As the Estimate for Marines, prepared by his Majesty's Order, is now before us, this Address will be looked on as a Condemnation of the Estimate; for if that Estimate be properly drawn up, if the Method thereby proposed for raising Marines be the most proper and frugal that can be thought of, what Occasion can there be for such an Address? If we approve of the Estimate, it would be ridiculous in us to present such an Address; therefore our agreeing to, or presenting such an Address, must be considered as a Condemnation of the Estimate now before us; and I appeal to every Gentleman of this House, whether he has sufficiently examined that Estimate for enabling him to pass Sentence of

Condem-

Anno 13, Geo.
H. 1739.



Anno 13, Geo.
II. 1739.

Condemnation upon it. Such a Sentence ought not, I think, to be passed till the Estimate has been actually read in the House; but so far from being read in the House, I believe, it has been read but by a very few Members of the House; and therefore, if no Gentleman give his Vote for the Address or Sentence of Condemnation proposed, but he that has read the Estimate, I believe, I may easily guess what will be the Fate of the Question.

‘ Sir, I hope I may suppose, that, in order to fix upon the most proper Methods for raising and forming a Body of Marines, those who have the Honour to advise the Crown took Care to examine the several Establishments of Marines made in former Times, and the several Services they were employed in; and as there are several Persons still alive, who were in the Service in King William and Queen Anne’s Time, I may suppose that those Persons were examined, in order to know, from them, how the Marines performed the Services they were employed in, and the Defects or Advantages that were found in the Establishments then made. This, I must suppose, was done by those who have the Honour to advise the Crown, before they could think themselves qualified for giving a proper Advice; and this I think we ought to do, before we can agree to such a Motion as the present. But can it be said, that we have made any such Enquiry, that we have examined any one Person, or that we have before us any one of those Papers, which we ought to look into, before we presume to give his Majesty any Advice upon this Head? Therefore, this Address, call it an Advice, as some Gentlemen pretend it is, or call it a Condemnation of the Estimate now before you, as I think it really is; in short, call it what you will, it cannot be said to be the Effect of a mature Deliberation; and therefore, it cannot be attended with that Dignity, which we ought carefully to preserve in all our Applications or Approaches to the Crown.

‘ For this Reason, Sir, if I approved of the Advice proposed, I could not approve of this hasty and inconsiderate manner of resolving upon it; but the Advice itself is such a one as I cannot approve of. It is to me, indeed, a very new sort of Doctrine, that, in Time of War, we have no Occasion to keep within the Island a greater Number of Troops, than in a Time of the most profound Tranquillity. When we are at open War with a Nation that has a considerable Navy, tho’ nothing equal to ours; when that Nation had a great Number of Veteran Troops in their Provinces that are next to us; and when they are every Day both fitting out Men of War and Transports, I should think it
very

very unwise in us, not to keep at Home, for our Defence, a more numerous Army than we usually have in Time of Peace. We may despise the naval Power of Spain in our Speeches and Conversation here at Home: I shall grant, it is no way equal to ours: I shall grant, they have but few Ships of their own fit for being made Transports; but there is always a great Number of foreign Ships in their Harbours: Before the War broke out, there were often more British Merchant Ships in their Harbour of Cadiz alone, than would have been sufficient for transporting 10,000 Foot to Britain or Ireland; and as that Trade must still be carried on, and will now be carried on by the Merchant Ships of Holland, France, and other Nations, we must suppose, that there will always be more foreign Ships in the Ports of Spain, than are necessary for transporting 10 or 12,000 Infantry to this Island or to Ireland. These Ships the Court of Spain may, by an Embargo, force into their Service; and as our Fleet may be locked up in the Channel by contrary Winds, it may be impossible for us to send out a Squadron, either to intercept their designed Armado, or to lock it up or destroy it in their Harbour. This is an Accident we can provide against no other way, but by having at all times a Land-Army equal to any they can invade us with, for opposing them at, or soon after their landing; and therefore, I shall always be for keeping a more numerous Body of Troops within the Island in Time of War, than was ever thought necessary in Time of Peace.

But besides the Number of Troops necessary to be kept at Home, for guarding us against Invasions or Incurfions, surely, Sir, in Time of War, we ought to have some certain Number of regular Troops ready to be sent out upon such Designs against the Enemy, as future Incidents may encourage us to undertake. As the Winter-Time is the best for attacking the Enemy in America, we cannot, perhaps, send out any Land-Forces for that Purpose before the Month of July next; but there are other Places where we may, perhaps, attack the Spaniards with Advantage to ourselves, and great Prejudice to them; and, for this Purpose, it may be proper to send out a Body of disciplined Troops early in the Spring. I do not know that his Majesty has, at present, any such Project in view; but, suppose he has not, yet many Accidents may occur before that time, for rendering the Success of such a Project not only probable but certain; and could any one approve of our Conduct, if we should lose such an Opportunity, by not having a spare Body of Land-Forces ready to be sent upon the Execution? Could the saving of 80 or 100,000*l.* which is the utmost we can save

Anno 13, Geo
II. 1739.



Anno 13, Geo.
II. 1739.



save by what is now proposed, any way counter-balance the Advantage we might reap by the Success of such a Design?

‘ I cannot pretend to say, Sir, whether this War can be of a long Continuance or no ; but, I am certain, that the most infallible Method we can take, for making it of a long Continuance, is to be so parsimonious at the Beginning, as not to make the proper Provision for carrying it on with Vigour. We are told, by the highest Authority, that they who go to War ought to consult, whether they be able with 10,000, to meet those who come against them with 20,000. But, it seems, we must be able to do a great deal more ; for with 28,000 Land-Forces, we propose to overcome Spain with above 100,000. It is true, our Navy is much superior to theirs ; but, by our Navy alone, we cannot propose to force them to a Peace : We must attack them at Land some where or other ; and, for this Purpose, we must have a sufficient Land-Force. I believe they have not at present any great Number of regular Troops in the West-Indies, and we may prevent their sending a great Fleet and Army there at one time ; but we cannot prevent their sending small Detachments in single Ships, or in half a dozen Ships at a time ; and, by such means, they may considerably increase their regular Troops in the West-Indies, even before we can send any to attack them. It is, therefore, now impossible to tell, what Number of Troops it may be necessary for us to send thither, either for attacking the Enemy, or defending our own Dominions, in that Part of the World ; and, if we send Veteran Troops thither, the new-raised Troops that are to replace them here at Home, ought to be levied some Months before, in order that they may be trained to Discipline, and ready for Service, before we send away the old ; for tho’ we ought, and certainly must send out Troops for attacking the Enemy, or defending our Dominions Abroad, I hope no Gentleman will say, that we ought, for that Purpose, to leave our Dominions at Home defenceless.

‘ I shall not say, Sir, that a Body of 28 or 29,000 Men is absolutely necessary for our Defence at Home ; but, I will say, that we ought to have that Number at least, besides the Marines now proposed to be raised, in order to be in a Condition to spare 8 or 10,000, as Occasion may require, for distressing the Enemy, or defending our Dominions Abroad. And now, Sir, with regard to the Method of raising and forming the Body of Marines proposed, as no Gentleman questions its being necessary to make them fit for Land as well as Sea-Service, I am surprized to hear any Gentleman say, that they ought to be formed into independent Companies, rather than Regiments. I believe, every
Gentleman

Gentleman that has ever seen any Service, will say, that a Body of Men formed into Regiments, are better for Land-Service, and less liable to Confusion, than a Body of Men formed into independent Companies; and this is confirmed by the present Practice of every State in Europe. In little Attacks and Skirmishes, where there are not above 2 or 300 Men of a Side, independent Companies may do as well as a Detachment from a Regiment; but where the contending Armies amount to Thousands, it is certain, that Regiments are more proper than independent Companies; and, as this last may very probably be the Case of our Marines, I must think they ought to be formed into Regiments. I shall grant, that, whilst those Regiments are on board our Men of War, the Field-Officers can be of no Service; but I hope they will seldom be for any long time on board our Men of War: They will be there only during the time of transporting them from one Place to another; and wherever they go, the Field-Officers must go along with them, in order to take the Command of them as soon as landed: Therefore, I hope, no Gentleman will grudge the Expence of 18 or 20 Field-Officers, when it comes in Competition with the Behaviour of our Troops and the Glory of our Country.

Anno r3, Geo.
II. 1739.

Now, Sir, as to the other Officers, if Gentlemen will but take time to look into the Estimate upon our Table, and compare it with former Establishments of the same Nature, they will see that the Body of Marines, now to be raised, is to have no more Officers of any kind than former Experience has shewn to be necessary. I know, that the Marines raised in 1692, had 200 Men in each Company; but Experience soon shewed, that such Companies were not fit for Land-Service, therefore they were reduced long before King William's Death to 100 Men in a Company; and in 1702, the Marines that were then raised, consisted but of 60 Men in a Company; whereas, by the Estimate upon our Table, if I may have leave to mention an Estimate not yet read in the House, the Marines now to be raised, are to consist of 70 Men in a Company, which is the highest Number that, as all experienced Officers say, any Company of Foot ought to consist of

Lastly, Sir, as to the private Men, of which this Body of Marines is to be composed, I must think his Majesty is the best Judge, whether they ought to be all new-raised Men or old Soldiers, or partly one and partly the other; because he knows best what Service they are to be sent upon, and when they are to be sent. If they are not to be sent out till four or five Months after they are raised, it does not signify much, whether they be all new-raised Men or no, because, in

Anno 13, Geo
 II. 1739.



that time, they will be pretty well disciplined; especially if they are to be sent to the West-Indies, because they will have no Enemy to encounter there, but the Militia of the Country, or some of the worst of the Spanish Troops; for, whatever we may do, I am confident the Spaniards will keep their best Troops at Home to defend their Mother-Country. If the private Men should be all draughted out of the Regiments now in our Service, it would be a Loss rather than a Saving to the Nation; because an equal Number of Recruits must be immediately raised, for completing those Regiments, from which the Marines are draughted; and, as it will be more difficult to find Recruits for Marching-Regiments than for Marines, we must give a greater Reward for enlisting. Thus, if we chuse the cheapest way of forming a Body of Marines, we must take as many new-raised Men as his Majesty may think consistent with the Service upon which he is to send them; and, I am sure, it will be the quickest; for a great many Fellows that called themselves Seamen, have been rejected or turned out of our Men of War, because they were found not to be expert Seamen, nor any way fit for their Business. These Men will all immediately list as Marines, and will make good Marines, tho' they could not be accepted of as good Seamen; for tho' a Captain of a Man of War, after he has got a sufficient Number of expert Seamen on board his Ship, may accept of able-bodied Landmen or Seamen, that are not expert in their Business, in order to make up his full Complement, yet the regulating Captains could accept of very few but expert Seamen, because they could not know how they were to be disposed of; and by accepting of too many Landmen, or unskillful Seamen, such a Number of them might, by Accident, have been put on board one of our Men of War, as might have been the Cause of losing the Ship.

Upon this Occasion, Sir, I must desire, that Gentlemen would consider, which of the two Services, the Public or the Merchant-Service, ought, in Time of public Danger, to be preferred. As we do not, in Time of Peace, keep a Number of Seamen in Pay, sufficient for manning our Navy in Time of War, when a War first breaks out, the Public-Service must be neglected, or the Merchant-Service must be distressed. This is a Consequence which it is impossible to avoid, any way, but by keeping in continual Pay such a Number of Seamen, as may be near sufficient to man the most numerous Fleet we have occasion to fit out in Time of War; and until this is done, I am sure, every Gentleman that has a true regard for his Country, will chuse to have a short Stop or Interruption put to our Trade, rather than to have our

Whole

Whole exposed to imminent Danger, by not fitting out such a Number of Men of War as may be sufficient for our Defence.

Anno 13, Geo.
II. 1739.

‘ I hope, I have now shewn, Sir, that, were the Advice, proposed to be given by this Address, in itself right, it would be wrong in us to give it without a more mature Deliberation; and, I hope, I have likewise shewn, that it appears to be wrong in every Particular. I am sure, no Gentleman that thinks I am right in either of these Cases, can give his Affirmative to the Question; and I shall think myself very unlucky, if the Majority of this House should think I am wrong in both. As for the declamatory Excursions that have been made about the Alarm given to the People by the great Number of Officers, Civil and Military, we have at present, and about the Danger our Liberties and Constitution may be exposed by corrupt Practices, they may be, and I find they are, introduced into every Debate; but as it would be an endless Task to answer them upon every Occasion, all I shall say to them upon this, is, that we are here in the proper Place for enquiring into such Things: If any Gentleman knows of an unnecessary Office that has been lately set up, or an unnecessary Officer appointed; if any Gentleman knows of any Attack that has been lately made, or attempted, upon our Constitution; or if any Gentleman knows of any corrupt Practices lately introduced, or made use of, he may, nay, as a Member of this House, which is the grand Inquest of the Nation, he is in Duty bound to take notice of it to the House: But then he ought to be particular: He ought to name the Office or Officer set up or appointed, the Attack that has been attempted, or the corrupt Practice that has been made use of; and he ought to move for an Enquiry into what he finds fault with; for by thus declaiming in general, he can do no Service to his Country, he can give the House no Information, nor correct any Abuse. He does nothing but take up the time of this House most unnecessarily; for he cannot expect that such general Declamations, tho’ they may please the Galleries, should have an Influence upon any Gentleman that has the Honour of being a Member of the House; and much less can he expect their having such an Influence in this Question, where the vigorous Prosecution of the War is at Stake, than in any Question of a different Nature that can come before us.’

The Question was then put and passed in the Negative, Ayes 95, Noes 177.

The 25th, Resolved, That an humble Address be presented to his Majesty, for a Copy of an Estimate of the

Anno 12, Geo II. 1739. Establishment of the six Regiments of Marines for the Year 1740, to be laid before them.

The 29th. A Motion was made, and the Question being put, that his Majesty be address'd for Copies or Extracts of such Memorials, or Representations, as have been made to the King of Spain, or his Ministers, from the Treaty of Seville to the 9th of March 1738, relating to Spanish Depredations: It pass'd in the Negative.

A Motion was made, and the Question being put, to Address his Majesty, for Copies or Extracts of all Letters written, and Instructions given by the Secretaries of State, &c. to any of the Governors of the British Plantations in America, &c. from the Treaty of Seville to the first of January 1738, relating to the Spanish Depredations: It pass'd in the Negative, Ayes 55, Noes 95.

A Motion was made, and the Question being put, to Address his Majesty, for Copies of all the Instructions and Letters sent to Mr. Keene by his Majesty's Ministers, authorizing him to conclude and sign the Convention between his Majesty and the King of Spain, on the 14th of January 1738-9, N. S. It pass'd in the Negative, Ayes 98, Noes 172.

The 30th. Read a first time the Malt Bill.

Received an Account of the Establishment of the six Regiments of Marines in 1704.

Agreed to the Report of Wednesday's Resolutions, viz.

Resolved, That 28852 Men be granted for Land-Forces for the Service of the Year 1740.

That 860,150 *l.* 10 *s.* 4 *d.* $\frac{1}{2}$ be granted for maintaining them.

Resolved, That 4890 Men be employed as Marines for the Service of the Year 1740.

That 118,214 *l.* 1 *s.* be granted for raising and maintaining them from October 25, 1739, to December 24, 1740.

Dec. 3d. Read a second time the Malt-Bill.

The 4th, Agreed to the Report of Yesterday's Resolution, in a Committee on Ways and Means, viz. Resolved, That towards raising the Supply granted to his Majesty, the Sum of four Shillings in the Pound be rais'd as Land-Tax for 1740. And a Bill was Ordered in accordingly.

Read a second time the Bill for the more effectual securing and encouraging the Trade of his Majesty's British Subjects to America, and for the Encouragement of Seamen to enter into His Majesty's Service.

The 5th, Read a first time the Land-Tax-Bill.

In a Committee, went through the Malt-Bill, with several Amendments. Anno 13, Geo. II. 1739.

The 6th. Agreed to the Report of the Malt-Bill, and ordered it to be engrossed.

Read a second time the Land-Tax Bill.

The 7th. Read a third time and passed the Malt-Bill.

In a Committee went through the Land-Tax Bill, with several Amendments.

The 10th, Read a first time a Bill, for the better Supply of Mariners and Seamen, to serve in his Majesty's Ships of War, and on board Merchant-Ships, and other Trading Vessels, and Privateers.

Received a Petition from the South Sea Company, against the Bill for the more effectual securing and encouraging the Trade of his Majesty's British Subjects to America, and for the Encouragement of Seamen.

Received a Petition of William Mitchell Esq; complaining of an undue Election and Return for the County of Huntingdon. Which was ordered to be heard at the Bar of the House upon the 14th of January.

Agreed to the Report of the Land-Tax-Bill: And ordered it to be engrossed.

The 11th. Read a second time a Bill for better Supply of Mariners and Seamen.

The 12th. Read a third time, and passed the Land-Tax-Bill.

Went thro', in a Committee, the Bill for better Supply of Mariners and Seamen, with several Amendments.

The 13th. Agreed to the Report of the Bill for better Supply of Mariners and Seamen, and ordered it to be engrossed.

The 14th. Received several Estimates of Accounts.

Read a third Time and passed a Bill for better Supply of Mariners and Seamen to serve in his Majesty's Ships of War, and on board Merchant Ships, and other Trading Vessels, and Privateers.

The 17th. In 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, and for the Encouragement of Seamen to enter into his Majesty's Service; it was moved that a Clause be added to empower the Lords of the Admiralty to impress one Man out of five, out of the Merchant-Ships trading to *America*, which, after some Debate, passed in the Affirmative, on a Division, Ayes 86, Noes 60.

They also took into Consideration, the Petition of the South-Sea Company, claiming the sole Trade to America within

Anno 13, Geo II. 1739. within the Limits, as prescribed in their Charter. And went thro' the Bill, and made several Amendments to the same*.

The 18th. A Motion was made, and the Question being put, that the House be called over upon the 16th of January.

It passed in the Negative, on a Division, Ayes 61, Noes 136.

The 19th. Agreed to the Report of the Bill, for the more effectual securing our Trade to America, and for the Encouragement of Seamen, with the Amendments. And ordered it to be engrossed.

The 20th. The House took into consideration, an Amendment made by the Lords to the Bill for the better Supply of Mariners and Seamen to serve in his Majesty's Ships of War, and on board Merchant Ships, and other Trading Vessels and Privateers †. And agreed to the same.

His Majesty came to the House of Peers, and gave the Royal Assent to the Malt-Act, to the Land-Tax Act, to the Act for the better Supply of Mariners and Seamen, and to one private Act.

Read a first time, a Bill for Naturalizing such foreign Protestants, as are settled, or shall settle, in any of his Majesty's Colonies in America.

Read a third time and passed a Bill, for the more effectual securing and encouraging the Trade of his Majesty's British Subjects to America, and for the Encouragement of Seamen to enter into his Majesty's Service. Ordered it to the Lords.

Resolved, That an humble Address be presented to his Majesty, that a List of all the Officers of his Majesty's Forces, on the British and Irish Establishment, with the Dates of their first Commissions, may be laid before them. And then the House adjourned to the 8th of January.

January 8th. Ordered, That several Estimates of Accounts, relating to the Debt of the Navy, &c. for the Year 1739, be laid before them. Adjourned to the 14th of January.

The 14th. Received a Petition from the Commissioners of Westminster-Bridge, giving an Account that they had disposed of great Part of the Sums already granted them, and

* The Bill took up five Days Consideration in a Committee of the whole House.

† This Bill Naturalizes all Foreigners who will serve as Seamen in the British Service for two Years certain.

and thereupon praying for such further Powers and Sums as the House shall judge most proper, &c. Referr'd to a Committee. Anno 13, Geo II. 1739.

Ordered the Thanks of the House to be given to the Reverend Dr. Barton, for his Sermon preach'd before them upon the 9th Instant, being the Day appointed for a General Fast, and that he be desired to print the same.

Read a second time a Bill for naturalizing such foreign Protestants as are settled, or shall settle, in any of his Majesty's Colonies in America.

Heard Counsel upon the Petition of William Mitchell, Esq; against Charles Clarke, Esq; returned duly elected for the County of Huntingdon, relating to his Qualifications, which being fully proved, Mr. Clarke was declared duly elected.

The 15th, Read a first time a Bill for prohibiting Commerce with Spain.

Ordered several Accounts relating to the Proceedings of the Commissioners of Westminster-Bridge to be laid before them.

The House proceeded to the Hearing of the Matter of the Petition of Charles Vanbrugh Esq complaining of an undue Election and Return for the Borough of Plymouth in the County of Devon. And the Counsel on both sides were called in: And the said Petition was read. And the last Determination of the House, concerning the Right of electing Burgeses to serve in Parliament for the said Borough, made the 9th of June 1660, which was then resolved to be in the Mayor and Commonalty of the said Borough, was also read.

Then the Counsel for the Petitioner were heard, and insisted that the Word Commonalty, in the said last Determination, extends only to the Freemen of the said Borough, exclusive of the Freeholders thereof. Which being denied by the Counsel for John Rogers, Esq; the sitting Member, who insisted that the Word Commonalty includes the Freeholders of the said Borough; the Counsel for Captain Vanbrugh the Petitioner proceeded to give Evidence, in support of their Construction of the said Word. And a Charter granted by K. William III. and several Copies of Returns were read; and the Question being put, That the Counsel for the sitting Member be admitted to produce in Evidence a public Book of the Corporation of Plymouth, containing Abstracts of Leases granted by the said Corporation, and several other Matters; in which Book, the said Counsel alledge, there is a Memorandum of a Form, made in the Year 1676, by the then Town-Clerk of the said Corporation,

Anno 13, Geo
II. 1739.

poration, of a Return of Members to serve in Parliament for the said Borough of Plymouth, but with a Memorandum also in the said Book, that the said Form was not made use of, but the old Form used: It passed in the Negative.

The 16th. Petitions from the unhappy Prisoners for Debt in the Woodstreet-Compter, York, Stafford, and Marshalsea Southwark, were severally presented to the House, and read, complaining of their Distress, and praying Relief. And they were severally ordered to lie on the Table. In a grand Committee on the Supply, came to several Resolutions.

The 17th. Agreed to the Report of Yesterday's Resolutions on the Supply, viz. resolved that 260,203l. 2s. 1d. $\frac{1}{2}$. be granted for maintaining his Majesty's Forces and Garrisons in the Plantations, Minorca and Gibraltar, and for Provisions for the Garrisons at Anapolis Royal, Canfo, Placentia, Gibraltar and Georgia, for 1740.

That 3998l. be granted for maintaining the Widows of such reduced Officers of his Majesty's Land-Forces and Marines who died upon the Establishment of Half-pay in Great Britain, and who were married to them before the 25th of December 1716, for 1740. That 94,071l. 11s. 3d. be granted for the Charge of the Office of Ordnance for Land-Service, for 1740. That 46,362l. 13s. 5d. be granted for defraying the extraordinary Expence of the Office of Ordnance for Land-Service, not provided for by Parliament. That 20,000l. be granted to replace to the Sinking-Fund, the like Sum paid out of the same to the Bank of England for one Year's Interest on 500,000l. lent on the Credit of the Salt-Duty towards the Supply of 1735.

That 586l. 18s. 9d. be granted to replace to the Sinking-Fund, the like Sum paid out of the same, to make good the Deficiency of the Stamp Duties at Christmas 1738.

That 58,333l. be granted on Account of Subsidy payable to the King of Denmark, pursuant to a Treaty dated the 14th of March, N. S for 1740.

Then the House proceeded to the further Hearing of the Matter of the Petition of Charles Vanbrugh, Esq; complaining of an undue Election and Return for the Borough of Plymouth in the County of Devon. And the Counsel were called in: And the Counsel for the sitting Member proceeded in their Evidence, in support of their Construction of the Word "*Commonalty*" in the last Determination of the House, concerning the Right of electing Burgessees for the said Borough, made the 9th Day of June 1660.

And the Report from the Committee of Privileges and Elections, in the Reign of William and Mary, was read. And the Counsel on both Sides were directed to withdraw.

Resolved,

Resolved, That in the last Determination of this House, Anno 13, Geo. II 1739. of the Right of Election of Members to serve in Parliament for the Borough of Plymouth in the County of Devon, made the 9th Day of June 1660, which is as followeth, " That the Mayor and Commonalty of Plymouth, have " Right to elect Members to serve in Parliament for that " Borough; it appears to this House, that the Word *Commonalty*, therein mentioned, extended to the Freemen only of the said Borough. And the Question being put, That John Rogers, Esq; is duly elected a Burgess to serve in this present Parliament for Plymouth: It passed in the Negative, upon a Division, Ayes 119, Noes 180. Resolved, That Charles Vanbrugh, Esq; is duly elected, &c.

The 18th. Received several Accounts from Greenwich-Hospital, how the Money for the Year 1739 had been expended.

The 19th. Read a first time, a Bill to indemnify Persons, who have omitted to qualify themselves for Offices, within the Time limited by Law, and for allowing a further Time for that Purpose.

Agreed to the Report of Friday's Resolution; in a Committee on Ways and Means, viz. Resolved, that 88,722l. 7s. 10d. now remaining in the Exchequer, being the Overplus of the Grants for 1739, be issued and applied towards making good the Supply granted to his Majesty in this Session of Parliament.

In a grand Committee, went thro' the Bill for naturalizing such foreign Protestants as are settled, or shall settle, in any of his Majesty's Colonies in America.

Read a second time, a Bill for prohibiting Commerce with Spain.

Received Petitions from Prisoners confined for Debt in the Jails of Norwich, Lincoln, Worcester, and Norfolk, praying Relief: And they were ordered to lie on the Table.

The 23d. Agreed to the Report of the Bill for naturalizing such foreign Protestants as are settled, or shall settle, in any of his Majesty's Colonies in America, with several Amendments. And ordered the Bill with the Amendments to be engrossed.

The 24th. Read a first time the Bill to explain and amend an Act for preventing Abuses and Frauds in the Woollen, Linnen, Cotton and Iron Manufactures.

Read a second time the Bill to indemnify Persons who have omitted to take the Oaths, &c.

The 25th. Read a third time, and passed the Bill for naturalizing foreign Protestants, who shall settle in America.

Agreed to the Amendments made by the Lords to the

Anno 13, Geo
II. 1739.



Bill for securing and encouraging our Trade to America, and for the Encouragement of Seamen to enter into his Majesty's Service, with an Amendment. To which Amendment the House desired the Concurrence of their Lordships.

The 28th. Agreed to the Report of Friday's Resolutions in a Committee on the Supply, viz.

Resolved, that 33,429l. be granted, for raising and maintaining 2040 Men, Officers included, to be added to the six Regiments of Marines for 1740.

That 2450l. be granted for maintaining one Company of Invalids to be forthwith raised, and for making an Addition of twenty Men to each of the four Companies of Invalids raised in November 1739, in all to 181 Men for 1740.

That 10,347l. be granted upon Account for Out-Pensioners of Chelsea Hospital for 1740.

Debate on the
Place-Bill.

The 29th. The Members having been first summoned from the Hall, Court of Requests, &c. by the Serjeant with the Mace, Samuel Sandys, Esq; stood up, and expressed himself in Substance as follows :

S I R,

Samuel Sandys, Esq;

‘ I am now going to lay before you a Proposition, which has already been several times made to you, without meeting with that Success, which I thought it deserved; but as I think it a good one, and absolutely necessary for the Preservation of our Constitution, I am far from being discouraged by its former bad Success, nor shall I be discouraged from a future Attempt, even tho' it should now meet with as bad a Reception as heretofore; because I am fully convinced of the Truth of that Observation, which was long ago made by one of our best Lawyers, that a good Bill or Motion once proposed in Parliament, and entered upon our Journals, can never die: It may at first meet with bad Success: It may meet with repeated bad Success; but, unless our Constitution be absolutely and irrecoverably destroyed, it will by its own Merits at last force its way thro' the several Branches of our Legislature.

• The Proposition I am to make, Sir, is plainly, and in short this, that Criminals may not be allowed to be their own Judges, and that our Liberties may not be committed to the Keeping of those, who are retained to destroy them. It is the Duty of Parliament to redress all public Grievances, and punish all high and heinous Offenders who have been artful or powerful enough to evade the Laws of the Kingdom. It is the Duty of Parliament to grant no more Money for the Public-Service, than what is absolutely necessary, and to see that Money properly applied, and duly accounted for: And
it

it is the Duty of Parliament to watch over the Liberties and Privileges of the People, by taking care not to pass any Laws that are inconsistent with the Liberties and Privileges of the People, and by providing speedy and effectual Remedies against all Encroachments that have been, or may be, made by ambitious Princes, or guilty Ministers. These, Sir, are among the chief of the Duties of Parliament; but how can we expect a Performance, if a Majority of the Members be such, whose Self-preservation or Security depends upon their neglecting, or acting contrary to these Duties? Can we expect, that public Grievances will be redressed, if a Majority of Parliament be such as have themselves been, or such as are the Friends and Confederates of those that have been the Cause of these public Grievances? Can we expect, that any high Offender will be punished by Parliament, if the Majority of it be such as have been Companions and Sharers with him in his Crimes, or such whose chief Subsistence depends upon screening him from Justice? Can we expect, that any Supply demanded by the Crown will be refused, if it is to be granted by those, whose chief Subsistence depends upon making the Grant; or that the Public Money will be properly applied, or duly accounted for, if those that have applied, or may apply, it to their own Use, are to be the only Inspectors of the public Accounts? Or lastly, Sir, can we expect, that a Parliament will guard against the Encroachments of an ambitious Prince, or guilty Minister, if the Majority of that Parliament be such as have the Whole, or a necessary Part of their Subsistence, from the Places or Pensions they hold at the arbitrary Will of that ambitious Prince, or guilty Minister?

Anno, 13 Geo.
II. 1739.



These are Questions, Sir, which, in my Opinion, can be answered in the Affirmative by no Man, that will and dare make use of his Reason; and yet every one of these Questions must, I think, be answered in the Affirmative by those who affirm, that our Constitution can never be in any Danger from a Majority, or near a Majority of this House's being composed of such as hold Places and Pensions at the arbitrary Will of the Crown. I shall grant, Sir, that it may be necessary for us to have amongst us some of the chief Officers of the Crown. It may be necessary to have always in this House some of the chief Officers of the Treasury, Admiralty, and Army, as well as several others of those that are employed by his Majesty as chief Officers in the executive Part of our Government. These, I say, it may be necessary to have amongst us, in order to give us such Informations, as may often become necessary in the several

Anno 13, Geo
II. 1739.

Branches of Business that come regularly before this House ; but, I am sure, it is no way necessary, and quite inconsistent with the Dignity of this House, to have it filled with Clerks of Offices, and inferior Officers of our Navy and Army. I confess, I have the greatest Regard for such of those as we have at present amongst us ; because, I hope they have all so much Honour, that they would disdain to sacrifice their Duty, as Members of this House, for any selfish Consideration ; but, we cannot be assured, that those who succeed them in their Offices and Employments, will be Gentlemen of so much Honour, and as they may likewise succeed them with regard to their Seats in this House, our Constitution may be thereby brought into the utmost Danger ; for, if I were not well assured of the Honour of those Officers we have now amongst us, we have already such a Number, that I should think our Constitution upon the Brink of Destruction ; and, as this Number may increase so as, in a short Time, to become the Majority of this House, whilst we have it our Power, we ought to take care to provide against this Danger, by limiting the Number of Officers that are to have Seats in this House ; for, if the Majority of this House should once come to be composed of Officers, and those Officers such as had a greater Regard to the Places they possess, or Preferments they hope for, than to the Liberties and Constitution of their Country, it would be ridiculous to think of getting the Approbation of this House to any such Regulation. Therefore, Sir, as this is not yet, I hope, our unfortunate Case, I shall beg Leave to move, That Leave may be given to bring in a Bill, for the better securing the Freedom of Parliaments, by limiting the Number of Officers to fit in the House of Commons.

John Selwyn, Junior Esq;

S I R,

John Selwyn,
Jun. Esq;

* I should readily join not only in bringing in but in passing such a Bill as the Hon. Gentleman has been pleased to propose, if I thought it were necessary for the Preservation of our Constitution : Nay, I should join with the Hon. Gentleman in his Motion for bringing it in, in order to see what sort of Remedy he has a Mind to propose, if I thought that the Constitution were now, or ever could be in any Danger from the Number of Officers in this House : Nay farther, I should probably join with him in this Motion at least, if I were not fully convinced, that the excluding of any Officer who may have Fortune and Interest enough in his Country to get himself chosen, would be a
molt

most dangerous Infringement of our Constitution, and at Anno 13, Geo. II. 1739.
last, an infallible Cause of its Dissolution.

‘ The Hon. Gentleman has himself, Sir, furnished us with what I take to be an unanswerable Argument against the Bill he proposes : He says, and, indeed, it must by every one be granted, that no Danger can ensue from the Number of Officers in this House, unless that Number be so great, as to make a Majority ; and that even in this Case, no Danger can from thence ensue, unless that Majority consists of such Men, as have a greater Regard for the Offices they possess, or the Preferments they hope for, than they have for their own Honour, or the Liberties of their Country. These, therefore, are two Cases, which we must suppose may happen, before we can say there is any Necessity for such a Bill, as he had been pleased to propose ; and these two Cases are, in my Opinion, of such a Nature, that we cannot suppose it possible, that either of them should ever happen, and much less can we suppose, that both may happen at one and the same Time.

‘ We know, Sir, that a great Number of those, who have Offices and Employments under the Crown, I mean all the Officers of the Revenue, are already excluded from having Seats in this House ; and as for the Officers of our Navy and Army, and all those that belong to any of the Offices kept here at London, they are, by the very Nature of their Office, and by the Attendance they must give, prevented from having any Intimacy or Correspondence with the Gentlemen or People of our several Counties, Cities, or Boroughs, and consequently it must be extremely difficult for any great Number of them to get themselves chosen ; for the People in all Places of the Kingdom are fond of those that live amongst them, and converse with them daily, and will always chuse one of them, rather than any Stranger that comes to set up as a Candidate at an Election.

‘ For these Reasons, Sir, I think it impossible to suppose, that ever a Majority of this House should consist of such, as hold Offices or Employments at the arbitrary Will of the Crown ; and as for Pensioners, they are already excluded from having Seats in this House, as effectually as it is possible for you to exclude them by any Law you can make. But this is not the only impossible Supposition we must make, in order to frighten ourselves with the Dangers we are exposed to by a great Number of Officers having Seats in this House ; We must not only suppose, that they make a Majority of the House, but that they are all such as have no Regard to their Honour, or their Country,
which

Anno 13, Geo
11. 1739.



which, I hope, will appear to be a Supposition impossible to be made, with regard to such a Number of Gentlemen of Family and Fortune in this or any other Kingdom upon Earth; for Gentlemen of Family and Fortune they must be before they can get themselves chosen, unless you suppose their Constituents to be as great Scoundrels as themselves, which is likewise a Supposition that, I hope, can never be made; at least, I am sure, if there should ever be Ground for making such a Supposition, it would be ridiculous to talk of preserving the Liberties of such a vicious and abandoned People.

‘ But, Sir, before we can suppose our Constitution in Danger from a great Number of Officers having Seats in this House, we must, in my Opinion, suppose, that all those Officers are not only regardless of Honour and their Country, but downright Fools and Idiots, with regard to their own Interest. Every Gentleman that can have a Seat in this House, must now by Law be possessed of an Estate of 600 *l.* or at least 300 *l.* a Year, in his own Right. Whilst our Constitution is preserved, he may call this his Property, he may transmit it to his Posterity. But if our happy Constitution should be destroyed; if an absolute and arbitrary Government should be set up, he could do neither with any Certainty. In such Governments there is no Property, there is no Man can with Certainty depend upon being able to transmit any thing to his Posterity; and would any Man but a Fool and a Madman render a certain, real, transmissible Estate of 600 *l.* or 300 *l.* a Year precarious, for the sake of a Place or a Pension of double the Value, which he held at the mere Will of another, and which he knew he could not transmit to his Posterity? This, Sir, is so contrary to common Sense, that it is impossible to suppose, that any great Number of Men in any Age, or any Country, could be guilty of such a Piece of Madness.

‘ From hence, I think, it is evident, that our Constitution can never be in Danger from any Number of Officers that may have Seats in this House; but if you should by a new Law exclude all those in any Office or Employment under the Crown, or all but a very few, from having Seats in this House, it would not only endanger, but, in my Opinion, certainly destroy our Constitution. Sir, I believe it will be granted, that since the happy Accession of our present illustrious Family, as great a Regard, as great a Respect has been shewn by the Crown to Parliament, nay greater, I believe, than was ever shewn in any former Period of Time. To compare it with that Period in which our Constitution seems to have been most perfect, and our Govern-

Government most wisely administered, I mean the Reign of **Anno 13, Geo. II. 1739.**
 the glorious Queen Elizabeth : Every one knows, that she often treated her Parliaments with more Haughtiness than has lately been so much as thought of : Nay, she sometimes treated them in such a manner, as would now be exclaimed against, as the highest Insult, the most dangerous Encroachment upon the Rights and Liberties of Parliament ; and yet the Parliaments in her Time behaved in a more obedient, I may say, a more servile Manner towards the Crown, than they have ever done in any Reign since that Time : From whence I must conclude, that, so far from being brought under any servile Influence by the Number of Officers we have now in the House, it contributes towards enhancing that Regard, which the Crown finds necessary to shew to us ; and, I think, very good Reason it should ; for surely a Gentleman who, besides his Seat in this House and his personal Abilities, has a great Share in the Government and public Counsels of his Country, or a great Command and Interest in the Navies and Armies of his Country, is more to be regarded than a mere Country Squire or City-Merchant, who has nothing to recommend him, but his own personal Abilities, and his being a Member of this House.

‘ Therefore, Sir, if you exclude all Officers of the Crown from having Seats in this House, you will, of one Side, lessen that Regard which the Crown now finds necessary to shew to you ; and of the other, you will introduce, and in a manner establish Faction and Sedition, not only in this House, but in every Part of the Kingdom. The chief Guard we have against Faction and Sedition has always consisted in those Honours, Posts, and Preferments, which the Crown has the sole Power to bestow : If you remove that Guard out of Parliament, the seditious great Men, who may be the Heads of Faction, may probably, in a short Time, get the Direction not only of this House, but of most of the Elections in the Kingdom ; the Consequence of which would certainly be a Civil War between this House and its Followers of one Side, and the King and his Officers and their Followers, of the other ; and by the Issue of this War, let which ever Side prevail, our Constitution would certainly be undone. This, Sir, was the Case in the Reign of Henry III. This was the Case in the Reign of Charles I. In Henry III’s Time, the great Earl of Leicester, who was Head of the Party against the King and his Ministers or Officers, not only got the Direction of the Parliament, but, by his own Authority, nominated many of those that were to be chosen

Ann 13, Geo. II. 1739. as Members of this House; and if that haughty Earl had not been deserted by the Duke of Gloucester, and defeated by the Courage and Conduct of the Prince of Wales, afterwards our great Edward I. that Contest would probably have ended in a total Overthrow of our Constitution, as the other I have mentioned did, in the Reign of Charles I.

From all which, Sir, I must conclude, that the Offices or Employments, which are or may be possessed by Members of this House, may serve to keep up such a Correspondence and Connexion between the Crown and Parliament, as will secure the Tranquillity of the Nation against Faction and Sedition, but can never enable any Prince or Minister to destroy our Liberties; because as soon as any such Design becomes manifest, most of the Officers who have the Honour to be Members of this House, will declare, and thereby turn the Majority of this House against the Court; and by that means we shall always have it in our Power to give a Check to the wicked Designs of any ambitious Prince or guilty Minister. There can, therefore, be no Necessity for such a Bill, as the Honourable Gentleman has been pleased to propose; but on the contrary, I must think, it would be of the most dangerous Consequence to our Constitution, and for this Reason I must declare against his Motion.

George Lyttleton, Esq;


S I R,

George Lyttleton, Esq;

An Honourable Gentleman, at the lower End of the House, threw out a Proposal, to send us all to School again for the reforming our Manners. Sir, I think, our Care should be to prevent Members of Parliament from being at School, when they are here, from being under the Lash of an insolent Minister, as, if we may credit History, has happened in some former Parliaments. Sir, I do not mean the Parliament in Queen Elizabeth's Reign, however servile they are represented to have been, by an Honourable Member over the way. I am afraid the Practice of Ministers naming Members to Boroughs at their own Will and Pleasure, which he told us was used by the Earl of Leicester, has not been dropped since that Time; and I wish our Posterity may never see Days less advantageous to Liberty. Elizabeth loved her People, desired their Honour, regarded their Interest, she heard their Complaints against the greatest, the most favoured of her Ministers; and yet I will own, Sir, there were many wrong Things done in her Reign, because sufficient Restraints were not then laid upon the Power of the Crown: And therefore the Example of her Reign holds

holds out a useful Lesson to us, that even to the best of Princes we should not allow such a dangerous Influence, as may tempt them, by the Advice of bad Ministers, to encroach on our Freedom.

Annor 3, Geo.
II. 1739.



‘ Sir, considering how this Bill comes recommended, I should have imagined, Gentlemen would have thought it owing to themselves, if not to their Country, to seem to treat it with a little Respect. But not so much as to allow it to be brought into the House, to oppose the Principle of it, is indeed very extraordinary. There have been Times, when, only for the sake of that Principle, Bills of a much less moderate Nature, and to which there lay many Objections that cannot be made against this, have passed here without Opposition. Sir, for my own Part, I think, when I am promoting this Bill, that I am contending for all I ever thought myself bound to contend for; that I am opposing all I ever thought it my Duty to oppose: All Faults and Mismanagements in the Administration of Government, the Misunderstanding, the Neglect, the giving up of all national Interests, Discontent at Home, Dishonour Abroad, whatever can be conceived most detrimental to the Good of the Public, is all so closely inwoven with the Evil this Bill would prevent, that it can be guarded against, or remedied by no other possible Means. Sir, how far I am from supposing, that merely to have an Employment, without other Cause of Suspicion, implies any Notion of Guilt or Corruption, I need no other Proof than the Sense I must have of my own Situation. But tho’ I have an Employment myself, I think it still undeniably true, that the Nation has Reason to be jealous of the Number of Placemen in Parliament; because Nations always regard Things, and not Persons; because they consider the Temptation in general, not a particular Power of resisting it; and because the public Wisdom ought to proportion the Degree of Restraint to the Degree of Danger, that is either felt or foreseen.

‘ While this House is full of independent Gentlemen, or with such Placemen only whose Places are not so much the best of their Property, that they cannot risk the Loss of them without a Spirit of Martyrdom, who have something of their own sufficient to outweigh their Employments, and while the Number even of these shall be confined within some moderate Bounds, a Minister must regard this Assembly as an awful Tribunal, before which he is constantly to account for his Conduct: He must respect your Judgments, he must dread your Censures, he must feel your Superintendency. But I can imagine, a future House of Commons so crowded with Placemen, that a Spectator in the Gallery

Anno 13, Geo
 II. 1739.

might be apt to mistake, and think himself at the Levee of a Minister instead of a Parliament. The Benches here may be covered not only with Officers of Rank in the Government, not only with the Servants of the Crown, but with the Servants, perhaps, of those Servants; and what Sentiments, Sir, have we Reason to think the Sight of a House so filled would excite in a Minister? Would he think himself in the Presence of his Country, or in the midst of a Guard that would enable him to defy its Justice, and deride its Resentment? The Possibility of this happening hereafter, is the Ground of this Bill, which therefore the People of England do not only consider as a single Point to be gained for them upon any present Necessity, but as a general Security against all they apprehend for the future.

‘ Sir, my worthy Friend who made you this Motion, in the opening of it, explained to you sufficiently, that there is no Intent of running into any Extremes. If I thought there was, I would oppose it as much as any Man here. I know but one Thing more preposterous than such a general Place-Bill, as would exclude all Persons in Office from a Seat in this House, and that is, to leave the Number of them under no Limitation at all. But, for fear of starving, must we die of a Surfeit? Between these two Absurdities, can no Medium be found? Can’t we continue those amongst us who are of any Use to the House, who can give any Assistance, any Weight, any Facility, any Grace to our Proceedings, and shut the Door against others whom it is neither decent, nor safe to admit? Sir, the doing this is easy; it will be done by this Bill; it is what the Wisdom of former Parliaments would have done long before now. But the Reason they did it not was, it never entered into their Thoughts to conceive that some, who have since sat in Parliament, could attempt to come there; I do not mean from any personal Incapacity, but from the Nature itself of their Offices, incompatible almost with the very Idea of a Member of Parliament. It is a surprizing Thing, but it is verified by what we see every Day, that the common Practice of some Ages goes beyond even the Fears of the past. We must therefore supply from Experience what our Predecessors failed to foresee; and we are called upon to do so by the unanimous Cry of the Nation. Sir, the greatest Affairs before us are of less Importance than this: It is better Spain should invade the Freedom of the American Seas, than the Crown of England violate the Independence of Parliament. It is not Spanish or French Arms, but Spanish and French Maxims of Government, that we should have most to fear from, if the vigilant Caution, the jealous Spirit of Liberty in this House
 did

did not concur with the Goodness, the natural Goodness of Anno 13, Geo:
his Majesty, to secure our free Constitution. Let the Cor-
tes of Spain, let the Parliament of Paris be a Warning to
this; let them shew us what we may come to, if we don't
prevent the Growth of Corruption, before it produces here
the insensible, gradual, fatal Change it did there.

II. 1739.

‘ Sir, I am trying to recollect what Objections have been made to this Bill, and I protest I can find none that seem to me to want a Reply. One chiefly insisted upon is, that it carries an Air of Suspicion. Sir, in all the States that I have read of, antient and modern, the most suspicious People have been always the latest enslaved. To suspect human Frailty in tempting Circumstances is a very natural Jealousy, and a too secure Confidence will hardly be thought a Parliamentary Virtue. It is painful, indeed, to be suspected, but the greater the Pain, the greater the Desire should be to remove that Suspicion. But, Sir, against the present House of Commons, no such Suspicion can be conceived. — Upon what Grounds should it be founded? Upon what Probability? Has the private Discourse of such Gentlemen here, ever been different from their public Behaviour? Have they ever talked one way, and voted another? Have there been any Indications of a private Interest, that of any one Man ever prevailing over that of the Nation, against Fact, Reason, or Justice? Have not the Majority here constantly shewn the strongest Conviction, that their Conduct was strictly conformable to the most disinterested Love of their Country? Such a House of Commons ought not to be, is not suspected: But granting such a Doubt to have been formed, is this the way to remove it? Will the rejecting this Bill clear our Character, or can all the Art and Power of Calumny give half the Weight to an Imputation of that kind as such a Proceeding?

‘ Sir, to those who treat this Bill as a chimerical Thing, an idle, speculative Project, I will say but one Word, that the most chimerical Thing in Nature, is the Notion of a free Constitution, where the restraining Powers are not entirely exempt from Dependency. Such Liberty is, indeed, a Speculation fit for School-boys; for what would Terms and Appearances avail, if Independence were lost? You might retain the vain Ensigns of your former Authority, but would they give you any Dignity, would they be of any Use to the Public? The Mace there upon your Table, what would it signify? It might be borne before you with ridiculous Pomp, but it would be what Cromwell called it once, a mere Bauble; or if it had any Weight, it would be only to oppress, not to protect.

E e z

‘ Sir,

Anno 12, Geo
II. 1739.

‘ Sir, the present Form of our Government, keep it but free from Corruption, is so wisely constituted, the Powers in it are so happily mix’d, that it has all the Advantages of a Republic, without the Defects and Evils attending one. But, on the other Side, I must say, that if it should be corrupted, if the Controul of Parliament should be bought off by the Crown, the very Reverse would be true ; and it would have all the Defects, all the Evils of an absolute Monarchy, without the Advantages ; it would be a more expensive, and worse administered absolute Power. Sir, I hope it is understood, that in what I have said, I am only contending for a provisional Security against a Mischief not yet felt in all its Malignity, but yet, of so increasing a Nature, and such ruinous Consequences, that we must be blind not to foresee them, and worse than careless not to prevent. I will only add, that every Year we delay this Security, may probably add both to the Necessity and Difficulty of obtaining it ; and that People out a-doors may be apt to judge from the Success of this Question To-day, if even now. it does not come a little too late.’

Sir William Yonge.

S I R,

Sir William
Yonge.

‘ I am very ready to allow, that it is laudable in a free People to be jealous of their Liberties ; and to be ready to repel the least Attack that can be made upon them. But I cannot think it very prudent to shew any outward Signs of this Jealousy, without some real and immediate Cause ; and when Divisions and Animosities are stirred up amongst a free People, about guarding against an Attack that was never made nor thought of, I shall always be inclined to impute it to any thing, rather than to a true and disinterested Regard for the public Good. All Contests about altering or amending our Constitution, especially when they are nursed up, and carried on without Doors, as well as within, I must look on as a political Sort of Warfare ; and, I think, no Sort of War ought ever to be begun, without some real Offence of one Side or other. If the Nation is to be set in a Ferment, about providing against every imaginary Danger that may be suggested by a melancholy and gloomy Disposition, we shall always be so much taken up with providing against imaginary and distant domestic Dangers, that we may probably, some Time or other, overlook, and neglect to provide against a real and imminent foreign Danger ; and thus, whilst we are engaged in needless Contests about guarding our Liberties and Properties

erties against the Invasions of one another, we may at last find both left entirely at the Mercy of some foreign Invader.

Anno 13, Geo.
II. 1739.

‘ For this Reason, I am not for endeavouring to be so quick-fighted as some Gentlemen pretend to be, nor shall I ever be for making an Alteration in our Constitution, in order to provide against any Danger it may be exposed to, till that Danger begins to be in some Degree felt, as well as foreseen; and therefore, I think, no Gentleman can expect, that I should agree to the Motion now under our Consideration. Whatever may be our Fate in future Times, I am sure, it cannot be said, that in his present Majesty’s Reign, or under the present Administration, the least Attempt has been made upon the Freedom of Parliament; or to gain a corrupt Influence over any Member of this House. If our Parliaments had ever once of late Years, at the Instigation of the Crown, agreed to, or approved of any Thing that look’d like an Encroachment, either upon the Rights and Liberties of the People, or upon the Property of any private Man in the Kingdom, that Agreement or Approbation might have been suspected of proceeding from some corrupt Influence. But as no such Agreement or Approbation has ever been obtained, as no Attempt has been lately made by the Crown to obtain any such, I can see no Reason for the present Motion, or for that Outcry against Corruption, that has been of late so industriously propagated all over the Nation.

‘ Corruption, I know, Sir, like arbitrary Power and wooden Shoes, is a most hideous Word, and I shall grant, that it may be of a dangerous Consequence to the Liberties of a free People; but there are two Things that must concur, before it can ever become dangerous, and that is, a general Depravity of Manners among the People, and a wicked Design in those that govern them. If Virtue prevails among the Generality of the People, if they are not generally guided by selfish and corrupt Motives, an ambitious Court can never propose to succeed in their Designs, by Means of Corruption, let their Fund for that Purpose be never so extensive; and if the Governors of a free People have no ambitious or wicked Designs, no Fund for Corruption can ever be dangerous in their Hands; but, on the contrary, it may be *necessary* for preserving the Happiness and Tranquillity of the People; for, if the People be generally corrupt, if they be generally guided by selfish and corrupt Motives, their Governors must have *wherewithal* to *satisfy* those Views, which, with most Men, are their only Motives for Action; otherwise it will be impossible

Anno 13, Geo II. 1739. impossible to get a *Majority* of the People to concur, even in those Measures that are absolutely necessary for their own Preservation.

‘ It is therefore evident, Sir; that those who think we are in any present Danger from Corruption, must be of Opinion, that a general Depravity of Manners has of late crept in among the People of this Kingdom, and that his Majesty, by the Advice of evil Counsellors, has formed Designs against the Liberties of his People; which is an Opinion, that, I hope, is far from being entertained by any Gentleman in this House. Whatever Opinion we may have of the Generality of our Countrymen, I hope no Gentleman thinks, that his Majesty has any Designs against the Liberties of his People, or that he would harbour any such, were it in his Power to carry them into Execution. What are we then to do by the Bill proposed? If a general Depravity of Manners does not prevail, we are, without the least Shadow of Reason, to deprive the People of the Service of those, who, if they are honest, are certainly best able to serve their Country in Parliament; and if a general Depravity of Manners does prevail, we are to deprive his Majesty, who, we are certain, can have no bad Designs, of the *only Means* he can have for carrying his good Designs into Execution, or, indeed, for answering any *one End* of Government.

‘ But now, Sir, let me suppose, which, I am sure, there is no Ground for, that a Majority of this House not only think, that the People of this Nation are generally governed by selfish and corrupt Motives, but also, that his Majesty has, by the Advice of evil Counsellors, formed Designs against the Liberties of the People: Even in this Case, can we suppose that this Bill would be a proper Remedy? From Experience we must conclude, that it would have a quite contrary Effect: Like the self-denying Ordinance in Cromwell’s Time, it would not only facilitate, but hasten that very Consequence it is intended to prevent. The Passing of such a Bill, would be an immediate and infallible Cause of a Division and Contention between the King and his Parliament, which would of course drive both to Extremes; and as we have supposed both Sides governed by ambitious and selfish Views only, whichever Side prevailed, the Contention would end, as it did in Cromwell’s Time, in the Establishment of arbitrary Power. Therefore, if there were any present Danger from Corruption, the only Method for providing effectually against it would be, to take proper Measures for restoring the Virtue of the People, and for removing evil Coun-

Counsellors from the King, both which may be done by Parliament, but can never be done by such a Bill as is now proposed; and therefore, I must be against giving Leave to bring in a Bill, which, I think, can in no Case be of any Service, and which may, probably, be attended with most pernicious Consequences.

Anno 13, Geo
II: 1739.

Edward Southwell, Esq;

S I R,

‘ The Bill now moved for, is of so great Consequence, so ardently desired by the Nation in general, that I cannot satisfy myself with giving a bare Assent to the Motion for bringing it in, and therefore, I must venture upon the hard Task of betraying my own Inability, rather than sit silent in a Debate, whereon, I think, the Freedom and Independency of Parliament, and the very Being of our Constitution depend. A Debate, Sir, which, by its Event, must, in effect, determine, whether the Commons of Great-Britain are ever hereafter to be properly represented in this House, whether we are really to be any longer a free People or no.

Edw. South-
well Esq;

‘ It would ill become me, Sir, to dare to insinuate the least Reflection upon any of those Gentlemen who have the Honour to be employed in his Majesty’s Service, or to be distinguished by his Royal Favour. Their Rank and their Station claim a due Respect, and I have ever paid them such as becomes a Freeman. As Gentlemen, and as Individuals, I have a great Regard for them; but as Legislators, and as an aggregate Body, I must own, their Numbers, their Power, and their Influence here, may give just Grounds of Jealousy and Apprehension, to every Man that understands the Nature and admires the Wisdom of our happy Constitution; especially if we should ever happen to see an Union, or Coalition of their several Interests, for their mutual Support, and, as it were, in one common Cause, whenever the State of our Army, or Navy, of our Treasury, or Revenue, or of the Nation in general, shall come under the Consideration of this House.

‘ We justly value ourselves on the Wisdom and Equity of our Laws, for trying the Life, Liberty, and Property of the meanest Subject, by impartial Judges, and disinterested Juries. Shall we be thus careful of the Liberties and Properties of private Men, and take no care of the Liberties and Properties of the People in general? Shall we remove a Juror, in a Case of private Property, if it appears that he has an Interest in either Side of the Question; and in a Case of public Property, shall we admit a Majority, or near a Majority,

Anno 13, Geo
II. 1739.

Majority of those that are to be Judges, to consist of such as have the whole, or the greatest Part of their Subsistence, depending upon one Side, perhaps the wrong Side, of the Question? Surely, Sir, this great Council, which is entrusted with the Happiness, the Property, and Purse of the Nation, demands, at least, equal Care and Attention: The Guardians of the Laws, Liberties, and public Interest, ought, above all Men, to be disinterested and independent; free not only from the Imputation, but even from the least Suspicion of any pecuniary Biass whatever. In private Life, it would be absurd to allow any Man to sit as Judge and Jury in his own Cause; and in this House, where our All is at Stake, is it not equally absurd, may it not be destructive?

‘ Sir, there is no Design to turn out of this House, every Gentleman that has a Place or Office under the Crown. By the Bill now moved for, all those who have Places or Offices under the Crown are to be excluded from having Seats in this House, except such Placemen and Officers as shall be named in the Bill; and when this Exception comes to be filled up, it will appear, that there may still be at least 150 Placemen and Officers in this House, which surely is a Number sufficient for answering all the good Purposes of the Crown; and, I hope, no Gentleman will say, we ought to have such a Number of Placemen and Officers in this House, as may answer those bad Purposes which some future ambitious King, or bad Minister, may happen to have in View, or may be prompted to have in View, when he considers, that he has such a great Number of Placemen and Officers in this House,

‘ The long and expensive Wars this Nation has been obliged to carry on, for the just Defence of our Religion, our Laws, and our Liberties, have engaged us in immense Debts: These Debts still subsist, and have had this fatal Consequence, that, while they have settled the Balance of Power Abroad, I fear they have overturned the Balance of Power at Home. They have raised a numerous Swarm of Revenue and Excise-Officers, and other Tax-Gatherers, who have overspread the Nation like Locusts. It is well known what Influence these Officers and Tax-Gatherers have upon Elections, and I may also say, it is well known, what Use they make of it. They influence our Elections, not only while they live, but also when they die; for many Electors are influenced by the Hopes of succeeding them.

‘ We are again engaged in a just and necessary War, whereby our Fleets are become more numerous, our Land-Forces greatly increased, and more and more Levies of Marines every Day made. These Augmentations must throw

a new Weight of Power into that Scale, which seems already to be charged beyond its due Proportion, and of course the Freedom of Parliament, and the Security of our Constitution, will be thereby more endangered, which has raised great Jealousies all over the Nation.

Anno 13, Geo.
II. 1739.

‘ This Bill, Sir, seems to be the only sure Method to allay these Jealousies, and to prevent these Dangers. It is not meant to exclude all Placemen from Parliament: It is meant only to restrain and limit the Number of Placemen, which in future Parliaments may become so great, as to be inconsistent with the Freedom of Parliament, or the Preservation of our Constitution. This Effect the Bill will have, if, luckily for us and our Posterity, it be passed into a Law; but this is not the only good Effect it will have. Besides this, it will have many other good Effects: It will not only limit the Number of Placemen in Parliament; but it will also soon lessen their Number, and their Expence in general. If this Bill should be passed, new Places would not be created, many old ones would be abolished, no more Officers would be employed than were absolutely necessary; and, I verily believe, no more would be allowed them than they strictly earned: A small Salary would then satisfy a Clerk in an Office, who might now, perhaps, reject it, as a Member of this House; and Men might well afford to serve for half Pay, who had no Interest to support, and no other Merit necessary for the Post they enjoy, or the Post they aspire to, than the bare Qualification for that, and that alone. They would then become Men of one Calling, and of one Business: They would be more diligent and faithful in the Discharge of their Duty, because they would be more afraid of being called to Account.

‘ The Nation, Sir, grows daily more jealous of its Liberties, and more zealous for the Security of them, by the Success of this Bill; and, therefore, I hope that, at least, so much Deference will be paid to the Voice of the People, as to admit their Representatives fully to debate the Merits of this important Cause. The Voice of the People is well worthy the Attention, the serious Attention of a wise Legislature: It is a Voice that first or last will be heard, and will have its Effect: It is a Voice that is not to be silenced, that is not to be smothered, much less to be rejected with Contempt.

‘ Therefore, Sir, in Duty to his Majesty, that he may reign happy in the Hearts, in the Affections, and Confidence of his People, which alone can render him powerful at Home, and formidable Abroad; in Justice to my Country, that these valuable Rights and Privileges, derived to us

Anno 13, Geo.
II. 1759.



from our Ancestors, may be transmitted down to Posterity ; in Discharge of my own Conscience, and of the great Trust reposed in me by my Constituents, I thought myself obliged, notwithstanding the just Sense I have of my Inability, to give this public Testimony of my Approbation of what is proposed, and I do most heartily join in the Motion for bringing in this important and most necessary Bill.'

Henry Pelham, Esq;

S I R,

Henry Pel-
ham, Esq;

' The Honourable Gentlemen, who in this Debate have spoke in favour of the Motion, seem all, by their Arguments, to presume, that every Gentleman, who has a Place or Office under the Crown, is to receive Directions from the Crown, with regard to his Behaviour in this House, and that he will always vote and act here according to these Directions. Sir, if there were any Ground for such a Presumption, if I thought that there could ever be any Ground for such a Presumption, I should most readily agree to this Motion : I should not only be for excluding all such Gentlemen from having Seats in this House, but I should be for laying them under all the Incapacities which Excise-Officers are already by Law subjected to. I should be for preventing their endeavouring to persuade any Elector to give, or to dissuade any from giving his Vote for any Candidate at an Election. But I am very far from supposing, that the Crown, or any Minister of the Crown, will ever attempt to give Directions to any Member of this House, with regard to his Behaviour here ; and much less can I suppose, that any Gentleman, who has the Honour to be chosen a Member of this House, would submit to follow such Directions, for the sake of any Place or Office he can have or expect from the Crown. When a Gentleman is chosen a Member of this House, he thereby becomes a Counsellor for his Sovereign, as well as a Trustee for the People, and, in both these respects, he is in Honour bound to give his Opinion freely and sincerely upon every Question that occurs. A Place or Office under the Crown may prevent his associating himself with those that appear to be disaffected or discontented, or it may engage his Assent in Things that appear to be indifferent, or of no great Moment ; but it can never engage his Approbation of any Measure that appears to be inconsistent with the Liberties of the People, and consequently, with the Security of the Crown ; for these two have now such a mutual Dependance, that no Attempt can be made upon either, without at the same time weakening the other.

For

‘ For this Reason, Sir, I should think our Liberties and Constitution in no Danger, even tho’ a Majority of this House consisted of such as held Places and Offices under the Crown, provided they were regularly and fairly chosen, which they could not be, unless they were Gentlemen of good Characters, of good Fortunes, and of a good Family Interest in their Country: With such a Parliament, if the Crown should begin to form any arbitrary Designs, some few of this Majority might, perhaps, be brought over, by the Hopes of great Preferment, or by the Fears of losing what they possessed; but the greatest Part of them would certainly join the Party against the Court, for this very good Reason, because it would be the most certain way of preserving not only their own Fortunes, but also the Places and Offices they enjoyed. If they should join with the Court in giving a Parliamentary Sanction to such Designs, and establishing an arbitrary Power in the Crown, they would not only render their own private Fortunes precarious, but they would put it in the Power of the Crown to turn them out of the Places and Offices they possess without any Danger; and this would, probably, be the Consequence; for the lowest and most upstart Fellows are generally the best Servants, and most humble Slaves to a haughty Prime Minister of an absolute Sovereign. This, I say, would be the Case, with regard even to those Placemen of Family and Fortune, who had concurred in the Establishment of arbitrary Power: They would be all turned out, and more humble Slaves, or at least, Slaves to whom the Crown and its Ministers did not owe such Obligations, would be put into their room, as soon as it could be done without Danger of overturning that lofty Fabric of Power, which by their Assistance had been erected.

‘ This, Sir, would be the certain Fate of all Gentlemen of Character, Family, and Fortune in the Country, if they should, for the sake of preserving their Posts or Offices, join with the Slaves of a Court in giving a Parliamentary Sanction to, and thereby establishing an arbitrary Power. On the other hand, if most of them should declare against the Court, as, I believe, would be the Case, they would immediately put an end to such a wicked Administration. The Parliament would immediately remove all such evil Counsellors from about the Throne, and probably send them where they deserved; in which Case, it would be out of their Power to advise the King to remove those Placemen that had voted against them; and the new Administration would be bound in Gratitude, to continue in Office those that had contributed to their Advancement, and to the Re-

Anno 13, Geo.
II. 1739.




lief of their Country. Nay, for their own sakes they would be obliged to continue them, and to restore such as had been removed, because those Placemen and Officers who had given such a Testimony of their Honour, and of their generous Love for their Country, would thereby become so popular, and acquire such an additional Interest in their respective Counties, that it would be very dangerous for the new Administration to do them any Injustice.

• From hence, Sir, I think it is evident, our Constitution can never be in Danger from any Number of Places and Offices that can be held by the Members of this House. On the contrary, I think, the chief Security of our Constitution consists in this very Power or Capacity, which the Members of this House have, of enjoying Places and Offices under the Crown; because, the Crown is thereby obliged to employ Gentlemen of Character, Fortune, and Interest, in the executive Part of our Government. When two Gentlemen are Candidates for any Place or Office in the executive Part of our Government, both equally qualified as to personal Abilities, but one, a Gentleman of good Fortune and Family, the other of neither, I believe it will be granted, that the former ought to be preferred; and as long as Placemen or Officers are allowed Seats in this House, or Votes at Elections, the Crown, or the Ministers of the Crown, will certainly prefer the former, in order to prevent his appearing against them, in all Matters of an indifferent Nature, either in this House, or at Elections; but if by preferring him, they should render it impossible for him to do them any Service, either in this House, or at Elections, they would certainly prefer the other, because he would be a more obedient and submissive Tool, and much more attached to their personal Interest and Safety.

• The Consequence, therefore, of excluding most Placemen and Officers from having Seats in this House will be, that in a short Time, none but Men of low Birth and no Fortune will be employed in our Army and Navy, and in every other Post or Office, that is necessary for the executive Part of our Government; and if this should ever happen to be the Case, I should think our Constitution in much greater Danger, than it could be, should every Member of this House have a Share in the executive, as well as he has in the legislative Part of the Government of his Country. For this Reason, I must be of Opinion, that as long as you leave the executive Part of your Government in the Crown, you ought to leave the Constitution upon the Footing it now stands, if you have a Mind to preserve it
from,

from being overturned by an Army commanded by Officers, and assisted by a great Number of Placemen, of no Birth or Fortune in their Country, and consequently, ready to join with an ambitious Prince or Minister, in overturning the Liberties of their Country.

Anno 13, Geo.
II 1739.



‘ Whilst we have Parliaments, Sir, and those Parliaments regularly chosen, according to the Laws already in being, I can have no Notion, that the Majority of such a Parliament can be prevailed on by Places or Preferments, to join in arbitrary Designs or oppressive Measures; the only Danger we are in is, lest the Crown should be tempted, or obliged to govern without a Parliament; and this even the justest and wisest Prince may find himself obliged to do, if you should take away all those legal Powers, which our Ancestors have found necessary to be lodged in the Crown, in order to enable it to withstand Faction and Sedition. We know how giddy the Populace are in every Country: We know how apt the People are to be led astray by the artful Heads of Faction, whose secret Designs are generally very different from their public Professions. All wise Governments foresee Dangers and Inconveniences at a great Distance, and, in order to avoid these Dangers, are often obliged to take Measures, that may seem wrong or oppressive to the Ignorant: They may often have wise and good Reasons for what they do, and yet those Reasons may be such as must not be publicly explained. These Circumstances the Heads of Faction, the Disaffected, and the Discontented, take Advantage of, in order to misrepresent the Government to the Multitude; and by these Means, even against a just and wise Prince, a general Discontent may be made to prevail for some short Time, and until the Eyes of the People be opened. If such a Prince had no Honours to bestow, nor any Rewards to give to such as do not allow themselves to be led away by popular Clamours, his Government would be tore to Pieces by a factious Parliament, or he would be obliged to carry it on without any Parliament at all; and in either Case, our Constitution would be undone.

‘ Against this Danger we are guarded, Sir, by the Honours and Favours which the Crown may bestow upon those Electors and Members who do not, out of an Affectation of Popularity, chime in with every popular Discontent; and this, I think, is the only Use the Crown can make of those Honours, Places and Offices, which it has, by our Constitution, at its Disposal. These Honours, Places, and Offices, may be a Support to the Crown against a popular Frenzy or Delusion, and may support it in a
legal

Anno 13, Geo
II. 1739.



legal Way, till the People have Leisure to consider, and return to their Senses. By these, many Gentlemen may be prevented from joining with a popular Faction, either at Elections or in Parliament, and may at both be kept firm in their Duty to their King and Country; but by these, no Gentleman of any Family or Fortune can be prevailed on to join with the Crown in destroying the Liberties of his Country.

‘ I hope, Sir, our Liberties and Privileges are as yet in no Danger. As long as the People are guided by a Spirit of Virtue and public Good, their Liberties and Privileges never can be in Danger from any Honours or Rewards the Crown has, or may have in its Power to bestow. But if the People should ever become so abandoned, as that a Majority of them should be ready to sacrifice their Liberties and Privileges for a present Reward, it would, I think, be a very ridiculous Undertaking, to endeavour to guard against it by Laws, which the People would certainly repeal as soon as their Purchasers desired it. Nay, in such a Case, I should think, it would be happy for the People to have their Liberties and Privileges taken from them; for when the Individuals of a Community make no other Use of the Liberties and Privileges they enjoy, but to prey upon the Public, I am certain those Liberties and Privileges must be taken away, or the Community itself will soon be destroyed. Therefore, if it be supposed, that the Crown may, by means of Places and Offices, get a Majority in Parliament, that, for the sake of the Places and Offices they enjoy, will sacrifice the Liberties and Privileges of their Country, it may be an Argument for putting an End to all Parliaments, and establishing an unlimited Power in the Crown, but it can be no Argument for the Bill now proposed; for if we can suppose, that a Majority of any future Parliament will be such, as are entirely governed by their own immediate Interest, I am sure they will make use of the Privileges they are invested with as Members, in order to accomplish that which is their only Aim, and if they find they cannot accomplish it by serving the Crown, they will endeavour to accomplish it by destroying the Crown, and, probably, by overturning our present happy Establishment.

‘ This, indeed, is the Consequence I chiefly apprehend. We know, Sir, how numerous the Disaffected still are in this Kingdom; and they, we may suppose, are not insensible of the Prejudice that has been done to their Faction, by the Places and Offices which are at the Disposal of the Crown. These Places and Offices are, as I have said,

of

of great Use to the Crown, and, I think, to the Nation, in preventing Gentlemen from joining with a Faction, or winning them away from it; and the Jacobites are sensible, they have lost many by this Means, some, perhaps, after they had got them a Seat in this House. For this Reason, we find, they are, in every Part of the Kingdom, great Patrons of this Bill. I hope, we have none of them now in this House; I am sure the Hon. Gentlemen who have proposed and promoted this Bill, can lie under no such Imputation, nor can they be suspected of any such Motives; but we know, that without Doors, the Clamours for this Bill are zealously promoted by the Disaffected, which cannot proceed from any Principle of Liberty, because from their Principles, they must be for enlarging, instead of diminishing, the Power of the Crown. It can proceed from nothing, but an Opinion, that it would promote their Cause: And, as I happen, in this Case, to be of the same Opinion with them; as I am afraid that, if the Bill should pass into a Law, we might have a Majority of Jacobites, instead of Placemen in this House, therefore, I must be against giving it any Countenance, and consequently, against the Motion, for Leave to bring it in.

Anno 13, Geo
II. 1739.

William Pulteney, Esq;

SIR,

The Opposition made to this Motion is, in my Opinion, one of the strongest Arguments that can be made use of in its Favour, and must, I think, appear so to every Man, who considers the Persons concerned in that Opposition, and the Arguments they make use of for supporting it. Who are the Persons that oppose this Motion? Who were they that have always opposed such Motions? Placemen, Ministers, and the Favourites or Pensioners of Ministers. What do they say for justifying their Opposition? They deny a Principle, a Maxim, which, in all Ages, in all Countries, has hitherto been acknowledged, and, upon which, many of our Laws now in being are founded. That a Gentleman's Behaviour in this House may be influenced by a Place, or a Pension, is a Maxim universally acknowledged, and in this Kingdom so much established, that we have, already, by Law, excluded many of the former, and all the latter, from having Seats in this House. We have, already, by Law, excluded all Pensioners from having Seats in this House; and, I should be glad to know the Difference between a Pension of 1000*l.* a Year, and a Place with a Salary of 1000*l.*

William Pult-
ney, Esq;

Anno 13, Geo.
II. 1739.

1000 l. a Year. I know of none, save only that the latter is generally more valuable than the former; and, therefore, a Gentleman will be more loth to lose it, or to give a Vote in this House, that may disoblige a Minister who can take it from him.

I say, Sir, that a Place, with a Salary of 1000 l. a Year, is more valuable than a Pension of 1000 l. a Year; because a Place furnishes a Gentleman with an Opportunity to serve his Friends, and, perhaps, to provide some of them with little Places or Offices under him. To which I must add, that a Place often furnishes a Gentleman, who is not very scrupulous, with an Opportunity of plundering his Country yearly, of twice, perhaps ten times, the Value of his Salary; and this, I must observe, makes another very material Difference between a Place and a Pension: A Placeman may very probably be a Person, whose Conduct this House ought to enquire into: He may be a public Criminal, and therefore he will certainly be against an impartial and strict Enquiry into the Conduct of any Minister, Officer, or Placeman, lest the Enquiry should at last light upon himself. There is, therefore, greater Reason for excluding all Placemen, than for excluding all Pensioners from having Seats in this House. Our admitting some of the former, does not proceed from an Opinion, that a Gentleman's Behaviour may not be influenced by a Place, as much as by a Pension, but from the Necessity we are under, of having some great Officers amongst us, in order to give us proper Information and Direction, in many Affairs that must come under our Consideration.

For this Reason, when I hear Gentlemen, who have very good Places, gravely telling us, that no Gentleman of Family or Fortune can, by any Place he may enjoy or expect, be induced to join in Measures, that may be of dangerous Consequence to the Constitution or Liberties of his Country, I think it is a clear Proof, not only that the Behaviour of a Gentleman of Family and Fortune may be influenced by the Posts he enjoys or expects, but also, that his Judgment may be biassed. He may be, thereby, induced to think those Things indifferent, or of no Moment, that are far from being so: He may be, thereby, induced to think the Liberties of his Country in no Danger, when they are upon the very Brink of Destruction. I shall grant, Sir, that we ought not rashly, and without just Cause, to make any Alteration in our Constitution, nor ought we to frighten ourselves with fanciful Dangers; but if the Danger we now apprehend, from the great Number of Officers and Placemen in this House, be suggested only by a melancholy and gloomy

gloomy Disposition, that Disposition is, I am sure, now become epidemical; for there is not, I believe, a Man in the Nation, not possessed, or in Expectation of some Post or Pension under the Crown, who does not apprehend this Danger, or who is not convinced of its being not only real, but imminent. Placemen and Pensioners may, it is true, be of a more gay Disposition than others, and therefore not so apt to apprehend our Constitution's being in Danger; but for this very Reason, we ought not to have a Majority of them in this House; for if ever we should, I may prognosticate, that their Gayety will give the rest of the Nation good Cause to be melancholy.

An Honourable Gentleman who has had several, and has now a very good Place, has been pleased to tell us, that we ought never to think of providing against any Danger, till it be felt, as well as foreseen. I do not know, Sir, what that Gentleman may feel, or foresee; but I can assure him, the Nation thinks it has often felt the Influence of Places and Pensions in this House. I shall not undertake the invidious Task of shewing how, or when, that Influence has been felt; but I may say in general, that even of late Years, there have been many Questions in this House, which would not have gone as they did, had we had few or no Officers or Placemen amongst us; and if all the Officers and Placemen would now retire, or refuse to give their Votes in this Question, in which they may properly be said to be Parties concerned, I should not doubt the Success of my Honourable Friend's Motion. In this House, we ought to see with the same Eyes our Constituents see with, and we ought to feel what the Nation feels, which is a good Reason for our admitting but few Placemen, and no Pensioners amongst us; for both the seeing and feeling of him who receives 500l. or 1000l. a Year, will always be very different from the seeing and feeling of those that pay it. The Difference between the Foresight of Placemen, and that of the Nation, is notorious, and very remarkable, in this, that the former are mighty quick at foreseeing those Dangers, which occasion the keeping up of a Standing-Army, but with regard to those Dangers that threaten our Constitution, they have hitherto appeared to be almost quite blind; whereas the Nation has always been, and, I hope, always will be, quick-sighted with regard to those Dangers that threaten our Constitution, and never very apprehensive of any of those Dangers that are usually pretended for our keeping up a numerous Standing Army. This, I say, is a remarkable Difference, with regard to the Faculty of seeing or foreseeing any Danger; and with regard to that of feeling,

Anno 13, Geo
II. 1739.

it is certain, a Gentleman of 1000l. a Year Estate, who pays 700l. a Year towards our national Taxes, and has a Pension or Salary of 1000l. a Year paid him out of those Taxes, can never be so sensible of their Weight, as another Gentleman of 1000l. a Year Estate, who pays but 500l. a Year towards our national Taxes, and has no Pension or Salary coming in. Therefore, I hope, the Honourable Gentleman will forgive me, if I say, that our Liberties may be in the most imminent and real Danger, tho' neither he, nor any other Placeman, either feels or foresees it; and this, I think, is a very good Reason, why our Liberties should not be committed to their Keeping.

‘ I shall admit, Sir, that a Gentlemen of Family, Fortune, Character, and Interest in his Country, is not so liable to be influenced by a Place he may enjoy or expect, as one who has none of these Advantages; but will any Gentleman say, that none but Gentlemen of Family, Fortune, Character, and Interest in their Country, can get themselves chosen Members of this House? Do not we know, that a Minister may get a Man chosen, tho' he has neither Family, Fortune, Character, nor Interest to recommend him? Do not we know, that most of the little Boroughs upon our Coasts, are already, by means of our Custom-House, and Sea-Officers, brought entirely under the Direction of our Administration? And if the late Excise Scheme had passed into a Law, I believe, the Case would, by this time, have been the same, with regard to most of the little Inland Boroughs in the Kingdom. Suppose this should hereafter be brought about, by means of some such Scheme, past into a Law, at the End of a Session, and before People had time to consider its Consequences: Could we suppose, that a wicked or ambitious Minister, would ever allow a Gentleman of Family or Fortune to be chosen by any of the Boroughs under his Direction, unless he were such a one as would be influenced by the Place the Minister had given, or could give him?

‘ In this Case, Sir, let us consider, that of the 513 Members that represent England and Wales, there are but 92 chosen by Counties, and of the remaining 421, there are at least 350 chosen by Cities, Boroughs, and Cinque-Ports, where the Administration would have the absolute Command and Direction. If this should ever happen to be our unlucky Fate, can we suppose, that any Gentleman would set up to be a Member of this House, or a Representative even for any of our Counties, but such as resolved to submit, with regard to their Behaviour here, to the absolute Direction

tion of the prime Minister? For no Gentleman of Honour would put himself to Expence, or expose himself to the Resentment of an all-powerful Minister, if, by setting up as a Candidate at any Election, he were absolutely certain that he could thereby do his Country no Service. Instead of Gentlemen of Family, Fortune, Character, or Interest in their Country, we should then see this House filled with the lowest Tools, and vilest Sycophants of absolute Power. Instead of this House's being a Check upon Ministers, it would then, like the Parliament of France, or the Roman Senates under their Emperors, be an Instrument for the Oppressions of Ministers, and a Cloak for their Crimes. The most rapacious Plunderer, the most tyrannical Oppressor, would then insolently boast, that he did nothing but according to Law, that the public Treasure was regularly accounted for in Parliament, and that he was at all times ready to submit his Conduct to a parliamentary Enquiry.

‘ Surely, Sir, no Gentleman can think, that the Liberties of this Nation consist in our having the Resemblance of a Parliament. We may have a Parliament, that Parliament may be chosen once every seven Years, may sit annually as it does now, may pass Laws, grant Money, receive Accounts, and even make Enquiries, and yet we may have neither Constitution nor Liberty left; for if it should once come to be in the Power of the Administration, to have always a Majority in Parliament, ready to obey the Directions given them by the Ministers, there would be no Necessity for destroying the very Form of our Constitution, or for making a direct and absolute Surrender of our Liberties: Without either of these, our Sovereign would be as absolute, and might be more tyrannical than the Grand Signior himself. Such a Parliament would grant him as many Spahis and Janizaries, as he thought necessary for keeping his Slaves in Subjection, would give him any Revenue he pleased to demand, and would pass whatever Laws he might please to propose; and the Judges, being under no parliamentary Restraint, would, in every Part of his Dominions, give Judgment according to the Directions of the Prime Vizir, or governing Bashaw. Thus Oppression would be countenanced by the Forms of Law, and the People plundered, the Innocent murdered, by the Administration of Justice.

‘ It is this sort of Ruin, Sir, we have chiefly to apprehend, and this sort of Ruin we may, Step by Step, be led into, without our being sensible of the several Steps. We shall certainly be led into it, if we trust, any longer, the Guardianship of our Liberties to those, whose Foresight is blunted by the Places they enjoy or expect. If a Minister

Anno 11, Geo
II. 1739.

were to propose a Law for giving the Crown a Power of sending to every County, City, and Borough in the Kingdom, such a *Congè d'Elire* for the Choice of Members of Parliament, as is now sent to a Dean and Chapter, for the Choice of a Bishop, I believe, very few Gentlemen of Family or Fortune would, for the Sake of any Place, agree to it; but an equivalent Power may be got by multiplying penal Laws, and increasing the Number and Power of Officers; and a Gentleman of Family, Fortune, Character, and Interest in his Country, may, by a good Place, be induced to believe, that such a Law, or such an Increase of the Number and Power of Officers, is necessary for preventing fraudulent Practices, or the like; and may, therefore, agree to it, without seeing the Danger our Constitution may be thereby exposed to: Thus by Degrees he may be made to agree to such Propositions, one after another, till he has thereby established in the Crown, the absolute Direction of most of the Elections in the Kingdom.

‘ This, Sir, would have been the certain Consequence of the late Excise Scheme; and yet there were many Gentlemen of Family and Fortune that approved of it. I am convinced they did not foresee this Consequence. Nay, I have so much Charity as to believe, that the chief Patron of that Scheme did not foresee this Consequence; but every impartial Man in the Kingdom is now, I believe, sensible of it. That Scheme was, indeed, such a large Step towards giving the Crown the Direction of most of our Elections, and by good Luck, was so thoroughly considered, before it was brought into this House, that most Gentlemen became sensible of the Danger, before it was too late; and this was the Cause of its meeting with the Fate it deserved; but its Fate will be a Warning to future Ministers, not to attempt making such a large Step at once: They will from thence see, that they must grasp at this Power by little and little, which they will certainly do, and as certainly, at last, accomplish, unless we take care to exclude from this House, most of those who, by the Places they enjoy, are induced to have a better Opinion of Ministers, than any Man ought to have, that is entrusted with the Guardianship of the Constitution and Liberties of his Country.

‘ The Question is not, Sir, whether a Gentleman may be induced, by the Office or Place he holds or expects, to make at once, and in an open and direct Manner, an absolute Surrender of the Liberties of his Country: No Prince or Minister of common Sense, will ever desire such a Surrender; because, if he can get into his Hands, an uncontrollable

trolable Power over most of our Elections, and, consequently, the Direction of the Parliaments chosen by this uncontrolable Power, his Power will, in every respect, be as absolute, and may be exercised in a more arbitrary Manner, and with greater Security to himself, than it could be, without the Appearance of a parliamentary Authority ; for every unpopular and oppressive Measure would then be made the Act and Deed of the Parliament, and the Lenity of the Minister in the Execution of those penal Laws enacted by Parliament, or in the Exercise of those Powers granted him by Parliament, would be set forth and extolled by his Tools in a Gazetteer, or some such Paper, published by his Authority, and dispersed through the whole Kingdom at the public Expence. The Question, therefore, now before us is, Whether a Gentleman's Eyes may not, by a lucrative and honourable Post or Employment, be so overclouded, as to prevent his seeing through the plausible Pretences, that may, from Time to Time, be made use of, by an artful Minister, for getting into his Hands, or into the Hands of the Crown, such an uncontrolable Power, as I have mentioned ; and this Question, even with respect to Gentlemen of Family and Fortune, will, I am sure, be answered in the Affirmative, by every Man in the Kingdom, who does not possess or expect some Post, or Employment, or some of those Titles of Honour, which, by our Constitution, as it is now modelled, the Crown has absolutely at its Disposal.

‘ To tell us, Sir, that our Liberties can never be in Danger from a Majority of Placemen in this House, unless the People be generally abandoned, as to all Principles of Virtue and public Good, and unless the Crown has, at the same Time, formed Designs against our Liberties ; and that the only Method for removing this Danger, in case we should, at any Time, be threatned with it, would be to take proper Measures for restoring Virtue, and public Spirit among the People, and for removing evil Counsellors from about the Throne : To tell us this, I say, Sir, in a serious Manner, is something very extraordinary : It is mistaking the Effect for the Cause, and desiring us to begin at the wrong End. Corruption, Sir, is not the Effect, but the Cause of a general Depravity of Manners among the People of any Country, and has in all Countries, as well as this, been first practised and encouraged by Ministers and Courtiers. It would, therefore, be ridiculous in us, to think of restoring Virtue among the People, till we have once made it impossible for Ministers and Courtiers

Anno 13, Geo.
II. 1739.

Anno 13, Geo
II. 1739.

tiers to corrupt them ; and, I am sure, would be still more ridiculous in us, to think of removing an evil Counsellor from about the Throne, till we have once removed his Creatures and Tools out of this House.

‘ I hope, Sir, there are at present no evil Counsellors about the Throne ; If there were, I am sure, no such Counsellor has a Majority of his Creatures and Tools in this House. If this were the Case, it would have been very ridiculous to have made such a Motion as this now before us. It would be very ridiculous to think of restoring our Constitution by any legal Method : It is this Misfortune we intend to prevent by the Bill now moved for. It is a Misfortune now foreseen by all unprejudiced Men in the Kingdom. I hope it is not yet too late to think of preventing it by a legal Method ; for after we have once fallen into this Misfortune, it will be impossible to recover. If an ambitious Minister should once get a Majority of his Creatures and Tools into this House, can we suppose they would consent to impeach, or remove him from the Throne ? Can we suppose, they would ever consent to any Bill that might tend to distress the Administration of their Master ? Can we suppose, they would refuse any Thing that might tend to prolong his Administration and increase his Power ? Every Attempt to restore the Constitution, would be branded with the Name of Republicanism ; The Discontents of the People would be called Disaffection and Jacobitism : Every Opposition would be said to proceed from Malice and Resentment ; and the Misfortune would be, that many honest well meaning Men, induced by their Places to have a better Opinion of Ministers than they ought to have, would give Credit to these Pretences, and would believe, that by agreeing to the Minister’s arbitrary Schemes, they were only strengthening the Hands of the Government against Republicanism, Jacobitism, and Sedition.

‘ If it were possible to be merry in a Debate of so great Importance, it would be diverting to observe the Contradiction in the Arguments made use of against this Motion. By some, our Gentlemen of Family and Fortune are represented to be Men of such strict Honour, and such clear Heads, that no Place or Pension can mislead their Judgment, or direct their Will ; no selfish Consideration can make them overlook the Danger our Liberties may be exposed to, or consent to any thing, they think may in the least endanger our Constitution. By others again, our Gentlemen of Family and Fortune are represented as such selfish, mercenary Creatures, that unless the Government would give them some Post or Pension, they would refuse to consent

sent to those Things that are absolutely necessary for the Anno 13, Geo
 Ends of Government, and the Preservation of their Coun- II. 1739.
 try. Now these two contradictory Positions, tho' they cannot be equally true, may be, and, I believe, they are equally false. We have, I believe, some Gentlemen amongst us, whose Judgment cannot be biaſſed, nor their Will directed, by any ſelfiſh Conſideration. Such Men, I hope, we ſhall always have in ſome of our higheſt Offices, and theſe are not deſigned by this Bill to be excluded from having Seats in this Houſe; but their Number will always be ſmall, and, therefore, not ſufficient by themſelves alone, to ſupport, the Conſtitution againſt a Combination of all the Fools and Knaves that may hereafter get into this Houſe; therefore, we muſt endeavour to prevent this Combination, and this can only be done by ſuch a Bill as is now propoſed.

‘ On the other hand, Sir, I believe there may be ſome amongst us, who propoſe nothing by their Service in this Houſe, but their own private Advantage; and whilſt we have Placemen and Penſioners amongst us, ſuch Men will endeavour all they can to get into Parliament. Nay, it may become ſo cuſtomary for every Man that votes with the Court, to have a Place or a Penſion, that no Man will do ſo without ſome ſuch Reward. But if ever this ſelfiſh Spirit ſhould get into Parliament, our Conſtitution will be undone; and to prevent this, is the Deſign of the Bill now moved for: If no Man could, by being a Member of Parliament, propoſe to get any Place or Office, or any Advantage to himſelf, the Mercenary and Selfiſh would ſeldom endeavour to get themſelves choſen, at leaſt they would never be at any Expence for this Purpoſe; and as ſuch Men have ſeldom a great natural Intereſt in any Part of the Kingdom, there would always be ſuch a ſmall Number in Parliament, that their Oppoſition could never obſtruct or retard any thing that ſeemed neceſſary for the juſt Ends of Government, or for the Preservation and Happineſs of the Society. The Public Good would then be the only Aim of Miniſters, as well as Members, becauſe neither of them could hope for Succeſs in any other; and as Men of good Senſe and ſtriſt Honour are the beſt Judges of, and the moſt ready to agree upon what is neceſſary for the public Good, it would then be as much the Buſineſs of Miniſters to get ſuch Men choſen, as it is now their Buſineſs to get ſuch Members choſen, as are Men of mercenary Tempers, or ſhallow Underſtandings; for all Miniſters will have Jobbs to do in Parliament, as long as they have any Hopes of Succeſs, and the Weak or Mercenary wil always be the moſt proper for this Purpoſe.

Anno 13, Geo
II. 1739.



‘ I am indeed, surprized, Sir, to hear it said by an Hon. Gentleman, whose Attachment to the present Establishment is not to be doubted, that if most Placemen were excluded from this House, there would soon be a Majority of Jacobites in it. Such a Supposition is not to be made, without first supposing, that a great Majority of the People are Jacobites; and to suppose this, is, I am sure, no Compliment to our present Royal Family, and much less to the King now upon our Throne. As long as our Parliaments are independent, and our Elections free, there can never be any considerable Number of Jacobites, either in this House, or in the Nation; but if there should once come to be a Majority of Placemen and Officers in this House, that Majority would soon create a Majority of Jacobites in the Nation; and in that Case, tho’ the Majority within Doors might be a good Security to Ministers against parliamentary Prosecutions, yet it would be but a bad Security to the Royal Family, against an Insurrection, of the whole People without Doors. The Army, upon which we now seem so much to depend, or a great Part of them, would, probably, join with the People, and the certain Consequence would be the Overthrow of our present Establishment. This Danger, I know, a guilty Minister will always chuse to expose his Matter to, rather than expose himself to a legal Trial, before a free and independent Parliament: Because in a general Conflagration, he may, possibly, escape Notice, or may, perhaps, be able to sacrifice his Matter, by way of an Atonement for himself; but those who support him in thus exposing his Matter, can have no great Regard for their Sovereign, and in such an Event, would certainly meet with the Contempt and Punishment they so highly deserved.

‘ For this Reason, Sir, as I have a greater Regard for the Security of the Royal Family, than I have for the Security of our present Ministers, or of any Set of Ministers that shall ever get into the Management of our public Affairs, I shall be for putting it out of the Power of any future Minister, to overturn our Constitution, by getting a Majority of Placemen and Pensioners into this House. This, I think, is now become absolutely necessary, for preventing our being brought under one of the worst Sorts of tyrannical Governments that was ever contrived or established. For this Purpose, the Bill now moved for is one of the most certain, and one of the most obvious Methods that can be thought of. It can be attended with no Inconvenience. It is impossible to shew so much as a plausible Reason against it; and, therefore, if this Motion be rejected, it must afford a most melancholy Reflection to every one that understands our

our Constitution, and has a Regard for the Liberties of his Country.' Anno 13, Geo. II. 1739.

Sir Robert Walpole.

S I R,

' I was a little surprized to hear it said, by the Hon. Gentleman who spoke last, that this Motion's being opposed by Ministers and Placemen, is a strong Argument in its Favour. In my Opinion, this is a Sort of begging the Question. Before we can suppose this to be an Argument in Favour of the Motion, we must suppose, that Ministers and Placemen oppose it, not because they think it wrong, but because they are Ministers and Placemen, which is the very Question now in Debate. I do not believe, that ever any Minister or Placeman opposed, or supported a Question in this House, contrary to his private Sentiments, and only, because he was a Minister or Placeman. I am sure, their Conduct of late Years has given us no Room to think so; nor can we ever have Room to think so, as long as none but Gentlemen of Credit and Honour are employed in the Administration, or in any Place of Honour and Profit under the Crown. If mere Upstarts, or Persons of no Fortune or Credit in their Country, were employed, and by illegal Methods brought into this House, for by fair Means they could not, there might be some Room for making such a Supposition, and then there would be some Cause for bringing in such a Bill as is now proposed; but when I look round me, and consider the particular Circumstances of those Gentlemen now here, who have the Honour to be at the same Time in the Service of the Crown, I must look upon the Danger, now pretended to be so real and imminent, to be as chimerical a Danger, as the most luxuriant Fancy can invent.

' I shall agree with the Hon. Gentlemen who seem so fond of this Bill, that if the Crown could gain an absolute and uncontrolable Power over all, or a Majority of the Elections in the Kingdom, every Parliament thus chosen by the Power, would be under the Direction of the Crown, and in this Case our Constitution would be at an End; but this I think impossible. Whilst the Crown pursues right Measures; whilst none but Gentlemen of good Credit and Fortune are employed in the Administration, or in any superior Post or Office under the Administration, the Crown will certainly have a great Influence both in Parliament, and at Elections; but this proceeds from the Wisdom and Uprightness of its Measures, and from the natural Weight of those that are employed; and it would certainly cease,

Sir Robert
Walpole.

Annos 13, Geo.
11. 1739.



as soon as the Crown began to pursue contrary Measures ; because, we must suppose, the Administration would then certainly be deserted, and opposed by all, or most Gentlemen of any Fortune or Credit in their Country. This, I say, we must suppose, unless we can suppose, that Gentlemen of Fortune and Credit in their Country, would unite in Measures for making a Sacrifice of themselves, as well as their Country ; which is a Supposition that cannot, I think, be made, nor pretended, by any Man whose Head is sound, and Heart sincere.

‘ In all Questions, Sir, which do not admit of Demonstration, there must be a Variety of Opinions ; and as Questions of a political Nature are less capable of Demonstration than any other, it is natural to see a Difference of Sentiments in every Country like this, where the People have not only a Power to judge, but a Liberty to talk and write against the Measures pursued by the Government : This is natural, and even necessary, in every Country where the People are free ; and as every Man is fond of his own Opinion, and fully convinced of his having Reason on ‘his Side, he is apt to imagine, that those who differ from him, must be governed by some Prejudice, or by some selfish Consideration. From hence it is, that all those who disapprove of the Measures of the Government conclude, that the Approbation of those that differ from them, proceeds from the Influence of some lucrative Post they are in Possession or Expectation of ; and on the other hand, those that approve of, and support the Measures pursued by the Government, are apt to conclude, that the Opposition is entirely owing to Party-Prejudice, or to Malice and Resentment. For my Part, I shall always endeavour to keep in the middle Course, and to believe that both are in the wrong ; and, therefore, I shall always be against any Alteration in our Constitution, when I think, that the Alteration proposed, is founded upon one or other of these Mistakes. I should be as much against restraining the Liberties of the People, in order to prevent that Influence which is supposed to proceed from Party-Prejudice, Malice, and Resentment, as I shall be against restraining the Power or free Choice of the Crown, in order to prevent that Influence which is supposed to proceed from the Disposal of Places and Preferments. There may, perhaps, I believe there always will, be a little of each in the Nation ; but neither can ever be of any dangerous Consequence to our Constitution : On the contrary, they serve as a Balance to each other ; so that by removing either, without removing
the

the other at the same Time, the Constitution will run a great Risk of being overturned.

Anno, 13 Geo.
II. 1739.

‘ There are many Causes, Sir, which naturally raise a Party against the best and wisest Administration. In this Life, it is impossible for us to be compleatly happy. All Men feel some Wants, Pressures, or Misfortunes; and very few are willing to impute them to their own Folly, or to any Mistake in their own Conduct. To such Men, the Administration is in Politics, what the Devil is in Religion; it is the Author of all their Misdeeds, and the Cause of all their Sufferings: This naturally breeds in them a bad Opinion of the Administration, and then, of course, they not only condemn, but oppose all its Measures. This must raise a great many Enemies to the Administration in every Country, and their Number will be considerably increased by those that are disappointed of the Honours or Preferments they expected, and justly, as they thought, deserved; as well as by those that wish for a Change in the Administration, for no other Reason but because they hope for a Share in the next. In all Countries it is honourable to have a Share in the Government of one’s Country: In rich Countries it is profitable as well as honourable; and as there are but a very few in any Country that can have a Share of the Government, and still fewer that can have such a Share as, they think, they deserve, there must be many Candidates for every Title of Honour, or Post of Profit, that is to be disposed of. Of these Candidates, one only can be chosen, and all the rest will, of course, think they have had Injustice done them; for few Men are so modest as to think such a Disappointment owing to their own Want of Merit, or to the superior Merit of their Rival; and from thence they will begin to entertain a secret Animosity, nay, perhaps, they will declare an open Enmity to those at the Head of the Administration.

‘ By these two Sorts of Men united together, there will always be a considerable Party in every Country, ready to condemn and vilify the wisest Measures that can be pursued by the Administration; and, as in every free Country there are different Parties, as in this Country there are at present, and, I believe, always will be different Parties, the Parties that are by their Profession and Principles opposite to the Party in Power, will be ready to find Fault with every Thing done by the Administration. In this Country, I say, Sir, there are, and, I believe, always will be different Parties: There are at present, and will be, as long as our present happy Establishment endures, three

Anno 13, Geo.
II. 1739.



different Parties in this Kingdom: The Jacobites of one Side, the Republicans of the other, which I may call the two Extremes; and the Party for supporting our present happy Establishment, which may be justly called the proper Mean between these two Extremes.

‘ Thus, Sir, we may see what a numerous Party, our Administration must always have to struggle with. All these Sorts of Men, the Discontented, the Disappointed, the Jacobites, and the Republicans, will always be ready to condemn and oppose the Measures of the Administration, let them be never so wise, let them be never so just; and by their Arguments they will often be able to prevail with some well-meaning and unthinking Men, or at least to stagger them in their Opinions. With regard to Parliaments, and the Choice of Members of Parliament, our Administration has no Defence against this formidable Union of Parties, but by the Wisdom of their Measures to engage most Gentlemen of Credit and Fortune in their Interest. Whilst the Administration pursues right Measures, such Gentlemen will be ready to join with them, and by this means the Administration will always have a prevailing Influence, both in Parliament, and at Elections; for when a Majority of those who have the best Fortunes, and greatest Interest in their respective Countries, are Friends to the Administration, it is not at all surprizing, that an Administration, by means of such Friends, should have a prevailing Influence at Elections, as well as in Parliament. But such Friends, or at least a great Number of such, no Administration can have, that pursues Measures inconsistent with the Good of the Community in general.

‘ I shall grant, Sir, that a Title of Honour, or a lucrative Post or Employment, may be of some Service in prevailing with a Gentleman to judge favourably of the Government’s Measures, in all Cases where he is wavering in his Opinion; but a bad Government can never, by this Way, gain many Friends; even a good Government can never gain near so many Friends, as it will lose by causeless Discontents and just Disappointments; and if you should take away from the Crown the chief Advantage it can reap by the Disposal of Posts and Employments, not only a good Administration, but even the Crown itself, may sink under the Weight of Party-Prejudice, supported by causeless Discontent, and just Disappointment; therefore, to support the Crown against the Disadvantages and Opposition which the wisest and best Administration must always have to struggle with, I think, you ought to leave it in the Power of the Crown to dispose of all Posts and Employments, in
the

the same manner they have been hitherto, without any bad Effect, disposed of.

Anno 13, Geo.
II 1739.

‘ If you should, by the Bill now proposed, exclude all Gentlemen in any Place or Office under the Crown, from having Seats in this House, you would, in my Opinion, Sir, bring the Constitution into much greater Danger, than it can ever be brought into, by any Number of Placemen and Officers that can be in this House; for the Crown would, in that Case, be laid under a Necessity to employ none but Men of low Fortunes and no Interest; because, if the Places and Offices under the Crown should be given to Gentlemen of Character and Distinction in their respective Countries, and they thereby excluded from having Seats in this House, the chief Friends of the Government being thus rendered incapable of standing Candidates at Elections, the disaffected, or discontented Interest would prevail in every Part of the Kingdom; and in that Case, this House would soon be filled with such as were declared Enemies to the Administration. To prevent this Consequence, the Administration would, therefore, be obliged to employ none in any Post or Office under the Crown, but such as had neither Fortune nor Interest in their Country, in order that their Friends might be in a Condition to get themselves chosen Members of this House; for, I believe, it will be granted, that no Administration could support itself, or answer any of the Ends of Government, if the Majority of this House consisted of such as were its declared Enemies.

‘ From hence, Sir, I think it is evident, that if this Bill should pass into a Law, the necessary Consequence would be, that in a very short time our Armies would be entirely commanded by Officers of no Fortune or Interest in their Country: Our Navy would be in the same Condition: All Posts and Offices under the Crown would be filled with Men of the same Stamp; and in these Circumstances, if an ambitious, or a hot, passionate Prince should succeed to the Throne, I must desire Gentlemen to consider, whether our Constitution and Liberties would not be in more Danger, than they can ever be, as long as our Army and Fleet are commanded by Officers, and all other considerable Posts under the Crown filled with Gentlemen, of such Fortune and Interest in their respective Countries, as to be able to get themselves chosen Members of this House. It has been generally admitted in this Debate, that Gentlemen of no Fortunes will always be more ready to second the ambitious Designs of a Court, than Gentlemen who have good Fortunes of their own, the Security of which must depend upon the Preservation of our Constitution; and for this very Reason,

Anno 13, Geo
II. 1739.

son, an ambitious or headstrong Prince can never have any great Affection for Parliaments or Senates, constituted as those in this Kingdom are. If the Prince could bring whom he pleased, and as many as he pleased into Parliament, and expel or turn out whom he pleased, as the Roman Emperors did with regard to their Senates, the most ambitious and arbitrary Prince would have no great Occasion to grow weary of Parliaments; but as the King can bring no Member into this House, nor expel any one; as no Gentleman can come into this House but by the free Choice of his Country, it must always consist of Gentlemen of Character and Fortune, and consequently, will always be a Restraint which an ambitious Prince will be glad to get rid off; therefore, we have more Reason to apprehend its being in the Power of a Prince to govern without a Parliament, than its being in his Power to govern or direct the Parliament; and, I am sure, when our Armies and Fleets are commanded by Officers, and all other Posts filled with Gentlemen of no Fortunes, it will be more easy for a Prince to govern without a Parliament, than it ever can be, as long as many of those Officers and Gentlemen are Members of this House.

Even the Gentlemen who have spoke in favour of this Bill, are so sensible of the Difficulty there will always be in obtaining the Consent of Gentlemen of Character and Fortune, to any thing that may look like an Encroachment upon our Constitution, that they seem to think, we are in no Danger from the Number of Placemen and Officers in this House, unless Gentlemen of no Character or Fortune be brought here by the Interest of the Government merely on Account of their having Places or Offices under the Crown; and in order to magnify this Danger, we have been told, that most of the little Boroughs upon the Coast, are entirely under the Direction of the Government, with regard to their Elections, and that the little Inland Boroughs would have been in the same Condition, if the late Excise Scheme had passed into a Law. Sir, I find Gentlemen will not, upon this Occasion, make that Distinction, which, I think, is a very obvious one, between the Circumstances of our Government, when none but Gentlemen of good Families and Fortunes are employed in its Service, and the Circumstances it would be in, if few or no such Gentlemen would accept of being employed, which will always be the Case, when it is pursuing Measures that seem to be of dangerous Consequence to the Constitution, or inconsistent with the public Good. In the former Case, many of those employed in the Government's Service will be returned for Inland as well as Coast-Boroughs, not because they are in the Government's

vernment's Service, but because they have a great natural Interest in their respective Countries. In the latter Case, as all these Gentlemen that had any natural Interest would be against the Government, it would be impossible for the Government to get many of its low Tools chosen, either for our Boroughs upon the Coast, or for our Inland Boroughs. In this Case, if the Excise Scheme had passed into a Law, it would have made no Difference; for, as long as our Elections are free, those that have the best Interest will always be chosen; and as the Government's Interest must always depend upon the Interest of those that are employed in its Service, no Excise-Scheme, nor any such Scheme, can give an Interest to a Government that has no Gentleman of Interest in its Service. Therefore, as long as our Elections are free, there is not the least Danger, that any great Number of Gentlemen of no Character or Fortune can ever be brought into this House; and the Freedom of our Elections is already as fully secured as Laws can secure it.

• I hope, Sir, I have now fully shewn, that our Constitution and Liberties can be in no Danger from any Number of Placemen or Officers in this House, unless we suppose, that a great Number of Gentlemen of Family, Fortune, Character, and Interest in their Country, would chuse to make a Sacrifice of themselves, their Posterity, and their Country, rather than risk losing the Place or Office they possess under the Crown. This is a Supposition which, I think, there never can be any Ground for. If there were: If it were possible to suppose such a general and abandoned Venality among the better Sort of People of this Kingdom, the Bill would either have no Effect, or a very bad one. Can we suppose that such venal and abandoned Men would serve their Country in Parliament for nothing? They would either set up a Traffic with the Crown for private Pensions to themselves, or Posts and Preferments to their Trustees or Relations, which no Laws nor Oaths could discover or prevent; or otherwise they would form themselves into a Party for overturning the Administration; and thus one Administration would be overturned after another, till at last the Country would become a Prey to some foreign Power, or until some one Administration, more bold and artful than the former, should fall upon a Method to establish themselves in arbitrary Power. There is, therefore, no Occasion for this Bill; or if there is, it would either have no Effect, or a very bad one; and this, I think, is a sufficient Reason for my being against bringing it in.

Sir

Anno 13, Geo.
II. 1739.

Anno 13, Geo.
II. 1739.

Sir William
Wyndham.

Sir William Wyndham.

S I R,

‘ The Honourable Gentleman who spoke last has told us, that Questions in Politics admit of no Demonstration. In this I am entirely of his Opinion, and, I think, this Opinion was never more strongly confirmed, than by the Debate of this Day. There never was a Question in this House, that could be brought nearer to a Demonstration, than the Question now before us; and yet, I find, it is not possible to convince those that may be affected by its being agreed to. It has hitherto been reckoned a Maxim in Law, which I never before heard disputed, that Parties ought not to be Judges; but now I find this Maxim denied, and, indeed, it must be so, by every Gentleman that says, our Constitution can never suffer by a Majority of Placemen in this House; for that Placemen and Officers of all kinds must be Parties concerned in many Cases, which we, as Members of this House, must judge of, is so clear, that I should have been ashamed to have given you the Trouble of proving it, if I had not heard the Motion now before you so warmly opposed.

‘ Upon this Occasion, Sir, I must observe, that all free Governments must consist of two distinct Powers, the legislative, and the executive, the last of which is always subordinate, and subject to the Review of the first. The very Essence of a free Government consists, among other Things, in this, that all those who are entrusted with the executive Power, shall be accountable for their Conduct to the legislative Power, and may be punished by the legislative Power, which always consists in some sort of an Assembly of the People, in case it be found that they have neglected or transgressed their Duty in the Execution of their Office; for what Benefit could the People reap from their having the Power of making their own Laws, if those who are entrusted with the executive Power of the Society, might, without Fear or Controul, betray or neglect the public Affairs of the Society, or injure and oppress Individuals, either by neglecting to execute the Laws, or by executing them in a different manner from what was intended, or by pretending to act according to Law, without having any Law for their Authority?

‘ This, I say, Sir, is essential to every free Government, and, accordingly, we have this Regulation established by our Frame of Government in the most perfect manner. Those who are entrusted with the executive Power, are all, or most of them, named by the King; but then every one of them, from the highest to the lowest, is accountable to,
and

and may be punished by the two Houses of Parliament; and it is particularly the Business of this House, which is the grand Inquest of the Nation, to enquire into their Conduct, and to impeach those we find guilty of any Neglect or Misdemeanor, in the Exercise of that Part of the executive Power which is entrusted to them by the Crown. Therefore, it is our Duty to make frequent Enquiries into the Conduct of every Minister, Officer, and Placeman appointed by the Crown; and upon all such Enquiries, we are to examine strictly into their Behaviour, and judge impartially of their Conduct. From hence it appears, that in all such Enquiries, and in all Questions relating to them, the Members of this House, as such, are Judges of the Conduct and Behaviour of every Placeman, Officer, or Minister employed by the Crown in the Executive Part of our Government; and consequently, every Placeman, Officer, and Minister, that has a Seat in this Assembly, must be both Judge and Party in many Cases that ought to be brought before us.

‘ It signifies nothing to say, Sir, that no Officer can be a Party concerned in the Conduct of another Officer, and that an Officer who happens to be a Member of this House, must retire, as soon as any Question arises relating to his own Conduct; for as there are many and great Connections between different Offices, and between Officers of different Offices, which may at first View appear entirely distinct, it is impossible so much as to guess, when an Enquiry, or any leading Question to an Enquiry, into the Conduct of one Office or Officer is moved for; I say it is impossible to guess what other Officers may, upon the Event of a strict Enquiry, appear to have been Confederates with him in his Crimes. Nay, even those Officers that never had any Dealings with him, cannot know but that a close Enquiry into one Office, may bring to Light, as it often does, some Mal-practices of other Offices, in which they themselves have a Concern: and therefore, every Officer in the House will think himself a Party concerned in every Enquiry that can be set on Foot, and will, consequently, endeavour to prevent or defeat every such Enquiry. To this I must add, that, in all Degrees and Stations in Life, Men of the same Trade, Employment, or Profession, especially where their Business does not interfere, conceive an Affection for one another, and are therefore apt to judge very partially in one another's Favour; from whence it must be concluded, that, in every such Enquiry, and every Question that arises relating to any such, all Ministers, Placemen, and Officers, are Parties concerned, not only in Interest, but

Anno 13, Geo
II. 1739.

Affection; and consequently, all those who have Seats in this House, must, in all such Cases, be both Judges and Parties, which is directly contrary to the established Maxim I have mentioned.

‘ Whether it be owing to the great Number of Placemen and Officers we have had for many Years in this House, or whether it be owing to the Integrity of those who have of late Years been concerned in the executive Part of our Government, I do not know; but I must observe, that parliamentary Enquiries into the Management of Offices, and Conduct of Officers appointed by the Crown, have, of late Years, been very rare; and yet, in order to keep all such Officers to their, good Behaviour, I must be of Opinion, that such Enquiries ought to be frequently set on Foot, and strictly carried on, tho’ no direct Complaint has been made against any one particular Officer; for a public Rumour is a sufficient Ground for a parliamentary Enquiry, and no Man can say, that such Grounds have been wanting. But whatever may be the Cause of our having lately had so few parliamentary Enquiries, I will be bold to prophesy, that, if there should ever be a Majority of Placemen and Officers in this House, we shall never afterwards have any more such Enquiries, unless they be such as are set up at the Instigation, and by the Contrivance of Ministers, in order to gain a little Popularity, by throwing a Scape-Goat among the People. And if this should ever come to be our Case, I am sure no Man could, with Justice, say that we lived under a free Government, or that our Constitution remained entire,

‘ Thus, I think, Sir, the Question now before us is brought as near a Demonstration as any such Question can possibly be. As Members of this House, we are to enquire into and judge of the Conduct of Ministers, Officers, and Placemen, entrusted by the Crown with the executive Power of our Government: As Ministers, Officers, and Placemen, named by the Crown, we are the Persons whose Conduct is to be enquired into. Is it not evident then, that these two Characters are incompatible, unless we say, that Parties may be Judges? Sir, it is so evident, that I should be for excluding every Minister, Officer, and Placeman, from having a Seat in this House, were it not for the Necessity we are under of having some of the chief amongst us, in order to give us proper Information with respect to the great Offices they are at the Head of? If this Question admits of a Variety of Opinions, I am sure every Question in Politics must, and therefore, great Care should be taken, that those who are to judge of such Questions, shall not be
under

under the least Biass ; for the Weight and Efficacy of the Biass will always increase, in Proportion to the Doubtfulness of the Question ; which is a new Argument against admitting Placemen and Officers into this House.

Anno 13, Geo.
II. 1739.

‘ We have been told, Sir, that it is impossible to suppose, that Gentlemen of great Fortune and Interest in the Country will sacrifice the Liberties of their Country for the Sake of a Place they enjoy or expect. Sir, it is so far from being impossible to suppose this, that it is a common Case. It has always been the Case in every Country where the Liberties of the People have been sacrificed. The Liberties of no Country can be sacrificed, without the Concurrence of many Gentlemen of Family, Fortune and Interest, and a criminal Indolence or Passivity in the rest. Some are led, contrary to the Light of their own Understandings, by their Avarice, Vanity, Luxury, or Extravagance ; others are deceived by specious Pretences, and led into such Measures, the certain, tho’ not the plain and direct Consequences of which, are Slavery and arbitrary Power. With the first Sort of Men, an honourable and profitable Place affords them an immediate Satisfaction for their Avarice, or Vanity, or an immediate Supply for their Luxury or Extravagance, which they prefer to all other Considerations. With the second Sort of Men, an honourable and profitable Place gives them a Biass to that Side of the Question upon which their Place depends, and prevents their seeing through the specious Pretences that are made use of for supporting that Side of the Question. And thus, between these two Sorts of Men, the Liberties of any Country may probably be given up, if they are committed to the keeping of those that have honourable and profitable Places, which depend upon their making the Surrender.

‘ Let us consider, Sir, that even Liberty itself is but a Question in Politics. Whether a limited or an absolute Monarchy be the best Sort of Government is but a Question in Politics ; and therefore, as the Hon. Gentleman has said, can admit of no Demonstration. For this Reason, even those that are Gentlemen of Fortune and Interest in their Country, if they be in the least governed by Avarice, Vanity, Luxury, or Extravagance, may, by an honourable and profitable Employment, be induced not only to say and vote, but even to think, that an absolute Monarchy is the best Sort of Government, and that they do a signal Service to their Country, by sacrificing its Liberties. Nay, this very Doctrine has of late been supported in private Company, and by Gentlemen of very great Distinction. How natural then is it to suppose, that in political Questions,

Anno 12, Geo
II. 1739.

where our Liberties are not directly and immediately, but indirectly and consequentially concerned, a Gentleman of Distinction may be induced, by an honourable and profitable Employment, to approve of, or give his Assent to the wrong Side of the Question? How natural is it to suppose, that the Members of this House may, by such Means, be induced to grant such Revenues, such a Number of Troops, and such Powers and Prerogatives to the Crown, as may, for ever after, put it out of the Power of Parliament to controul any of the King's Measures, or to punish any of his Officers, unless they be such as he may be pleased to throw out of his Protection; and in this Case, whatever Forms of Liberty we might have, I am sure it would be ridiculous to say we had any of the Substance remaining.

Thus, Sir, I think, it is evident almost to a Demonstration, that our Constitution and Liberties not only may, but must be destroyed, unless we shut the Doors of this House against most Placemen and Officers, as we have already done against all Pensioners; and as this is so evident, no Objection that can be invented, no Danger, no Terror, we can be frightened with, shall prevent me from exerting all the Power I have from its being done. Slavery to me is the highest of all Terrors, and therefore I shall be for guarding against it at the Risk of any other Terror that can be imagined. But I must say, that, in this long Debate, I have not heard one plausible Objection made against this Exclusion. To tell us that a just and wise Administration can have no Friends of good Fortune and Interest in their several Countries, but such as have Places or Offices under the Crown, is something very surprizing. If this were the Case, I am sure it must be granted, that the Places and Offices under the Crown are now become infinitely too numerous. But this, Sir, is not, nor ever can be the Case. There are now in every County in England, one with another, two or 300 Gentlemen of Family, Fortune and Interest in their several Counties, who have no Places or Offices under the Crown, and who, under a just and wise Administration, would be firm Friends to it, and would be able to support it, in a legal way, against all the Jacobites, Republicans, and Discontented, that could, in such a Case, be within the Kingdom; and, among such a Number, could not the Administration find one or two to stand as Candidates upon their Interest at every Election within the County? They certainly might, and their Candidates would have this Advantage, that they would have the Votes and Interest of all those Gentlemen of Fortune within the County who had Places or Offices under the Crown, and could not therefore, themselves, stand

as Candidates at any Election. Therefore, should this Bill pass into a Law, no future Administration would be under the Necessity of employing any but Men of low or desperate Fortunes in any Place or Office under the Crown; and, I am sure, no just or wise Administration will ever chuse it.

Anno 13, Geo.
II. 1739.

‘ It has been said, Sir, that we ought not to make any Alteration in our Constitution without an apparent Necessity; and that the Alteration proposed by this Bill cannot appear necessary, unless we suppose such a venal and abandoned Spirit to prevail in the Nation, that most Gentlemen of Family and Fortune amongst us, would be ready to sacrifice the Liberties of their Country, rather than risk losing a good Post or Employment under the Crown. Sir, it is to prevent the Growth of such a venal and abandoned Spirit, that this Bill is intended. When the Crown had but few lucrative Posts to bestow, the most abandoned Administration could not contribute much to the Growth of this Spirit; but the Crown has now such a Number of lucrative Posts to bestow, that, if these Posts should be applied to the Purchase of a Gentleman’s Vote in this House, or his Interest at Elections, such a Spirit would soon prevail, and at last become universal. It would begin in this House: It would grow by Example: One Gentleman’s being corrupted would not only be an Example, but it would give Countenance to a second; he to a third, and so forth, till at last it would spread thro’ the Majority of this House. From this House it would descend to Elections; for he that sells will purchase, if he can otherwise have nothing to sell. Begin, Sir, at the Fountain: Clear that from Corruption, and the Stream will soon run clear; for if Members cannot sell Votes in Parliament, they will never, or very seldom, buy that Commodity at Elections. Their Vanity may sometimes prompt them to do so, but this can happen but seldom, and can never have any great Effect.

‘ I shall not say, Sir, that Placemen have ever approved or opposed Questions in this House, because they were Placemen, and for no other Reason; but this I will say, that the Majority of the Nation think they have often done so; and I must observe, that ever since I sat in Parliament, our Placemen have generally been of the same Side with our Ministers: If any of them dropt by Chance into the other Side of the Question, they have of late Years soon ceased to be Placemen. Nay, even in this House, we have heard it delivered as a ministerial Maxim, that no Man ought to be allowed to keep his Place under the Crown, if he follows the Directions of his Conscience, and votes against any of the Minister’s Measures or Jobs in Parliament. This makes

me

Anno 13, Geo
II. 1739.

me think the Bill the more necessary : The whole Nation thinks so; and if this Question should pass in the Negative, the whole Nation will think the Bill more necessary than they ever thought it before. They will think it absolutely necessary to have such a Bill, but now not possible to obtain it; which will of course raise such a Discontent, or perhaps Disaffection, in the Nation, as may be of dangerous Consequence to the present Establishment.

‘ It is really, Sir, most astonishing to hear it said, that the Administration’s Interest in the several little Boroughs upon our Coast, depends upon the natural Interest of those that have Places under the Crown. This, I say, is most astonishing, considering how notoriously it is known to be otherwise. I shall grant, that if the Interest made in the little Boroughs by Customhouse-Officers, Excisemen, Officers of Dock-Yards, and such like Gentlemen, be a natural Interest, a Clerk of the Treasury or Admiralty may be said to have a great natural Interest in his Borough; but as this Interest depends upon his Post, and not upon his Family or Fortune, I cannot call it a natural Interest. Do not we know, Sir, that many of our little Boroughs are already become so venal, so publickly venal, that their Brokers, or rather their Pimps, deal as openly for the Sale of them, as Bawds do for the Sale of a Prostitute. This infamous Traffic I am for putting an End to; and as the Bill now proposed will be of great Service for this Purpose, I shall be not only for bringing it in, but for having it pass’d into a Law.

‘ After nine Hours Debate, the Question was put, and pass’d in the Negative, Ayes 206. Noes 222.’

Debate on the
Call of the
House.

The 31st, a Negative having been put December 18, on a Motion for a Call of the House, it gave Rise this Day to the following Debate.

William Pulteney, Esq;

S I R,

William Pulteney, Esq;

‘ It is with Regret I observe, that almost every Session introduces something new, in diminution of the Liberties, or derogatory to the Constitution of this Kingdom. In former times, the Grant of a Supply often stood a long Debate in this House, and was sometimes absolutely refused; now it is always granted, *Nemine contradicente*. The Malt-Tax was never introduced till towards the latter End of King William’s Reign, and was at first most strenuously oppos’d: Nay, even during the War in Queen Anne’s Time, it was often oppos’d, and was looked on as a Tax so burdensome upon the poor Labourers and Manufacturers of this Kingdom. that no Man imagined any Minister would have the

the Assurance to propose renewing or continuing it, after Anno 13, Geo II. 1739. the War was over: Even our Neighbours of Scotland thought themselves so sure of this, that, by the Articles of Union, they stipulated to be free from this Tax except during the War; but they, as well as we, have since found themselves mistaken: This grievous Tax has been continued to this Day, and is now, in some measure, become a Motion of course. The Mutiny Bill was at first thought to be a most dangerous Innovation, and was therefore most violently opposed, especially in Time of Peace; but it is now become so familiar to us, that we pass it regularly every Year, without the least Opposition, as if a Standing Army and a Mutiny Act were two Things absolutely necessary for the Subsistence of our Constitution. Not many Years ago, the Members of this House, when assembled, looked upon themselves as the Grand Inquest of the Nation, and therefore thought themselves in Duty bound to enquire into every Grievance and Complaint, without any other Foundation than a public Rumour; but now every Motion, that tends to an Enquiry into any Complaint, is rejected; or if any such Enquiry be ever set on Foot, it is committed to those who are themselves suspected of being the original and chief Cause of the Complaint.

‘ Thus, Sir, we have, for several Years, gone on approaching, I am afraid, to the Confines of Slavery; and in this Session we have made a new and a very extraordinary Step. Till this Session it was always thought, that every Member of this House had a Right to move for a Call of the House. We are Fellow-Labourers for the public Good: We are all joint Guardians of the Liberties of our Country; and every Member has a Right to insist upon it, that his Companion should attend and bear an equal Share of the Burden, or at least a Share proportionable to his Strength and Capacity. But in this Session, Sir, we have seen a Motion for a Call rejected, tho’ that Motion was the first of the kind that had been made, tho’ it was supported by strong Reasons, and tho’ it was desired by near one half of those that were then present. This I must look on as a most dangerous Innovation; for when we begin to encroach upon or derogate from our own Rights, no Man can tell how far it may go: I do not know, but I may live to see the Question put upon a Gentleman’s rising up to speak, whether he shall have leave to speak? And if ever such a Question should be put, I shall not in the least doubt of its being carried in the Negative, in case there should be a Suspicion of the Gentleman’s intending to utter Things disagreeable to those that may then have the Direction of the Majority of this House.

‘ For

Anno 13, Geo
II. 1739.



‘ For this Reason, Sir, I was extremely sorry when I saw the Question put upon such a Motion, and still more sorry when I saw that Question carried in the Negative; and if I were not fully convinced, that there were then several Objections to the Motion, which do not now subsist, I should take Care not to lay a Foundation for another Precedent of the same Nature. But as the most material Objections are now removed, I believe, I may venture to move again for a Call of the House; and, as I am under great Concern for the Success of my Motion, I shall beg leave to explain some of those Objections which do not now subsist.

‘ For this Purpose, Sir, I must take Notice, that if the last Motion for a Call had been complied with, the Country-Gentlemen who have no Place or Office under the Crown, and are therefore under no Obligation, but that of Conscience, to attend the Service of this House, unless we force them to it by a Call, would have found themselves under a Necessity of keeping their Christmas in Town, instead of keeping it in the Country; and I must farther take Notice, that, according to my Observation, every Gentleman in this House that has, or is suspected of having a Post, Office, or Pension from the Crown, gave his Negative to that Motion. Now, I hope, they will give me Leave to suppose, which very few others will do, that their giving this Negative proceeded from the great Regard they have for the poor People in the Country. By the Nature of their Place or Office, they are obliged to attend punctually the Business of this House, and to reside, for the greatest Part of the Year, perhaps the greatest Part of the seven Years, in this great City. By this Means the Poor in the Country are deprived of that Hospitality, which they so generously, and so charitably keep, when an Election, or some such Occasion, calls upon them to visit their Constituents; and in order to atone, as far as they could, for the Loss the Poor suffer by their Absence, they were unwilling to draw away from the Country any of those Gentlemen who might, and were inclined to keep their Christmas there. But as Christmas is now over, this Reason no longer subsists; therefore I now hope to have the Concurrence of many of those Gentlemen who voted against the last Motion for a Call; and I wish for it the more ardently, because, I expect no Success unless I have the Concurrence, or at least the Connivance of some of them.

‘ Another Objection, Sir, that does not now subsist, is that which was removed the very last Day of our meeting together in this House: I mean the Motion for Leave to bring in a Bill, for the better securing the Freedom of Parliaments,

Parliaments, by limiting the Number of Officers to fit in the House of Commons. This Bill, if it should pass into a Law, would certainly exclude many Gentlemen who have now the Honour of having Seats in this House: At least it would render them incapable of being chosen Members of a new Parliament, unless they should resign the Offices they now enjoy. I have so good an Opinion of the Officers and other Placemen, who are now in this House, that every one of them would, I believe, give it his Concurrence, notwithstanding the private Disadvantage it would be to him, if he thought the passing of such a Bill absolutely necessary for the Preservation of our Constitution; but, I hope, they will pardon me if I think, that their private Interest prevents their seeing the public Necessity; for, in this, my Opinion is confirmed, by their unanimously joining to put a Negative upon the very Motion for Leave to bring in such a Bill. Now, when the last Motion for a Call was made, it was strongly suspected, nay it was, I dare say, by most of them firmly believed, that there would be some such Motion soon after the Christmas Holy-days; and as most of the Country-Gentlemen that were then absent, have, upon former Occasions, appeared to be Friends to every such Proposition, it was the Business of those that were against it, to prevent their being brought up to Town, till after that Motion was over, in order that the Motion might appear to have as few Friends in this House as possible, especially considering the vast Majority of Friends the Bill appears to have in every other Part of the Kingdom.

This, Sir, was, I believe, the most material Objection against a Call when the Motion was last made, which I am the rather induced to believe, because I observed that most, if not every one of those that appeared against the Call, appeared likewise against the Motion for this Bill; and in this I must allow they acted like good Generals; for when a General expects to be attacked, it is certainly his Business, if possible, to prevent the Enemy's being able to assemble all their Forces together, especially when he can do it without dispersing or losing the Assistance of any of his own Troops. But as this Attack is now over: As they can be afraid of no future Attack in this Session of Parliament, I hope, they will allow us to have the Authority of this House, for compelling the Attendance of those Members, who can by no other Means be compelled to attend their Duty in the Execution of that Trust which they have accepted of from their Country. Therefore I cannot think, that even the * Hon. Gentleman

VOL. VI.

K k

near

* *Sir Robert Walpole.*Anno 13, Geo
II. 1739.

Anno 13, Geo
II. 1739.

near me, will now be against a Call, unless he be, on his Part, meditating some new Attack. To have the House called over once at least in a Session, is in itself so reasonable, and has been so constantly practised, that I shall expect even his Concurrence, unless he has something in petto, which he thinks will suit best with a thin Assembly; and if, by giving his Negative to this Question, he declares he has, I hope it will have the same Effect with a Call: I hope it will bring every absent Member to Town, that has the least Regard for the Liberties of his Country.

‘ After having thus shewn, Sir, that those Reasons, which induced many Gentlemen to be against the last Motion for a Call, do not now subsist; if I knew any Reason still subsisting against it, I would endeavour to state and answer it; but I cannot really suggest to myself the least Shadow of a Reason now subsisting against it, except that which I have mentioned, and which, in the Opinion of most Gentlemen present, will, I hope, be a prevailing Argument in its Favour. I say, Sir, I cannot suggest to myself the least Shadow of a Reason against what I am to propose; for surely Gentlemen are not in earnest when they say, that, because many Gentlemen absented themselves from the House last Session, after being convinced that their Presence could be of no Service to their Country, therefore no Gentleman ought to be compelled, during this Session, to give his Attendance. This may be a Foundation for some Gentlemen shewing us how great Masters they are of Wit and Humour (as they did upon the last Motion for a Call) but it can never be a Foundation for a serious Argument. And I must observe, that however witty those Gentlemen may be upon the Seccession, as they are pleased to call it, it had a very good Effect. I am convinced, the Gentlemen that retired from the House, did more Service to their Country by retiring, than they could have done by continuing in their Seats. They saw they could not by their Presence prevent or alter the destructive, pacific Humour some Gentlemen were then in; and therefore they resolved to try what they could do by their Absence. Accordingly it had the desired Effect: It made us resolve to vindicate our Honour and our Rights by Arms, since we saw we could not do it by fair Means; and if the War be but tolerably conducted, it will, with the Assistance of Providence, contribute as much to the Glory and Advantage of this Nation, as any War we were ever engaged in.

‘ As this Change of Measures removed the Cause which Gentlemen had to absent themselves from the House, most of them have now returned, because, if we are really resolved

resolve to prosecute the War with Vigour, their Attendance here may be of some Service to their Country. Those who are now absent have no Reason of a public Nature for their Absence; and I am for having the House called over, in order to see, whether any, and which of them, may have a good Reason of a private Nature; for surely they ought to be here, if they have no good Reason of any kind for being absent. Not only the constant Custom of Parliament, but many cogent Reasons of a particular Nature at this Time plead in Favour of what I propose, and there is not the least Shadow of Reason against it; even those who have been for many Years the constant and unvariable Friends of the Administration, can now have no Objection to it; and, if a Negative be put upon it, merely out of Wantonness of Power, it may again afford a good Reason of a public Nature, not only for those that are absent to continue so, but for many of those that are present, to retire a second Time; for, when Things are carried in this House without any Reason, by what I must, in such a Case, call an unreasonable Majority, those who are governed by their Reason have no Business here, because their Attendance can be of no Service to their Country, and may throw a Blemish upon their Characters: As the Custom of this House does not allow of Protesting, or entering our Dissent upon the Journals, when destructive Measures are pursued, and authorized or approved by this House, neither the present Generation nor Posterity can distinguish who were for or against that Authority or Approbation; and therefore, the only Method Gentlemen have for vindicating their Characters, is to retire from an Assembly where their Presence may give Countenance to Resolutions which their Negative cannot prevent, nor their Conscience approve.

This sort of Absence, Sir, is what even an Administration ought to prevent, or put an End to as soon as possible, because it can never happen but when such Questions are carried, as are condemned by a great Majority of the Nation. The present Administration have wisely taken care to remove the Cause of many Gentlemen's absenting themselves from the House last Session, by giving them, as well as the Nation, the Satisfaction they desired; and the best Method they can take for preventing the like in Time to come, is to put always a greater Confidence in their Arguments than in their Numbers. I hope they will do so upon the present Occasion, and therefore I shall beg leave to state some of those Arguments in favour of my Motion, which proceed from the critical Situation our Affairs are in at present. Let us consider, Sir, we are now engaged in a War, which is already

Anno 13, Geo.
II. 1739.

Anno 12, Geo
II. 1739.



expensive, and may become dangerous. We have it from a great Authority, That in a Multitude of Counsellors there is Safety; and as we, in this House, may assist his Majesty not only with our Purfes, but also with our Advice, therefore the more numerous and full our Assembly is, the better Advice we may give, the more Weight, I am sure, it will have, both Abroad and at Home. The Resolutions of a full House will add great Weight to all his Majesty's Negotiations Abroad, and encourage foreign Powers to enter into Alliances with us. But a little while ago we were told by an * Hon. Gentleman, whose Veracity cannot be questioned, and whose Knowledge may be depended on, that we had not one Ally in the Universe. In the present War we have, as yet, no Occasion for an Ally; we can have no Occasion for an Ally, unless our Enemies should get some very powerful Allies to assist them. The Resolutions of a full House of Commons will shew the Spirit of the Nation, and may thereby very probably prevent our Enemies getting any such Assistance; or if they should, those Resolutions may enable his Majesty to form a Confederacy upon the Continent of Europe, which may give our present Enemies and their future Allies so much to do at Land, as may disable them from giving us any Opposition at Sea, or in any Part of the West-Indies: Whereas, if it be observed by foreign Powers, as it certainly will, that there is but a small Number of Members in this House, and that the Friends of the Administration have, by a most extraordinary and unprecedented Negative, prevented an Increase of that Number, they will either conclude, that the present War is not a National, but a Ministerial War, which, I am sure, is far from being the Case; or they will conclude, that our Ministers have entered into the War, only to amuse the People, and that they have not a mind to prosecute it in such a manner as to give Satisfaction to the Nation; either of which Conclusions will not only discourage those that incline to give us Assistance, but encourage those that incline to give Assistance to our Enemies.

Thus it appears, Sir, that, with regard to our Affairs Abroad, it is absolutely necessary to have a full House; and with regard to our Affairs at Home, it is still more necessary. Let us consider, Sir, that in this War, and, indeed, in every War we can be engaged in, we ought to take all the Methods we can think of, for giving Satisfaction to those that contribute towards the Expence of the War, and Spirit to those that carry it on. The People will pay their
Taxes

* *Horatio Walpole, Esq;*

Taxes with Pleasure, when they find they are granted by a full House; because they will suppose that no larger Sums are granted, than are necessary; and that every Shilling they pay, will be applied, with the greatest OEconomy, to the public Service. Then, with regard to those that are, or may be employed in any of our warlike Operations, there is nothing gives greater Spirit and Confidence to those that fight either by Sea or Land, than their being convinced, that they are directed in every thing they undertake by wise Councils, and commanded by brave and experienced Officers. This both our Soldiers and Sailors will believe, when they find that all our Measures are advised and comptrouled by a full House of Commons: They will suppose those Ministers to be wise, vigilant, and careful, that are willing, upon all Occasions, and in every Step, to submit their Conduct to the Review of a full and free House of Parliament: This will inspire every Soldier with a Confidence of Success, and this Confidence will always be almost an infallible means to secure it.

Anno 13, Geo.
II. 1739.

‘ On the other hand, Sir, if this House be not near full, especially if its being so be prevented by those that are the known Friends of the Administration, what must the Consequence be? Does not every one know, that those who are in any Post or Employment under the Crown, must attend upon the private Call of the Minister; but that those who are under no such Influence, depend only upon the public Call of the House? Does not every one know, that the former will be made use of whenever the Minister thinks he has Occasion for it; and will not every one suppose, that he prevents the latter, because he is afraid of having his Conduct enquired into or directed, by a full and free Representative of the Nation? From hence every Man must naturally conclude, that his Conduct is either weak or wicked, or perhaps both; and this will of course raise an universal Dissatisfaction among the People, and a general Diffidence among our Soldiers and Sailors. This Dissatisfaction may expose us to a real Danger of being invaded, and this Diffidence may render it impossible for us to prevent or oppose that Invasion.

‘ The present Situation of our Affairs, therefore, both at Home and Aroad, particularly require a full House; and besides this, Sir, we have now under our Consideration some Affairs of the utmost Importance to this Nation. We have already ordered a Bill to be brought in for registering Seamen: What sort of one it may be, I do not as yet know; but it is an Affair in which the Liberties and Well-being of one of the most numerous and useful Bodies of Men in the Kingdom

Anno 13, Geo
II. 1739.

Kingdom are deeply concerned ; and therefore, I am sure, it highly deserves to be considered in a full House. It is really, in my Opinion, an Affair of such Consequence, that I should think the very Rumour of our being to have such an Affair soon before us, would render a Call unnecessary. It certainly would do so, if Gentlemen were properly touched with what may so sensibly affect the Happiness and Prosperity of their Country ; but the Question that was before us the very last Day we met here, convinces me, that nothing but a Call can force some Gentlemen to attend the Service of their Country in this Assembly. In that Question the Preservation, the very Being of our Constitution was concerned, and yet there were not much above two Thirds of our Number present, which was, perhaps, the Occasion of a Negative's being put upon the Question ; for I must observe, that, of those who were for that Negative, there were, at least, two Thirds that possessed Places or Offices under the Crown, and were consequently, from their private Interest, engaged to have a Negative put upon that Question. I am far from saying, that any of them was governed by such a Motive, because in all Affairs of a public Nature, I believe, they never have the least Regard to their private Interest ; but, if it could be supposed, that any Member of this House were governed by his private Interest, it must be allowed, that such a Member would never vote for excluding himself from having a Seat or Voice in this Assembly, till after he had resigned the lucrative Post or Office he enjoyed under the Crown.

‘ This late Experience, Sir, has convinced me, that nothing but a Call can bring up the Members that are now absent ; and, as it has been the constant Custom to call over the House, at least once in a Session, as there are many strong Reasons of a particular Nature now for it, as there is not the least Shadow of a Reason against it, I hope it will be complied with ; therefore, I shall conclude with moving, that this House be called over upon this Day three Weeks, being the 21st of February next.’

Robert Tracy, Esq;

S I R,

Robert Tracy, Esq; ‘ I shall agree with the Honourable Gentleman who made you this Motion, that the Secession which happened last Session of Parliament, was the Cause of our changing our Measures ; But I differ widely from him as to the manner in which that Cause produced its Effect. He seems to think, it had an Effect upon the Court of Great Britain, and was the immediate Cause of our giving over to negotiate,

tiate, and beginning to fight with Spain ; whereas, I think, Anno 13, Geo
 it had not the least Effect upon our Court, but had an imme- II. 1739.
 diate Effect upon the Court of Spain, and was the only
 Cause of that Court's refusing to comply with any one thing
 that was stipulated by the Convention. I am persuaded,
 the Spanish Minister here thought the Secession of so extra-
 ordinary and dangerous a Nature, that our Ministers would
 submit to any Usage from Spain, rather than declare War
 whilst the Nation was in a Condition so distracted and for-
 lorn: Nay, I do not know but that he was confirmed in
 this Opinion, by some amongst ourselves without Doors ;
 and an Account of this Secession, with his Opinion upon
 it, being transmitted by him to the Court of Spain, they
 gave entire Credit to his Accounts, and placed an implicit
 Faith in his Opinion, which was the Cause of their Obsti-
 nacy, and their Obstinacy was the Cause, and a most just
 Cause too, for our Court's altering its Measures. Thus the
 Secession was the Cause, but not the immediate Cause of
 our beginning Hostilities against Spain. When that memo-
 rable Event happened, we were in a Course of Negotiation :
 Even Spain itself seemed inclined to do us Justice ; but that
 Event put an End to their peaceable Inclinations, and this of
 course put an End to ours.

' From hence, I think, Sir, it is at least highly proba-
 ble, that the War we are now engaged in, was chiefly
 owing to the Secession ; and when Gentlemen consider this,
 however confident they may at any time think themselves
 of being in the right, notwithstanding the Majority's being
 of a different Opinion, I hope they will be cautious of ever
 leaving the House in a Body, as many of them did at that
 Time, because it can never be of any Service, and may be
 of great Prejudice to their Country. The only Precedent I
 can think of for such a Method of Proceeding, is that which
 happened in the long Parliament in King Charles Ist's
 Reign ; and the Consequence that ensued at that Time, can-
 not, I am sure, give Encouragement to any Man to follow
 the Example. The Misfortunes and the melancholy Cata-
 strophe of that Reign, and the Tyranny that was afterwards
 set up, ought to be a Warning to Gentlemen, not to desert
 the Service of their Country in this House, even tho' many
 Things be agreed to by the Majority, which they think in-
 consistent with the Interest of their Country. At least,
 they ought not to leave the House, unless their Attendance
 here be absolutely inconsistent with the Safety of their Lives,
 which was the Case of many Members at that Time.

' But, Sir, when Gentlemen retire voluntarily, and as
 it were in a Per, they can expect no Excuse from their
 Country,

Anno 13, Geo
II. 1739.



Country, and, I am sure, they deserve no Favour from those that continue in their Duty. Suppose some of these pettish Seceders should, in a little Time, reason themselves out of their Pet, and should return to their Duty in this House, could they, with any Countenance desire, that the House should do them the Favour to compel the Attendance of their Companions? If they did, ought it not to be supposed, that they did it for no other Reason, but that their Return might be as conspicuous as their Seceſſion? This, Sir, I take to be the very Case at present: A Number of Gentlemen retired last Session from the Service of their Country in this House, I must suppose in a Pet, because I can assign no other Reason: Many of them have this Session returned, but some have not; and now those that have returned, desire the Favour of us, to call the House over, in order to force the rest to return to their Duty. I say, Sir, they desire the Favour; for a Call is a Favour granted by the House to those that desire it. It is not a Right that every Member may insist on. Every Member has a Right to move for it; but a Question is always to be put upon that Motion, and it is never complied with unless agreed to by the Majority. A Call is therefore very different from the Right every Member has to be heard; for when a Member rises up to speak, I believe it was never yet put to Question, whether or no he should have leave to speak.

‘ The Motion now before us is therefore a Favour, which the Hon. Gentleman, that made it, desires of us, and every Gentleman has a Right to consider whether it ought to be granted, and to refuse it, if he thinks it unreasonable. I am one of those that think it unreasonable, and shall therefore be against granting it. We gave those that are returned Leisure to cool of the pettish Humour they had fallen into last Session: I think it was right to do so, and with regard to most of them, it has had a proper Effect: If there are any of them that are not as yet grown cool, and therefore continue in the Country, I am for leaving them still there. The Country, we know, is a proper Place for Reflection and Consideration; and no Cure is so good for a pettish Humour, as cool Reasoning and mature Deliberation. If we should force them out of their Country Retirement, they will, probably, oppose every thing we do; and it is not so much the Numbers, as the Unanimity of those that are here, that gives Credit to the Nation, or Weight to his Majesty’s Negotiations at foreign Courts. Even at Home, the Divisions among the People without Doors, are generally owing to the Divisions among those within; and when the Divisions among those within appear to be near equal, they

they often occasion what approaches very near to Sedition, among those that are without. We seem now to be pretty unanimous, at least with regard to our foreign Affairs. Even those who have this Session returned to their Seats in this House, seem willing to agree to every Thing that may contribute to a vigorous Prosecution of the War; and no Wonder they should be so; for they cannot well refuse to contribute all in their Power to the vigorous Prosecution of that War, which they themselves were, as I have shewn, the remote Authors of. This Unanimity will shew our Enemies what they are to expect; and, by destroying their Hopes of being able to hurt us, or defend themselves, will of course render them inclinable to agree to reasonable Terms, which must necessarily bring the War to a happy and speedy Issue; therefore, we ought to do nothing that may, in the least, interrupt that Unanimity which now so happily prevails amongst us.

Besides, Sir, the Hon. Gentleman who made you this Motion, has himself, I think, given you a very good Reason for not agreeing to it. In giving a Reason for the Secession last Year, he told us, that Gentlemen may sometimes, for the Sake of Conscience, and for preserving their Characters, be obliged to leave the House: He even seemed to intimate, that this was the Cause of Gentlemen leaving the House last Session: Now, if some of those Gentlemen have got over this Scruple of Conscience, how do they know that all the rest have? We must naturally, or at least charitably I think, suppose, that those who have not returned, have not as yet got over this Scruple of Conscience; and as I shall always be against putting any Sort of Force upon a scrupulous and tender Conscience, I must be against compelling the Attendance of such Gentlemen in this House. I am far from finding fault with any of those Gentleman that have returned: I think they have done their Duty in doing so; but I cannot help comparing them to the present King of Spain. He, some Years ago, resigned his Crown, out of a Pet, and, I think, it was a religious or conscientious Pet too. I wish they had held him at his Word, and never allowed him to resume, as they might and ought to have done; for his second Son, now Prince of Asturias, was the natural Successor to his eldest, who died King of Spain. But they allowed him to resume his Crown; and we know what Disturbances he has since bred in Europe. If the Gentlemen who left their Seats last Session, had been taken at their Word: If we had ordered their Seats to be filled up by new Elections, they could have complained of no Injustice. But we have this Session allowed such of them as

ANNO 13, G:O .
II. 1759.



have returned, to resume their Seats. In this we have shewn ourselves to be as indulgent as the Subjects of the King of Spain; and, I hope, they will take Care not to make such an Use of the Indulgence they have met with, as his Catholic Majesty has done. They have hitherto shewn, that they do not incline to do so; but, if we should call in those that, for ought we know, are still in a bad Humour, I do not know what might happen. Evil Company, they say, corrupts good Manners. 'Tis a dangerous Experiment to mingle the Infected with those that are but just recovered. For this Reason, I was against the Call, when it was last proposed; and as this Reason still subsists, I am still against it.

' There was no true Reason, Sir, for being against the Call, when it was last proposed, but what still subsists in its full Force. Every one must be sensible, that the Hon. Gentleman was not serious in the Reasons he assigned, and which, he said, are not now subsisting. However merry he may make himself upon this Occasion, and we are sensible of his superior Talent in that Way, I shall always think, that Gentlemen are more usefully employed in entertaining their Neighbours in the Country, than in opposing every necessary Measure of Government in this House; and therefore, I shall always be against compelling any Man to come here, who, by his former Conduct, has given me Reason to suspect, that, when he is here, he will certainly do so again. As for the Question that was before us the last Time of our meeting here, which was but the Day before Yesterday, I shall never be afraid of its being considered in a House full of Members, that are free from the Prejudices of Passion and Interest. The Reasons against the Question are so many and so powerful, and the Reasons for it so few and so weak, that, in such a House, I do not in the least doubt of its meeting always with the same Fate, and that the more full the House is, the greater the Majority will be that appears against it.

' This therefore could be no Reason, Sir, for any Gentleman's being against a Call, the last Time it was moved. With me, I am sure, it would rather have been a Reason for my being for a Call; because, tho' some of those that are absent would perhaps have voted in favour of that Question, I am convinced many more of them would have voted against it. My chief Reason for being then against a Call was, as I have said, because I was against our doing any thing that might interrupt or lessen that Unanimity in this House, which, with Pleasure, I observe, in every Thing that relates to a vigorous Prosecution of the War; and as this Reason against a Call is now as strong as it was at that
Time,

Time, I must therefore be against agreeing to the Hon. Anno, 13 Geo.
Gentleman's Motion. II. 1739.

George Lyttleton Esq;

S I R,

' The Secession, as it is called, which happened upon a very remarkable Occasion last Session, is a Point that cannot be reasoned upon here; and therefore, I shall make no Application of what I am going to say. I have heard, Sir, of Physicians taking their Leave of a sick House, when they thought they could do no Good there, and were not over greedy of Fees; for some are so keen after Fees, that they would stay and prescribe to a dead Body. But I have heard of others, of a more generous Character, refusing to continue their Attendance, when they fear'd it was of no Benefit, and yet returning again upon being called to a new Consultation, when better Symptoms appeared, and greater Hopes of a Recovery. to offer, at least, the proper Remedy, whether it should be taken or not.'

Horatio Walpole, Esq;

S I R,

' The Motion now under our Consideration, is a Matter of such Indifference to me, that I am perfectly easy whether you agree to it or not. I shall grant that it is very usual to call the House over, at least, once in a Session; but, I could never observe, that it was of any Advantage to the Public, and it is often of great Inconvenience to private Gentlemen, who have the Honour, in this Case I may say, the Misfortune, to have a Seat in this House. I take it for granted, that every Gentleman who has any thing to offer for the Service of his Country or Constituents, or who thinks he has any thing to guard against that may be of Prejudice to either, will attend duly in his Place; and, I cannot think there is any great Necessity for a Gentleman's being here, who thinks his Absence can do no Harm, nor his Presence any Good. But, when the House is ordered to be called over, with the usual *Certiorari*, that all those who do not then attend, shall be taken into Custody, no Gentleman can be sure, that his Excuse will be admitted, and therefore may think themselves obliged to attend, tho' their Attendance can be of no Service at that Time to the Public, and may be of great Prejudice to them in their private Affairs.

' From this Consideration, Sir, I have always been of Opinion, that a Call of the House is neither necessary, nor ought to be made so often as it is; and since, in the last Session, we indulged a great many with the Privilege of be-

nno 13, Geo.
II. 1739.



ing absent, tho' we knew they had no Excuse, I think those that are now absent have Reason to expect, at least from them, the same Indulgence. I shall not find fault, Sir, with the Privilege Gentlemen took to themselves upon that Oecasion: Whatever was their Pretence, they soon found their Absence condemned by the whole Nation, and, I believe, they have since heartily repented of what they did, which makes me, and I hope it has made their several Constituents, ready to forgive them. But I cannot forbear taking Notice, that the Honourable Gentleman who spoke last, puts me in mind of a merry Passage in a French Play, where a Gentleman asks a Servant, How her Master does? In a fair way of doing well, Sir, said she, for his Physicians have just taken their leave of him.

Now, Sir, to apply this to what happened last Session: I must observe, that after our political Physicians had taken their leave of the House, as some of them did in a very solemn manner, Things went better than they had done for a great while before. Several Laws were passed, which gave great Satisfaction to the People; every thing was carried on with great Concord and Unanimity; and to the Joy of our Friends, and Disappointment of our Enemies both at Home and Abroad, the Nation soon appeared in perfect Health and full Vigour. Among several good Laws passed in that Interval, I cannot but take notice of the Act for granting a Liberty to carry Sugars of the Growth, or Manufacture of any of his Majesty's Sugar Colonies in America, from the said Colonies directly to foreign Parts, in Ships built in Great Britain, and navigated according to Law. As our Sugar-Trade had, for some time, been in a declining Condition, this Act was as much wanted, as it gave universal Satisfaction when passed, except to those whose private Interest led them to be against it; and yet, if our political Physicians had been attending, it is probable, they would have opposed the Bill; for they generally oppose every Remedy that is prescribed by those who must be supposed to be our best Physicians, because they have the best Opportunity of knowing the State and Circumstances of the Nation. The Act for the more effectual preventing of excessive and deceitful Gaming, was likewise passed during the Seccession, and is a Law that must be agreeable to every one who has a due Regard to the Morals or Happiness of the People; yet, if this Bill had been at any other time proposed, it would, perhaps, have been violently opposed; for, in this Case, as in every other of the like Nature, it would have been said, that every new penal Law was an Addition to the Power of the Crown, already too extensive; which, in my Opinion,
is

is the same as if a Physician should object to a Prescription, because of its being proper for giving Strength to his Patient. Anno 13, Geo. II. 1739.

‘ For this Reason, Sir, if the sly Servant-Maid were, upon this Occasion, asked such another Question, I am afraid she would answer, In a very bad way, Sir, for his Physicians are, most of them, returned. But to be serious, Sir, I am of Opinion, that no Gentleman ought to absent himself from the Service of his Country in this House, when he can, without any great Inconvenience, attend; and therefore, I shall be against the Motion, because our rejecting it will, I think, be a sort of tacit Reprimand, with regard to those that, without any good Reason, withdrew from their Duty last Session of Parliament.’

Lord Viscount Gage.

S I R,

‘ An Honourable Gentleman that spoke some Time ago against the Motion, allowed, I think, that the Secession, as he was pleased to term it, was the remote, tho’ not the immediate Cause of that Alteration which soon after happened in our Measures. Sir, if it was any Cause, whether remote or immediate, it has done signal Service, and has given great Satisfaction to the Nation. But the Secession could add nothing to the Obstinacy of the Court of Spain; because that Court was, before, as obstinate as it was possible for them to be. They never had any Inclination, at least not for these twenty Years, to do us Justice. By the Convention, they neither did us, nor promised us any Justice: They would not so much as promise, not to do us any more Injustice; for, upon the Face of the Convention it appears, that they would not so much as promise to abstain from interrupting our Navigation, and seizing our Ships in the American Seas. It is evident, that, of late Years, they never had an Inclination to have any thing to do with us, unless it was to plunder our Merchants, and amuse our Ministers with fruitless Negotiations; and a new Foundation for allowing ourselves to be treated in this manner, was all our Ministers got by that famous Convention. This, I am convinced, would have been the Consequence, if it had not been for the Secession. Our Ministers would, upon the Foundation of that Convention, have gone on to treat and negotiate with Spain, perhaps for twenty Years more, and the Spanish Guarda Costa’s would, in the mean time, have gone on in plundering our Merchants and interrupting our Trade. But such a Number of Members withdrawing, upon that Convention’s being approved of, convinced our Ministers, that the Nation would

no

Anno 13, Geo
II. 1739.

no longer endure to be treated by the Court of Spain in such a treacherous and ignominious manner. Our Ministers from thence saw, that they must begin to fight, either with Spain, or with their own Countrymen; and they wisely chose the former, as being the safest for themselves, as well as the most honourable.

* This, Sir, I am convinced, the whole Nation is convinced, was the real Cause of that Alteration in our Measures, which happened soon after the Secession; and therefore, however much it was condemned by those that remained within Doors, it was condemned by no Man without, unless he was such a one as was under a mercenary Dependance upon some of those that remained within. By none others, Sir, was it ever condemned; and as the Gentlemen who withdrew upon that Occasion, are no way ambitious of having their Conduct approved of by such Judges, I am sure no one of them has ever yet repented of what he did; so that if the Honourable Gentleman that spoke last never forgives but upon Repentance, those Gentlemen must all yet, and, I believe, for ever will, remain under his Wrath; but they are not, thank God! liable to his Vengeance.

* The only serious Argument I have heard, Sir, against the Motion is, lest it should interrupt or lessen that Unanimity which now appears, in providing for every thing that may be necessary for a vigorous Prosecution of the War, in which, I am fully satisfied, the Honourable Gentleman's Fears are altogether groundless. I dare answer for every one of those who retired from the House last Session, and are now absent, that no one of them will oppose any Measures necessary for prosecuting the War; and an Honourable Friend of his may, I believe, if he pleases, answer for most of the rest. I am persuaded, that no Gentleman who is now in the House, or can hereafter be in it, will openly oppose providing for a vigorous Prosecution of the War; and therefore I shall only wish, that it may be as vigorously prosecuted, as it will be unanimously provided for.

* In this Session of Parliament, therefore, Sir, no Gentleman could be under any real Apprehensions of a Contest about any thing relating to the War, tho' every Member belonging to the House were now present, and continued so till the End of the Session; but, as the whole Nation will expect to hear some good Accounts of the Prosecution before next Winter, I do not know but that we may then have some Contests about the War, with regard to its Prosecution; and therefore there may, perhaps, be some amongst us, who are far from wishing to see a full House, at any time, during next Session. If there be any such amongst us, it is
certainly

certainly their Business to prevent the Call of the House for this Session, because it will be a Precedent for doing the same in the next, and will be, in all future Times, a convenient and agreeable Precedent for those that are afraid of having an impartial Parliamentary Enquiry into their Conduct. But, for this very Reason, Sir, I must be of Opinion, that no Gentleman who is unfeignedly for a vigorous Prosecution of the War, or the Preservation of our Constitution, can, when he seriously considers the Consequences, be for making such a dangerous Precedent.

Anno 13. Geo.
II. 1739.

‘ Thus, I hope, Sir, I have fully answered the only serious Argument I have heard made use of, against my worthy Friend’s Motion. As for all the other Arguments made use of upon the same Side of the Question, they were rather Pieces of Wit, than Pieces of Reason; and, as most of them were pointed at the Gentlemen who, last Session, withdrew from the House, they have nothing to do with any thing that can be proposed in this. But, I must observe, that every one of them either missed of its Aim, or was very improperly applied. If the King of Spain resigned his Crown with a real View of serving his Country, he was in the right: If he resumed it again with the same View, he was in the right, and his Subjects were in the right to receive him: And as for the Disturbances he has since occasioned, I believe, most of them were originally owing to our Misconduct; therefore, I am surprized to hear of them from that Side of the House. If those who compose the Majority of this House, have a Mind to prevent Gentlemens ever having a View of serving their Country, by leaving their Seats, the best Way is never to pursue such Measures as are disagreeable to a great Majority of the Nation; and while they take Care to avoid such Measures, they need fear no Disturbances that any Gentleman can occasion, either by leaving or resuming his Seat in this House.

‘ As for the Piece of French Wit made use of by the Hon. Gentleman that spoke last, and applied by way of Answer to the Observation made by the Hon. Gentleman that spoke before him, surely, Sir, every one must see that it was misapplied to the Members of this House, for the Gentleman that made it, did not, I think, make any Application. We must all look upon ourselves as political Physicians; and, indeed, we are so: We are properly the State Physicians of our Country, because we are to enquire into its Grievances or Distempers, and apply the proper Remedies. Therefore, if that Observation is to be applied to us, we must suppose that some of us are willing to attend, if we can but get a Fee, even tho’ we know we can be of no
Service

Anno 13, Geo.
II. 1739.

Service to our Country, and that others are unwilling to attend, except when they think they can be of real Service to their Country. I wish, Sir, the Application had not been made, for whatever we may think within Doors, those without will judge who are over-greedy of Fees, and who are not. But, I must observe, that this Piece of French Wit proceeded from the Contempt the French Physicians had then brought themselves into, by their Ignorance, and by their shewing a greater Concern for their Fees, than for the Health or Recovery of the Patient. They were, at that Time, become a Proverb among the Vulgar, and a Subject of Ridicule in every Part of that Kingdom, except in their own Assemblies; and, if we should, by our Ignorance, bring our Country into Misfortunes, or begin to shew a greater Concern for Pensions and Places than for the Welfare of our Country, we shall bring ourselves into the same Contempt: We shall become a Scoff among the Vulgar, and a Subject of Ridicule in every Part of this Kingdom, except in our own Assemblies. If this should ever come to be the Case, this French Piece of Wit may then be properly applied, but not to those Members that retire from such a contemptible Assembly. It will be applied to the Breaking up and Meeting of Parliament: When our Session is at an End, it will be said, The Kingdom is in a fair way of doing well, for its Physicians have taken their leave; and when we meet again, it will be said, The Kingdom is in a dangerous State, for its Physicians are, most of them, returned. I hope every Gentleman that has a regard for the Honour and Dignity of Parliament, will endeavour to prevent this Misfortune; and as, I think, nothing can contribute more towards our falling into a general Contempt, than our putting a Negative upon this Motion, therefore, I shall most heartily give it my Affirmative.'

Ordered, That this House be called over upon this Day three Weeks, the 21st of February next; and that such Members as shall not then attend, be taken into Custody.

Ordered, That a Committee be appointed, to consider how far the Privilege of this House ought to be allowed to Members who are in foreign Parts during the Sitting of Parliament.

In a grand Committee went thro' the Bill for prohibiting Commerce with Spain, with several Amendments.

Feb. 1. Mr. Secretary at War presented a List of the reduced Officers of his Majesty's Land-Forces and Marines, intituled to receive Half-pay in Great Britain, with an Estimate of the Charge thereof for 1740; with their Ages,
Dates

Dates of their first Commissions, and the Time they were put upon Half-pay, and the Occasion thereof.

Anno 13, Geo. II. 1739.

Received divers Petitions for private Bills.

Received and read a first time, a Bill to prevent Inconveniencies which may arise from naturalizing Persons, who shall not continue to reside within his Majesty's Dominions, after their Naturalization.

In a grand Committee, went thro' the Bill to indemnify Persons who omitted to qualify themselves for Offices and Employments, within the Time limited by Law, &c. with several Amendments.

It was moved that the ordinary Estimate of the Navy for 1740, be referred to a Committee on the Supply, which after Debate, passed in the Affirmative. On a Division, Ayes 148, Noes 95.

The 4th. Agreed to the Report of the Bill to indemnify Persons who have omitted to take the Oaths, &c. and ordered it to be ingrossed.

Agreed to the Report of the Bill for prohibiting Commerce with Spain, and ordered it to be ingrossed.

Agreed to the Report of the Resolutions (of Friday last) on the Supply, viz. Resolved,

That 10,000l. be granted towards the Support of Greenwich-Hospital.

That 4000l. be granted towards the repairing and finishing of Westminster-Abbey.

That 10,000l. be granted towards the Maintenance of the British Forts in Africa.

The 5th. Agreed to the Report of Yesterday's Resolution, in a grand Committee on Ways and Means, viz.

Resolved, That towards raising the Supply granted to his Majesty, the Sum of one Million, be issued and applied out of such Monies, as have arisen, or shall or may arise, of the Surplusses, Excesses, or overplus Monies, commonly called the Sinking Fund. And a Bill was ordered in accordingly.

Read a third time, and passed the Bill for prohibiting Commerce with Spain.

Read a first time, a Bill (brought in by Sir Charles Wager) for registering all Seamen, Watermen, Fishermen, Lightermen, &c. throughout his Majesty's Dominions: Upon which Occasion ensued the following Debate.

Sir John Barnard.

SIR,

I must own, that the Want of Sailors is very great, the present Emergency very pressing, and the Success of the present Measures very uncertain.

Vol. VI.

M m

of

A Bill for registering Seamen. And Debate thereon.

Sums granted to Westminster-Abbey, Greenwich-Hospital, and the African-Company.

A Million granted out of the Sinking-Fund.

Sir John Barnard.

Anno 12, Geo
II. 1739.



of the War much hazarded by the Difficulty of Manning our Ships: But the Administration appears to me neither to act prudently in discovering so publicly the Embarrassments with which nothing but their Misconduct has perplexed them, nor justly in demanding that their Mistakes should be repaired at the Expence of those who deserve better from their Country.

• The Aversion, Sir, with which the Sailors avoid the Service of the Crown, is not, I fear, without just Reasons; but tho' the Gentlemen in the Administration have been long sensible of it, yet, instead of removing that Aversion by Encouragement or Rewards, they seem to regard it as an Obstinacy that must be compelled to Submission, by Laws, Restraints, Registers, and Penalties. Because the Sailors claim the common Privileges of Englishmen, their Governors think it necessary to punish them for asserting their Birth-right, by depriving them of the Appearance of Freedom; for after such a Register, as is proposed, has taken Place, a Sailor and a Slave will be Terms of the same Signification.

• Nor was it only in the Power of the Government to have endeavoured the Reconciliation of the Sailors; they might have used more expeditious Methods for Manning the Fleet. The Marines that have been raised, too lately to be of any Service, might with the same Ease have been levied sooner; they might then have been dispersed in proper Proportions among the Crews of our Men of War, where, by Instruction and Example, the Business of a common Sailor might have been quickly learned, and our Merchants might still have had a sufficient Number of Sailors to enable them to carry on their Business.

• Thus far it is evident, that this Bill is not necessary, or is become necessary only by the Fault of those that propose it. But, since past Errors cannot be recalled, it may be proper to consider the Bill as it now lies before us, and examine how far the Regulations intended by it are adapted to the Ends for which it was drawn up, by what Arguments it is supported, and to what Objections it seems to be exposed.

• It is impossible to hear the Bill read without being immediately alarmed at an open Attack upon the Liberty of many Thousands, who have doubtless the same Claim of Independency with other Britons, a Claim which they have not forfeited by any Crimes, and which I believe they value too highly to give up for any Advantage that can be offered them in Recompence. What Reason can be assigned for placing these Men in a State which every other Briton would disdain? If the Design be to propagate Slavery, and to register one Class of Men after another, let the Sailors

at

at least, be the last that shall lose their Freedom. Let the first Register be filled with the despicable Names of Pensioners, Placemen, Sycophants, and Dependants; but let the brave, the hardy, the honest Seaman retain his Liberty, till Luxury and Corruption, with which the Example of those, whom the World calls his Superiors, may in Time infect him, shall prepare him for Slavery.

Anno 13. Geo
III 1739.



‘ Let us dwell, Sir, a short time upon the State of a Seaman, registered as it is intended by this Bill. He must appear whenever he is summoned, at all Hazards, whatever may be the Circumstances of his Family, or the State of his private Affairs, he must, in many Cases, expose himself to the Penalties of the Act, or leave his Family at a Time when his Assistance and Direction are absolutely necessary. He must, if he should by any Misfortune or Negligence, be encumbered with Debt, either fall under the Distresses which the Breach of this Law will bring upon him, or lye at the Mercy of his Creditors, perhaps exasperated by long Disappointments, or by long Practice of Severity hardened in Oppression. Nor if he should either by Industry acquire, or receive by Inheritance an ample Fortune, is he in less Danger from the Bill before us; he may be torn from his Possessions, and forced into Hardships which no Man now undergoes but from the Sense of Fear or Want; so that this Bill equally disables a Sailor from avoiding Distress, or enjoying Prosperity.

‘ Such, Sir, give me leave to repeat it, will be the immediate Consequences with regard to our Sailors, but the Effect of this Bill will reach much farther. That every Discouragement of our Seamen is an Injury to our Merchants, is too plain to require Proof; and indeed what Regard has been paid to our Traders, is apparent from that Clause of the Bill that allows Sailors to be taken from our Trading Vessels in America. If the unhappy Merchants engaged in that Branch of our Commerce, a Commerce far more beneficial than all others to the British Nation, if these Men, from whose Labours we derive all our Wealth, and that Power which is the Consequence of Wealth, have been so unfortunate as to offend their ministerial Superiors, let them be punished with all the Severity due to so enormous an Offence; let their Trade be prohibited, and their Ships confined at Home by a perpetual Embargo, but let us not be so cruel as to suffer them to send their Ships to America, and then debar them from the Possibility of returning.

‘ More need not, in my Opinion, be said to shew how little this Bill deserves our Approbation; if it should become a Law, nothing can be expected, but that all who are

Anno 13, Geo II. 1739. now engaged in the Business of Navigation, will leave their Employments rather than their Liberty. At least, Sir, those Youth whose Years allow them the Choice of their Profession, will never doom themselves to Slavery; so that by Manning our Navy in this Manner, we shall put an End to our Power and our Commerce.'

William Pulteney, Esq;

S I R,

William Pulteney, Esq;

' The Disadvantages arising to the Nation by our Inability to equip our Fleets with that Expedition that War often requires, are, I find, allowed on both Sides to be very great. I am sufficiently convinced of them, and by Consequence am of Opinion, that we cannot do a greater Service to our Country, than by finding out some Expedient by which the naval Power of Great Britain may be exerted, with no greater Delays than attend the military Preparations of France or Spain. How far the present Difficulties may be ascribed to the Conduct of the Ministry, or whether they might have been prevented by a more early Levy of Marines, I am not able to determine. But whatever be the Cause, the Effect may be extremely injurious to our Trade and our Honour; and therefore, Sir, it may not be improper to make Use of some extraordinary Means to supply the present Exigence.

' Nothing could be more for the Honour or Advantage of this Nation, than some Law which might secure a sufficient Number of Sailors for the Service of the Fleet, without any Infraction of their Liberty, or Violation of their Civil Rights. But no Man can defend such a Scheme, as tends to deprive any Class of our Fellow-Subjects of the common Privileges of their Country. Liberty is never to be injured, whatever is suffered or whatever endangered.

' But surely the Evil is not so inveterate as to require such severe Methods of Cure, surely Rewards may have equal Force to allure, as Punishments to affright our Sailors into the Service of the Crown. Let us rather have Recourse to any other Expedient than Violence and Compulsion, which can only remove our Difficulties for the present, but must in reality heighten the dreadful Apprehensions which our Seamen already entertain, and drive them into the Service of other Nations.

' The present Bill I can neither entirely approve nor reject. The Questions which arise from a cursory Consideration of it, are of too much Importance to be negligently determined, and involve too many Consequences to be soon examined in their full Extent. I am convinced that our

Naval

Naval Establishment is yet very imperfect, and that some speedy Regulation is required: But whether the Scheme now proposed deserves the Sanction of this House, a more attentive and deliberate Survey must determine.

Anno 13, Geo
II. 1739.

• I therefore take the Liberty to propose that the second Reading of this Bill may be deferred for a few Days, and that in the mean time it may be printed, that every Member may have Leisure and Opportunity to bestow that Consideration upon it which it requires and deserves.

Sir John Norris.

S I R,

• The Design of the Bill now proposed, it is by no means necessary to explain; nor can any better Proof than our own Experience be demanded, how much the present Circumstances of the Nation require this or some other Bill, by which that Design may be promoted. The Importance of the present War cannot be denied. We have often been told that our Trade and Navigation are at Hazard, that we are asserting the common Rights of Nature, that we must now conquer or be undone, and that the Contest is not for Honour but for Life. Yet we suffer our Ardour to languish, and our Menaces to be lost in the Air without Execution. We have indeed put our Fleets into Commission, nominated Commanders, and collected naval and military Stores; but these Fleets are yet in the Harbours, and these Stores decaying without Use. For with whatever Importunity the Nation might call out for War, whatever Vengeance they might threaten, and however they might detest or despise the Spaniards, there was, perhaps, never such an apparent and general Dislike to the Sea-Service discovered before. Every Hardship, every Difficulty is preferred before it, and every Expedient practised to avoid it. Violence and Kindness are equally ineffectual, nor Impresses can force, nor Rewards allure them to the Fleet.

• What is the Cause of this Prejudice, and the Evils produced by it, perhaps it is now too late to enquire. The present Exigence, Sir, demands not long retrospective Disquisitions, but speedy Determinations and an immediate Remedy; which, whether we can expect from the Bill proposed, must be considered by the House. One Objection that will be made to it, an Objection very specious and popular, may be easily foreseen, and, I think, removed with no less Facility; we shall be told that it proposes the Introduction of a French Practice, a Practice unknown to the Constitution of Great Britain, and that the Measures of
arbitrary

Anno 13, Geo
II. 1739.



arbitrary Governments are not to be imitated here. Thus Gentlemen may declaim when Reason is against them, and oppose Measures not for their Consequences but for their Original. They may condemn a Scheme because it is French, and may, perhaps, be applauded for their Zeal, by noisy Faction, or unthinking Honesty; but the cool, the prudent, and the loyal, will easily discern that something more is necessary for the Support of Opposition and the Confutation of Argument. By the Prosperity of the French (that Prosperity with which the present Administration has been so often reproached) it is evident that many of their Measures deserve our Imitation, and, if our Constitution be defective, is it not one of the great Ends of this Assembly to improve it? By whom was it advanced from its original Imperfection to its present Degree of Excellence, but by the same Powers which are now called upon to add one Barrier more to its Security?

‘ I own, Sir, that to the Method proposed many Difficulties may be objected; the Eloquence of Gentlemen may be display’d, and their Sagacity exerted in tracing all its Consequences, and exposing its imagined Tendency. But is any Consequence to be apprehended from it equally dangerous with the Want of Seamen in Time of War? Can we suffer by the Execution of this Scheme in any Degree proportionate to the Disappointment of our Expeditions, and Loss of every Opportunity which the Weakness or Negligence of our Enemies may afford us?

‘ As every Form of Government so every Method of Administration has its Inconvenience, which will always be to those, who did not propose it, or who proposed any other, the Subject of Censure.

‘ To try many Expedients upon Emergencies like this is not practicable; it seems, therefore, prudent, Sir, to put that Method in Practice which the Experience of our Neighbours proves to have been successful. That it has been of great Use to their Government is apparent from the Expedition with which their Fleets are fitted out, and that Individuals have not suffered by it may be presumed from the Increase of the Numbers of their Sailors, since that Establishment. Let us not therefore reject any Measures, because our Enemies have practised them, but let us rather employ their own Policies against them, and subdue them by the Means that have enabled them to resist us.’

Sir William Wyndham.

Anno 13, Geo.
II. 1739.

S I R,

• The Weakness of condemning Measures because they are practised by our Neighbours or our Enemies, has by the Honourable Gentleman been sufficiently exposed; but he either negligently or willingly forgets, that to recommend them from their Example only is equally trifling. That a Scheme is French can certainly be no sufficient Reason for treating it with Contempt or Detestation, but that it has been executed with Success in France cannot of itself prove, that it will be of equal Advantage to this Nation. To receive an Alarm at the Proposal of establishing any Part of the Policy of absolute Governments among us, is not the Discontent of Faction, but the Caution of Experience, not the Rage of Opposition, but the Zeal of Integrity. For my Part, Sir, if I know that any Practice is countenanced in France it will seem at least to prove, that it has no Tendency to the Advancement of Liberty, and Liberty has, in all uncorrupt Parliaments, been their first and greatest Care.

Sir William
Wyndham.

• On this Occasion, Sir, I beg leave to observe that the Prosperity of Freemen and of Slaves is very different, and therefore is to be promoted by different Means. The Wretches doomed to live under the Yoke of an arbitrary Government, whose Properties, whose Quiet, and whose Lives depend upon the Caprice of a despotic Lord, have but one kind of Happiness to hope for, the Happiness of seeing themselves more rich, powerful, and formidable than the Slaves of another Monarch, the Happiness of seeing their Prince courted by his Neighbours, and themselves honoured in foreign Countries, by those who feel the same Miseries without the same Alleviations. This Happiness, Sir, poor and chimerical as it is, we know to be all that the greatest Part of Mankind appears to enjoy; and this Happiness may be promoted by Measures like this now proposed to our Imitation. An universal Register of Sailors may enable a Monarch to man his Fleets with Expedition, Expedition may procure Success, and Success advance the Power of his People, and by advancing their Power, increase the only Happiness which they dare to hope for. The Administration in those Countries, lies under no Temptation to make any other use of Power than to aggrandize their Prince, and protect the People from foreign Enemies. They have no Elections to influence, nor any Opposition to contend with; they have no new Demands of Authority to make, nor any Danger to fear from an oppressed Nation.

• But the Greatness of Britons, the true Greatness of
rational

Anno 13, Geo
II. 1739.

rational Beings, consists not in Extent of Dominion, not in the empty Sound of Victory and Triumph, not in precarious Wealth, nor in the Power of oppressing others. It consists in Freedom and Independence, in Privileges not to be forfeited but by their own Consent. Commerce, Wealth and Power, are secondary Means of Happiness, which would, if Liberty be lost, be of no Value. Liberty is therefore to be first secured, nor are any other Advantages to be pursued but by the Methods consistent with the Rights of a free Nation.

‘ All Happiness, Sir, is attended with some Inconvenience ; and Liberty is not to be preserved without Caution, Anxiety, and Attention. The complicated Interests of the Britons make their Councils more perplexed, and the Administration of their Government more difficult. When the French are engaged in a War with Britain, they have no Enemies but the Britons to contend with ; all Measures, that can contribute to Success, are salutary and expedient, because they promote the only Happiness which that Form of Government admits of. But the Britons have many Dangers to obviate, and many Enemies to engage ; they may, by trusting their Governors with unlimited Authority, perhaps become more successful in War ; but what would the Success avail them, if that Authority be made use of to enslave them ?

‘ The Scheme recommended with so much Warmth, I grant, Sir, is beneficial to France, because it promotes the Power of the Government, and by Consequence the Happiness of that servile Nation, which is happy as the Government is powerful. The Scheme is of use in France, because the Government and the People have in reality different Interests ; but it would be destructive here, because our People and our Government ought to have the same Interest, or if they are ever divided in their Views, the Interest of the People ought to prevail.

‘ Having thus shewn, how little the Example of France ought to be regarded ; how little the Measures of a Government absolute and unaccountable deserve the Imitation of a People, who boast of being subject to Laws made by themselves ; I shall not engage in so superfluous a Task as that of shewing how much the Regulation proposed in this Bill, is inconsistent with our Constitution : surely Nothing is more incompatible with Freedom and Independence than Restraint and Compulsion.

‘ As to the present Situation of our Sailors it is sufficiently deplorable. That honest, laborious, and brave Class of Men to which we owe all our Power, our Riches and Reputation,
are

are already exposed to Hardships from which every other Subject of Great-Britain is exempt. These Hardships, Sir, the daily Outrages of an Imprefs make sufficiently apparent. Outrages in themselves hateful, and in their Consequence destructive. Outrages, by which Multitudes of the bravest Subjects in Great-Britain have been driven to seek for a kinder Treatment from absolute Princes. Nor is it to be wondered at, that they have rather chosen to live where they are only Slaves in common with the rest of the People, than where they have the Mortification of seeing that Freedom which they, and they only, are not suffered to enjoy.

Anno 13, Geo.
II. 1739.

‘ It is not without the warmest Indignation that an honest Mind can conceive a brave, an industrious, a free-born Englishman torn from his Employment, deprived of his Bread, and condemn’d without a Crime to serve under Masters whose Tyranny he abhors, or perhaps those whose Ignorance he despises. It is surely not without Compassion, that any Man can see him at his Return from a long and hazardous Voyage, forced into new Labours without the Intermision of a single Day, and without the Sight of his Family, for whom he had been labouring. Yet such is frequently the Fate of British Sailors, and even this might be, perhaps, forgiven by themselves, if it was the last Resource of a distressed People, the Effect of inevitable and invincible Necessity. But when it is added to the Account of these Hardships, that they are often the Amusements of Power and Arts of an Administration to delude their Country, surely nothing can be more justly hateful and execrable.

‘ What is intended by the Bill now proposed, but to inflict those Hardships by Law which are practised, at least, under the Pretence of extraordinary Emergencies? What can be the immediate Consequence of it, but the Slavery of those who most contribute to Freedom? And what can we expect farther from it but that one Encroachment on Liberty will make way for another?

‘ That our Fleets are useless without Men, and that from our Fleets only we can expect Success in the present War, does not require to be proved; nor will it be deny’d that the present War is of high Importance. But Success against the most formidable Enemy, may be purchased too dear. There are, whatever may be the Hon. Gentleman’s Opinion, many Evils which Victory itself cannot counter-vail. The Loss of Fleets, of Armies, of Dominions, are less dreadful, than the Loss of Liberty.

Anno 13, Geo.
II. 1739.



‘ But that this War may be successfully prosecuted, that the Nation may not suffer by unsuccessful Hostilities after a shameful Peace, that the Flag of Great-Britain may recover its Honour, and her Arms, be more successful than her Politics, it seems necessary to form some Scheme for reconciling our Seamen to the public Service; but surely they deserve so much Regard from us, that all gentle Methods should be tried, with which I for my Part shall readily concur, but I shall oppose every thing as a Member of this House to which I should not agree, if I were myself a Sailor.

Sir Robert Walpole.

S I R,

Sir Robert
Walpole.

‘ It always portends well to the Success of a Deliberation when the contending Parties agree upon the Reality of the Grievance, and the Necessity of redressing it; because both Parties, if they be sincere, must in Consequence of their Principles endeavour to find out some Means of supplying the Defects which they acknowledge. The Difficulty of Manning our Ships of War, the Delays which that Difficulty produces, and the Disappointments that are the Consequences of those Delays, are neither denied nor extenuated. The Necessity therefore of consulting about the proper Means of raising Seamen with more Expedition, is already admitted.

‘ The Hardships of an Imprefs have been long dwelt upon, and display’d with all the Power of Eloquence. Nor can it be affirmed that this Method of raising Seamen is either eligible or legal. I am not about to answer the Objections against it, but I shall strengthen them by one more forcible, in my Opinion, than all the rest: This Method has been found ineffectual and insufficient for the Attainment of its End.

‘ With the Experience of former Reigns, or Wars remembered only in Books, I shall not weary your Attention; it is too apparent, from our own Observation, that the most diligent Imprefs may be eluded, and our Ships of War lie inactive in Port, for Want of Men, while Multitudes, well acquainted with the Service of the Sea, lie dispersed all over the Country, ready to appear and resume their Occupation as soon as the Imprefs is intermitted, and the Demands of the Government supplied.

‘ Not many Months ago, the common Methods had been used, till not another Sailor was to be found: Their known Places of Refuge were all searched, the River was clear’d, and no Stratagem left unpractis’d by which there was the
least

least Hope of gaining a single Man. Then the Impress was suspended and Protections were granted. This Alteration of Measures soon made it apparent, that there was no Want of Sailors in the Nation. They burst out by Thousands from their Retreats, and entered into the Service of the Traders with more than usual Eagerness. No less than sixteen Thousand received Protections from the Admiralty for the Service of Colliers and Coasters only. Such is their Obstinacy to decline the public Service, and so much are the People generally prejudiced in their Favour, that they will always abscond and will always be conceal'd.

Anno, 13 Geo:
II. 1739.

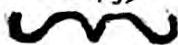


• But that this Practice is to the last Degree dangerous to the Community must be universally confessed, and that the naval Armaments of Great Britain become far less useful to herself and less formidable to her Enemies, by the Delays, with which they are always obstructed, Delays, which the Enemy who has no such Difficulty to encounter, can always improve to his Advantage, and which give a Superiority to those Powers, which must otherwise become an easy Conquest. While we are publishing Proclamations, issuing Warrants for Impresses, and gleaning up our Sailors by single Men, our Secrets are betray'd, our Designs and our Enterprizes defeated.

• To what is it to be attributed that the naval Power of France has been so suddenly increased? We have more Ships of War, more Officers of Experience, and a far greater Extent of Commerce. What then can thus make them formidable at Sea, but the Facility with which they can equip their Fleets? It is to small Purpose to build new Vessels, to cast new Guns, and endeavour to astonish Europe with an Enumeration of our Fleets. Such Boasts will in a short Time lose their Effect, and be discovered to be nothing more than empty Sounds, the Farce of War, and the Menaces of Impotence. To assert the Empire of the Sea, a Part of our Dominions of the greatest Value, we must not only have Ships but Sailors; Sailors ready to obey our Call, and rush out on sudden Expeditions.

• How much such a Regulation would add to the natural Advantages of our Situation and our Coasts, how much our Influence would be increased, and our Power extended by it, no Gentleman in this House can be ignorant; nor, indeed, have any of the Opponents of this Bill denied the Importance of the End proposed by it. Those that have argued against it with the greatest Warmth have considered it as an Invasion of Liberty, an Attempt to subject the Sailors to Restraints and Penalties, to which all other Britons

A nno 13, Geo
II. 1739.



are Strangers, a Consideration that has produced many pathetic Exclamations, and affecting Descriptions, many severe Insinuations, and zealous Outcries, which may, perhaps, have some immediate Effect upon the Hearer, but soon evaporate and give way to Reason and to Justice, and, I think, it has not yet appeared that Reason or Justice are against the Bill.

• The melancholy Representation that has been made of the unhappy State of a registered Seaman, owes every Circumstance of Terror to the Supposition that the Powers proposed by this Bill to be granted to the Admiralty, will be ill-employed; a Supposition, which the Conduct of the Gentlemen entrusted with that Part of the Administration, has made, if not wholly improbable, at least unnecessary, nor has it been proved that this new Authority is such as would bring with it any Temptation to abuse it.

• Why any Man should be exempt from Obligations to serve his Country it will not be easy to shew; and what else is required of Sailors by this Bill, than that they be ready to serve their Country when lawfully required? If they are laid under any particular Penalties upon Refusal, it is only because their Service is more frequently necessary, and upon more important Occasions, and their Hardships, if the Restraints proposed in this Bill deserve that Name, is a tacit Acknowledgment of their Usefulness, and an honorary Distinction of those Men who contribute most to the Safety and Prosperity of Britain.

• There is no Calumny that I less deserve, and very few that I would more carefully avoid, or more zealously confute, than that of being an Enemy to the Sailors, that brave Class of Men to whom we are indebted for the Honours of War and the Ornaments of Peace, who equally enrich and defend their Country, and merit equally our Regard as Soldiers, and as Traders. Far, therefore, is it from my Inclination to expose them to any other Difficulties than those that naturally arise from their adventurous Profession; far be it from me to brand those Men with Marks of Infamy, whose Industry procures us with most of the Pleasures of Life, and whose Valour secures the Enjoyment of them, from being embittered with Apprehensions of foreign Power.

• The Inconveniences that may ensue from this Act, will be balanced by some Advantages: The Powers now proposed, may be exercised in such a manner, as, to make the Yoke, so much dreaded, hardly felt; when the Regulations are once established, and the Prejudices of Novelty are worn away, the Sailors will find the Alteration of their Condition scarcely perceptible, except on particular Occasions, such Occasions

Occasions as are, even in their present State, already supplied by extraordinary and violent Methods.

Anno 13, Geo.
II 1739.

Let it be however admitted, that, after this Bill shall be passed, the Condition of a Seaman will be somewhat less eligible than at present, that he will be less Master of his own Actions, and more subjected to the Powers of the Government than other Englishmen: I do not, even upon this Concession, discover either the Injustice or Unreasonableness of this Bill; I cannot think it unreasonable that some Measures should be taken for the Security of the Nation, for the Efficacy of our Arms, and for the Honour of the Crown; and I think the Justice of that Maxim which declares the Preservation of the Public to be the strongest Law, has never been yet controverted.

That some Expedient of this kind is now necessary for the Benefit of the Public, and may soon become necessary for its Preservation, is evident and uncontested, but from what Cause this Necessity arises, has been made a Question; it has been imputed by an Honourable Gentleman to the Negligence of the Administration, and the long Delay of levying Marines, which he imagined might have supplied the Place of Sailors. But he forgets that there is no Efficacy in the Name of Marines that qualifies Men, raw and unexperienced, tho' raised under that Denomination, to act with Readiness and Dexterity in a Sea-Engagement; Marines, unacquainted with the Sea, will act but like mere Landmen, and the Nation that trusts her Honour and Security to such Warriours, is exposed to Hazards, from which, I hope, Great Britain will always be secure. The Marines, whatever Period he may assign as the proper Time for raising them, must have been yet Strangers to more than half their Discipline, however carefully instructed, or however distributed among abler Seamen; and their Ignorance would have given our Enemies a Superiority, which their own Bravery, however exalted by themselves, or their Politics, however magnified by some of our own Countrymen, could never procure them.

It seems more rational to allot the young and unskilful Seamen to our trading Vessels, which have fewer Dangers to fear, and fewer Enemies to contend with. A Man, who has practised the Business of Navigation but a short time, may manage the Sails, and go before the Wind, when he has nothing to perplex his Thoughts and disturb his Labour, or has nothing, however, to oppose, but the Winds and the Waves; but much greater Address, much longer Practice is required to govern a Ship in a Day of Battle, where the Stratagems of an Enemy are to be defeated, momentary
Dangers

Anno 13, Geo
II. 1739.

Dangers to be avoided, and sudden Opportunities to be snatched, when the least Negligence or Omission, cannot be repaired, and Skill as well as Courage must decide the Day.

‘ If we suppose, in opposition to Reason and Experience, that the same Ability is necessary in the Service of the Merchants as in that of the Crown: Let it be considered whether the Nation will suffer more by the Miscarriage of Trading Vessels, or of the Royal Fleet; whether it is not better that Traffic should be for a Time obstructed, than that our Fleets, by which that Traffic is preserved, should be ruined or endangered?

‘ It is therefore evident that Sailors, and none but Sailors, are required to serve on board our Ships of War; and to procure a certain, constant, and ready Supply of Sailors, is the sole Intention of this Bill; an Intention of too much Consequence to admit of being impeded by an ill-timed Regard for the Ease of particular Persons, or a popular Affectation of Tenderness for Liberty.

‘ If Example were of any Weight, I could urge the Example of a Nation jealous of Liberty, and prudent in the Transaction of Affairs, a Nation whose Success is a sufficient Justification of their Maxims. The Dutch, when they are engaged in War, or upon Occasion fit out a Fleet, are always careful that their Ships of War are well provided with Sailors, before their Merchants are at Liberty to admit any into their Service. That the Importance of Trade is well understood by the Dutch was never doubted, but it appears by this Practice, that they hold it more advantageous to prosper in War than in Commerce; their Embargoes are therefore laid without Relaxation, and without Distinction, nor is a single Vessel dismissed from their Harbours till their Armament is complete.

‘ This appears to me a sufficient Proof, that Trade cannot suffer by a vigorous Prosecution of the War, at least, as it must suffer in Proportion to the Duration of the War, those Methods by which Victory and Peace will most speedily be attained will probably injure it least.

‘ But if the Example of our Neighbours is not sufficient to influence our Conduct, let us review the Procedure of our Countrymen in a Time which every Englishman is proud at the Remembrance of. In our late War with France, that War which an Honourable Gentleman proposed lately as the Model of our present Undertakings, among other Expedients for promoting the Success of the British Arms, an Act was passed relating to our Sailors, by which our Trading Vessels were allowed no more than one able Seaman and one Boy to 100 Tons, besides the Master, Mate, and Carpenter,

Carpenter, nor did even this Allowance, sparing as it may seem, extend to Vessels of more than 300 Tuns. Anno 13, Geo. II. 1739.

Such are the Reasons, such is the Justice of this Bill, and such is the Conduct of our wisest Neighbours, and such has been our own in our most happy Times, when our Policy and our Arms were equally the Terror of the World; whether this Example shall be now followed must be left to the Determination of the House, only let me entreat those Gentlemen that shall declare their Disapprobation of the Bill now before us, not to give way to foreign Reflections, injurious Insinuations, or undeterminate Censures, and general Exclamations; the Importance of the Question demands a different Behaviour. It is now enquired, whether our Arms shall assert our Claim to an open and uninterrupted Navigation; whether our Trade shall be protected, our Flag honoured, and our Injuries redressed; whether our Menaces shall raise Terror or Contempt, and our Declaration of War, discover our Power to Europe or our Folly. It is now enquired, whether our Fleet shall assert the Dominion of the Sea, or remain in our Ports for Want of Sailors?

Surely the most unprejudiced and serious Deliberation is necessary on this Occasion, and, that every Gentleman in this House may have an Opportunity of considering it at leisure, with the Attention which it must be confessed to deserve; and form such Schemes as may secure the Trade and Honour of the Nation, without any Invasion of the Liberty of particular Persons; I willingly add my Voice to the Honourable Member's Proposal, that the Bill be printed, and the second Reading delayed to a proper Time.

Samuel Sandys, Esq;

S I R,

All that can be urged in favour of such an Establishment, as is proposed by this Bill, has been produced by the Right Honourable Gentleman; all the Force of Eloquence, and all the Dexterity of Argumentation have been employ'd on this Occasion, and might perhaps have produc'd greater Effects, had they not been depriv'd by some of the Artifices of Sophistry, and Frauds of Misrepresentation; for nothing is more certain than that the Number of Seamen to whom Protections are reported to have been granted was magnified beyond the Truth. Sixteen thousand Protections might perhaps be granted, but not all of them to Sailors, the arbitrary Practices of the Officers, entrusted with despotic Authority by Warrants of Impress, has made it necessary for others to procure Protections, for the Security of what no Man has a right of violating, their Persons

Samuel Sandys
Esq;

Anno 13, Geo.
II. 1739.

Persons and their Liberty : Not only our Sailors have been dragg'd out of our Trading Vessels, but Passengers, Strangers to the Art of Navigation, have been hurried away without any Respect to their Remonstrances however reasonable, or Evidence however clear. Passengers, therefore, have thought Protections necessary, and to Passengers a third part of those Protections were probably given. So that the most plausible part of the Argument is much weaken'd, and indeed, the whole will soon fall before a strict Examination.

• With regard to the Sailors, it is only urged in the Extenuation of the Hardships imposed upon them; that the Power of the Admiralty may be exerted in such a Manner as to be less grievous than is feared: But what makes the Difference between a Slave and a Freeman, except that the Happiness of one is in his own Power, and that of the other in the Hand of his Master? I hope every Briton will think himself miserable whenever he may be made miserable at the Choice of another.

• With regard to the Necessities of the Public, if our Affairs require that part of the People should be made Slaves, I do not see how those that have been entrusted with the Administration can be cleared from the Charge of introducing Slavery; and if one Class of Men must be sacrific'd, every Man will endeavour to exempt himself and his Posterity from that unhappy Number

• This Bill will be particularly dreadful to those Men that ply upon the Inland Rivers, Men very useful to the Community, and beneficial to Trade, but who never saw the Sea, and have the same Apprehensions of it with other Landmen; these will soon be driven from their Calling by the Dread of such coercive Laws, and put an End to all the Advantages which navigable Waters produce to the Nation.'

The Bill was then ordered to be printed, agreeable to Mr. Pulteney's Motion.

Ordered, that a new Writ be issued out for electing a Knight of the Shire for the County of Lincoln, in the room of Sir Thomas Saunderson, now Earl of Scarborough.

A Motion relating to Men of War built in private Yards over-ruled.

A Motion was made, and the Question being put, that an Account be laid before the House, of what Ships have been contracted for to be built in Merchants Yards, or bought by the Commissioners of the Navy for His Majesty's Service, from Christmas 1738 to Christmas 1739, and by what Authority; distinguishing the Prices of each Ship, and what has been, or is proposed to be laid out upon any
of

of them, to fit them for the Service for which they are intended ; it passed in the Negative. Anno 13, Geo.
II. 1739.

The 7th. Agreed to the Report of Yesterday's Resolutions on the Supply, viz.

Resolved, That 22,880 *l.* 19 *s.* 2 *d.* be granted for defraying the Charge of General and Staff-Officers for 1740. Money granted
to Half-pay
Officers and
the Colony
of Georgia.

That 34,587 *l.* be granted for reduced Officers of His Majesty's Land Forces and Marines for 1740.

That 4000 *l.* be granted for the further settling and improving the Colony of Georgia in America.

The 5th. Ordered out a new Writ for electing a Knight of the Shire for the County of Oxford, in room of Henry Perrott, Esquire, deceas'd.

Also a new Writ for the Borough of Boreaston in the County of Devon, in room of Sir Francis Henry Drake, Bart. deceas'd.

Read a third time, and passed the Bill for indemnifying Persons, who have omitted to qualify themselves for Offices and Employments, within the Time limited by Law, and for allowing a further Time for that Purpose.

It was moved that an Act made in the 16th and 17th Year of the Reign of King Charles II. intituled, An Act for regulating the Measures and Prices of Coals ; and also the second Section of an Act made in the 7th and 8th Year of the Reign of K. William III. whereby the said Act was made perpetual, might be read ; and the same being read accordingly,

Resolved, Nemine contradicente, That such Gentlemen of this House, who are of His Majesty's most honourable Privy Council, do humbly address His Majesty, that He will be graciously pleased to cause Directions to be given to the Lord Mayor, and Aldermen of the City of London, and the Justices of the Peace of the two Cities of London and Westminster, and within the Liberties thereof, that they do forthwith, and effectually put the Law in Execution for regulating the Measures and Prices of Coals*. Vote relating
to the Mea-
sures and
Prices of
Coals.

Ordered, That the Justices do see that the Scavengers keep the Passages through the Streets free and open from all Nufances whatsoever, &c.

Ordered, That the Justices for the City and Liberty of West-

VOL. VI.

O o

* Note, This was in the Time of the hard Frost, which lasted from December 24th, 1739, to February 20th, 1739-40. when the Hucksters had risen Coals to 2 s. per Bushel. The Thames was frozen over for several Weeks, and Water was sold about the Streets, as Milk used to be, at 1d. per Firkin.

Anno 12, Geo II. 1739.



Westminster, do give Order to the proper Officers to clez the Streets of all idle and disorderly Persons, who daily infest the same under Pretence of asking Charity, &c.

Read a second time, a Bill to prevent Inconveniencies which may arise from naturalizing Persons, who shall not continue to reside within His Majesty's Dominions.

Ordered divers Persons in Custody of the Serjeant at Arms for counterfeiting Members Names, by franking of Letters.

The 11th. Mr. Comptroller reported His Majesty's Answer to their Address of Friday, that he would give Directions accordingly.

Agreed to the Report of the Bill to explain and amend an Act 1st Queen Anne, for the effectual preventing the Abuses and Frauds employed in the working up the Woollen, Cotton, Iron, &c. Manufactures in this Kingdom, with the Amendments; and it was ordered to be engrossed.

Read a first time a Bill to restrain and prevent the excessive Increase of Horse Races.

A Message from his Majesty, relating to certain extraordinary Expences.

The House being in a Committee, and Mr. Fane in the Chair, Sir Robert Walpole acquainted the Committee, that he had a Message to communicate, signed by his Majesty, which having read in his Place, the Chairman received it, who read it in the following Terms.

George Rex.

“ His Majesty, in further Prosecution of the just and necessary War in which he is engaged, having under his Consideration certain Measures which will occasion some extraordinary Expences not comprehended in the Estimate laid before this House, hopes, from the known Zeal of his faithful Commons, that he shall be enabled to carry on the same in the most effectual manner.”

Speeches thereon never in Print before.


The Message being thus read, a Member rose and spoke as follows.

S I R,

‘ I shall be the last Person in this House to oppose the just Demands of the Crown now, at a Time when his Majesty has, contrary to the declared Sentiments of those who are supposed most to influence his Councils, so far hearkened to the Voice of his injured Subjects as to enter into a War with the Power which so long insulted and provoked this Nation. When I say this, Sir, I hope I need say no more to convince Gentlemen that my rising up, at present, proceeds from no Design I have to embarrass the Measures that his Majesty may have under his Consideration: As I am entirely

entirely unacquainted with the Nature of them, it is my Duty to presume that they are for the Honour and Safety of Great Britain. Far less, Sir, do I intend to throw in any Objection to our agreeing to the Import of this Message. Nay, if any Gentleman, Sir, should be of Opinion that it is either unjust or unseasonable, I would beg leave to oppose him.

Anno 13, Geo.
II. 1739.



‘ I therefore rise up, Sir, to shew my Readiness to comply with this Demand. I know how many unforeseen Accidents and Exigencies may happen in the Course of a War like this; I know how necessary it is to the Success of it that his Majesty should be supported both with the Countenance and Purse of his Subjects; and I know, Sir, how readily our not complying with the Demands of the Crown at this Juncture, would be pleaded as an Excuse for an inglorious and unsuccessful Management. Besides, Sir, I have another Reason for our agreeing to this Demand, and that is, because I am willing to encourage Measures of this nature, as it prevents the destructive Method which both Houses have lately too much fallen into of Votes of Credit. These, Sir, tend to make the Ministry Matters of the Purse of this Nation; and every Vote of Credit, which we give to the Crown, is a temporary Suspension of our own Power. When his Majesty, Sir, sends a Message in this manner, he asks for so much Money upon Account, and the Minister is to be charged with whatever is granted, which is limited to a precise Sum. Therefore, Sir, when we comply with a Demand of this kind from the Crown, we know what we are doing; the Measures for which the Sum is granted must be laid before the House; the House is Judge how far these Measures require such a Sum, and the Ministry is answerable for the Application.

‘ However, Sir, I am far from thinking, but that a Minister who has studied a little Theology, may find means to make up his Accounts in such a manner as to bubble the Public in a great Part of the Sum that is granted, and that is to be accounted for from the Disbursements that have been made at the public Offices. Gentlemen may remember the unjust Steward in the Gospel, who had *wasted his Master's Goods*, and when he was brought to Account, he goes to one of his Master's Debtors; How much, says he, do you owe my Lord? A hundred Measures. Then write down fifty. Now, Sir, I don't see what is to hinder, but that a Minister who is his Prince's and the Nation's Steward, may do the same thing. His Account for a Sum that is granted for a particular Service is to be given into this House; he knows how much they are deficient, and

Anno 13, Geo
II. 1739.

how ill the Money has been applied. Therefore he goes to the Navy-Office, What have your Disbursements been? Twenty Thousand Pounds. Then take your Bill and write thirty. He goes to the Victualling Office, What is the Amount of your Bill? Forty Thousand Pounds. Then write sixty. In short, Sir, there is nothing more easy than for a Minister, who has as much Sense and Cunning as this unjust Steward had, to make up his Accounts so as to put a sixth, a fifth, nay, a fourth Part of the Sum granted upon Account into his own Pocket. We all know, Sir, very well, five or six Years ago, when some Navy-Accounts were examined in this House, what Frauds appeared; how intricate every Article was; what prodigious Trouble and Time it cost the House before we could understand them, and how ineffectual all the Pains and Trouble we had been at was when it came to a Vote. But, Sir, I don't intend that this should discourage Gentlemen from agreeing to this Demand, I only mention it, that they may be upon their Guard as to the Application of what we may grant, and that they may not be surprized into an Approbation of Accounts, especially as we are now at so immense an Expence, before they are fully canvassed. For my own Part, Sir, as I am by no means against our complying with his Majesty's Demand, I expect to be heard, if I desire, as a Member of this House, to be satisfied as to the Application of the Money that is granted.

• But tho' I have no Exception to the Demand itself, I have very weighty, very strong Exceptions, Sir, at the manner in which it is brought into the House. We are to consider, Sir, that we are but one House of Parliament; and that there is another House of higher Jurisdiction than this. A House, Sir, that the Wisdom of our Ancestors has fixed as the proper Barrier betwixt the aspiring Privilege and encroaching Prerogative. The Power of granting Money indeed is what is now vested in this House; but, Sir, give me leave to say, that it is a Power that the other House have never yet directly and explicitly given up. I don't speak this, Sir, as if I thought that we ought to regard any Claims they have of that kind, but because, as they don't contest what we apprehend to be our Privilege, so we ought not to endeavour to deprive them of what is justly and indisputably theirs. We don't find, Sir, the House of Lords disputing with us the Right which we have to be Judges of the Money that is granted; we don't find them insisting upon their Right to judge of it as well as we; and therefore, Sir, we ought not to think of depriving them of their Right to judge of Measures. The present Message, Sir, mentions Measures, and demands Money for carrying on these Measures.
Now,

Now, Sir, tho' I think it was right to make us Judge of the Money, yet it would have been reasonable that they should be made Judges of the Measures. This, Sir, is a Right that we have no Occasion to be jealous of; for while we are Judges of the Money, we can always make ourselves Judges of the Measures; since if we don't think the Measures for which the Money is demanded of sufficient Importance, we are at Liberty either entirely to refuse it, or to grant it very sparingly.

Anno 13, Geo
II. 1739.

' I am sorry to say it, Sir, but I perceive that of late very little Deference has been paid to that House; all Applications have been made to this, and we are even distinguished, Sir, with having the first Minister one of our Number. This House therefore, Sir, has been the Channel thro' which most of the national Liberality has flowed; and we have not, for these twenty Years past, suffered one Vote of any Consequence to pass contrary to the Sentiments of the Ministry. Now, Sir, tho' I am as jealous of the Rights and Privileges of this House as any Man living, and tho' I would part with every thing sooner than be necessary to any Steps that might tend to diminish them, yet give me leave to say, Sir, that the best and the surest way to preserve them is, by suffering every Branch of the Legislature to have its due Influence in all public Occurrences. If a disproportionate Weight of Power should ever be thrown into our Scale, Sir, it will be the first thing that will undo us. It is by the proper Ballance that is preserved in the several Powers of the Constitution, that our Liberty alone can be preserved.

' Now, Sir, give me leave to suppose that the other House shall find fault with this Message because it was not communicated to them; if that they shall say, the Commons ought indeed to have been consulted upon the Supplies that were necessary for the Measures his Majesty has under his Consideration; they have a Right to determine of the Ways and Means to raise these Supplies; but surely it was our undoubted Right to be made acquainted with the Measures themselves. I say, Sir, supposing the other House shall reason in this manner, and come to some violent Resolutions upon that Neglect; have not they, who have advised his Majesty to this Step, a great deal to answer for to the Nation, if, at this critical Juncture, any bad Consequences shall ensue? The Prudence indeed, which the other House has always discovered, and their known Zeal for his Majesty's and the Nation's Interest, will, I don't doubt, prevent them from coming to any Extremity; but, as hinted before, Sir, we ought, for our own sakes, to take Care that the other
House

Anno 13, Geo
II. 1739.



House has its proper Weight in all public Deliberations. Whether they have had it of late, Sir, I don't presume to determine; only I know that I have often been at a very great Loss to know when they were to sit, or if they were sitting at all. I have asked, I believe, in one Day, of a dozen People, Is the House of Lords sitting? We don't know, Do you know if they sat Yesterday? No. Do you know when they are to sit? No. In short, Sir, I could not learn till I stepped to their Door-keeper, and then he might perhaps tell me, that they had some Cause to determine, or some Matter of Property, upon an Appeal, to settle; but otherwise there was no more Talk of them, than there is of the Convocation.

‘ Having said thus much, Sir, I can't help putting the House in mind of the Practice of former Ministries, when any unforeseen Measure, not provided for, and not comprehended in the Estimates laid before this House was entered into; the Sovereign then, Sir, came to the House of Lords, sent to require the Attendance of the Commons, and in a Speech from the Throne, informed the Parliament of his Demand: And if the Measures for which it was to be granted were of a secret nature, as in Time of War they commonly are, the Parliament without any more to do complied. The House of Lords addressed the Crown, expressing their Readiness to support his Majesty in the Measures he should undertake, and the Commons immediately set about finding Ways and Means for raising the Money demanded. Another Method of proceeding, Sir, in such Cases as the present, was by sending a separate Message to both Houses, of the same nature with that which the Right Honourable Gentleman has communicated now. Either of these Methods, Sir, would have been parliamentary; but I can by no means agree, that the Method in which this Demand has been made is so.

‘ The King, Sir, has been this Session at the House of Lords; and it could not have cost the Ministry a great deal of Trouble, had they advised his Majesty, after he had given his Assent to the Bills that were ready, to have acquainted both Houses from the Throne of the Import of this Message. This Method, Sir, would have been unexceptionable; it could have given Rise to no Difference betwixt the the two Houses; a just Regard was had to each; the Lords would have judged of the Measures, and we of the Money. If his Majesty had not thought proper to have communicated the Measures to them, I dare say, their known Prudence and Zeal would have entirely relied upon his Majesty's Wisdom and Royal Cares. We, on the other hand, would,

in like manner have been satisfied, and immediately settled Anno 13, Geo. II. 1739. the proper Sum and manner of raising it.

‘ How natural is it, Sir, for the Lords, when they meet, in our Bills of Supply, with a Sum greater than what is contain’d in the Estimates given in, to be at a loss for what end this Sum was granted. Supposing, Sir, we grant, in Consequence of this Message, fifty, a hundred, two hundred thousand Pounds, when the Money-Bills are carried up to the House of Lords, they immediately perceive that there is so much Money granted more than the Estimates amount to; how shall they know Sir for what end this Money is granted? They can have no Direction in the Body of the Bill.’

Mr. Scroop.

S I R,

‘ I beg Pardon for interrupting the Honourable Gentleman, but I perceive he is in a Mistake; and I believe he will forgive me when I inform him that there will be in the Bill of Supply a Clause of Appropriation for this very Sum, which will set the Lords right, as to the Reasons of granting it.’

The Member then went on.

S I R,

‘ I am oblig’d to the Honourable Gentleman; but that does not at all invalidate what I was going to observe; I say, Sir, how shall the Lords know for what Reason this Money was granted? By the Clause of Appropriation, says the Honourable Gentleman. But, say they, are we to take this Information from the Commons? Ought not we to have had the Measures for which this Sum was granted communicated to us by the Crown? Who made the Commons better Judges of his Majesty’s Intentions of the Propriety of Measures than we are? Have we not Reason to think ourselves neglected? or have we given his Majesty any Grounds to suspect that we are not in our Zeal as forward, and in our Affections as warm towards his Majesty’s Service as the Commons can pretend to be? This, Sir, is naturally the manner, in which the Lords may reason when they come to this appropriating Clause: and there have been Times, Sir, when such a Misunderstanding as this may be, has been enough to defeat all the Intention of Money-Bills, and greatly to clog the Service of the Nation.

‘ I hope, Sir, Gentlemen will pardon me that I have spoken thus freely; I have no Motion to trouble you with;
I have

Anno 13, Geo
II. 1739.

I have no Objection to this Demand ; but I thought it my Duty to put Gentlemen in Mind, that our assuming or accepting of extraordinary Power, in prejudice of the just Rights of the other House, never can give us any real Security, nor do the Nation any real Service. It is our Business to take care that none of our valuable Privileges are wrested from us ; to take care that we remain independent and influenc'd ; and tho' our being reduced to depend on the other House of Parliament, would be indeed a deplorable Situation ; yet it is desirable when compared with that of being directed and sway'd by the Power of our own Number. For then Sir, all the extraordinary Weight, which we now boast of, would not be that of the Commons, but one Commoner ; and if that one was immediately protected by and depending upon the Crown, it is, in the main, the Power of the Crown that is swell'd ; and in a short time the Crown must be Master of the Privileges of Parliaments, and consequently of the Liberties and Properties of the People.'

Sir Robert Walpole.

S I R,

Sir Robert
Walpole.

' The Surprize I am under at what fell from the Hon. Gentleman who spoke last, is, I own, not without a Mixture of Indignation. To hear a Member of a British House of Commons talk in the Strain he has done, is, to me, very extraordinary. It is no unusual thing for this Assembly, and all other Bodies, to be jealous of an Abridgment of their Powers ; but it is unusual for a Gentleman who sets up as a Power in those who are by the Constitution appointed the Guardians and Protectors of those Liberties.

' I must confess, Sir, that the Honourable Gentleman at the opening of his Speech gave me a very agreeable Surprize ; he owned the Expediency of the Demand ; he applauded the manner, and approved of the Reasonableness of it ; but I soon changed my Sentiments, Sir, when I heard what followed. This Demand, says he, tho' both reasonable, regular and just, may be a Demand made by the Minister to swell his own Pockets. How does he prove this, Sir ? By the Example of the *unjust Steward* ? But will Gentlemen say, that the least Paralel can be drawn ? Is any Man in the Kingdom, who is ever so little conversant in public Accounts, ignorant, that it is next to impossible for a Minister to play the Game of the unjust Steward ? Must not every Office which he has named have Vouchers for their Accounts ? Must not these Vouchers be brought to the Offices where their Accounts are past ? Are there not Examiners ?

aminers? Are there not Comptrolers, and Commissioners, whose Business it is to be a proper Check upon every Fraud either in the Accounts or their Vouchers; and must not regular-attested Copies be transmitted and filed in the several Offices of the Revenue and Treasury? Can Gentlemen think, Sir, that the Influence of any Minister can be so extensive, as to prevail with so many Men of undoubted Honour as the Officers must be composed of, to make them violate their Conscience and endanger their Reputation, by being subjected to the Tongue of every mercenary Fellow who is in the Secret, and who may inform against them; and who, they may easily suppose, will make as little Scruple to betray them as to cheat the Public? Why, in the present Instance, before a Minister could bribe the several Officers thro' which the Accounts must pass, and the whole is laid before the House, he must be out of Pocket the whole Sum. So that the Honourable Gentleman's Insinuations of this kind could proceed from no manner of Ground, but that he must at any rate have a Fling at the Minister. Even Scripture, Sir, must be pressed into this Service; and when no Arguments can be drawn from our Constitution, Parables must be invented from our Religion. I fancy, Sir, were the Honourable Gentleman himself a Minister, and a Member of this House, that he would think it very unfair Play, should any one of the Opposition attack him in the same manner; and, Sir, I think the Honourable Gentleman who has so many fine Qualities, and, I believe, no Aversion to being a Minister, ought, in common Prudence, not to be too lavish of this Method of Opposition, since some Time hereafter, others may improve upon that Scheme, which he himself has introduced, and turn it against himself. For my own Part, Sir, if ever I shall have the Honour of being in the Opposition, I shall never either affect nor encourage in others the manner that seems now so much to prevail.

Having said thus much of that Part of the Honourable Gentleman's Speech, Sir, which I conceived to be nothing to our present Purpose, give me leave to make some Observations on that Part of it that has an Appearance of reasoning. The Honourable Gentleman is very angry that the Lords did not receive a Message, or were not applied to at the same time with this House. Sir, I have a very just Sense of the Powers which the Constitution has vested in a British House of Lords, and a very great Value for the noble Personages that now compose that august Assembly. But, Sir, while I sit in this House, I shall ever oppose any Application from the Throne that may be made to that House for Money: that, Sir, I shall ever look upon as a Violation of the

AnnO 13, Geo.
II. 1739.



Rights of the Commons; and, were I a Member of the other House, I should be of the same Mind. Let the Hon. Gentleman apply the Rule here which he himself laid down, that the only way to preserve the national Liberty, is to suffer every Branch of the Legislature to have its due Influence in all public Occurrences. Sir, if we should once suffer the Lords to be associated in our Right of granting Money, this Branch of the Legislature would be a mere Cypher. For what are our Powers, Sir? We have a Right to impeach, to advise the King, to have our Persons exempted from Arrest during the Session of the Parliament; but what would all these Privileges amount to, or how soon might we be stripp'd of them, if we once parted with the sole, the uncontrollable Power of granting Money. The House of Lords have many Privileges, they enjoy many Rights, that are inherent to them as a Body, and unalienable to their Persons. They are the supreme Court of Judicature; the highest Council of the Nation; they have a Right to put a Negative upon our Proceedings; their Persons are at all times sacred, and it is even in their Power to prevent our making a bad Use of our Privilege of granting Money, by throwing out the Bill, if they shall find that we have been more lavish than the Circumstances of the Nation can admit of. And yet, Sir, not all this Power in a House of Lords, great as it is, can endanger the Ballance that poizes the Constitution, if we shall still assert our Right of granting Money. But the Moment that we admit of this Power being disputed or shared with us, then the Ballance of the Constitution is endangered, and the Properties of the People taken out of the Hands of their natural Guardians.

I now come to consider, Sir, whether an Application from his Majesty in the present Case to the House of Lords, would not have been an Invasion of our Rights to grant Money. The Honourable Gentleman said, and very rightly too, that the sole Disposal of the Money of the Nation is what the Lords have never explicitly given up to the Commons; but, Sir, is not that very Circumstance a Caution to us how we admit that any Application, when Money is to be granted, should be made to another Body? May we not, Sir, by admitting of such a Practice, confirm that Claim which, by the Honourable Gentleman's own Position, the Lords have never given up? But, says he, they are Judges of Measures, as we are of the Sums to be granted for supporting these Measures. Very well, Sir, and as this Application from the Crown was not for any Advice about Measures, but purely for Money, which is to carry on Measures that his Majesty has not thought proper, and which, indeed, might

might be highly improper to communicate, could any of his Majesty's Ministers have answered for it, had they advised their Sovereign to apply for that Money to the Lords in Conjunction with the Commons. That, Sir, would not have been applying to the Lords for their Approbation of Measures; for how can they approve of Measures which they know nothing of? It would have been applying to them for Money, which we alone ought to grant. I could almost rest, Sir, upon this Issue; whether the Honourable Gentleman himself, had he been a Minister, would have advised his Majesty, when he came to the House of Lords, to have addressed himself to the Parliament in the following Terms: "My Lords and Gentlemen, I having under my Consideration certain Measures which will occasion some extraordinary Expences, not comprehended in the Estimate laid before one House of Parliament, I hope, from your known Zeal, that I shall be enabled to carry on the same in the most effectual manner." How would such a Speech have sounded in the Ears of the Commons? Here is a direct Application to the Lords, as well as the Commons, for Money. And the Lords are at the same time called upon to make good the Deficiencies of Estimates that never were laid before them.

This Message, Sir, will require very little Consideration to convince us, that it is indeed no other than a kind of a Supplement to the Speech delivered the first Day of the Session from the Throne. In that Speech, Sir, there is always a Paragraph which is addressed singly to the Commons, acquainting us, that his Majesty will order the Estimates for the Service of the current Year to be laid before the House, and recommending Unanimity and Dispatch in the Supplies. According to this Estimate, Sir, we regulate the Sums we raise, and never grant more than what is contained in these Estimates. The House of Lords, on the contrary, never have any Estimate laid before them; and, therefore, they cannot examine the Sums granted by the Estimates laid before them, as the Honourable Gentleman that spoke last insinuated, they might insist upon having, and which is the peculiar Privilege of this House. Then how does the Case stand, Sir? His Majesty, in his Speech from the Throne, acquainted us, that he would order the proper Estimates for the Service of the current Year to be laid before us. A Service is undertaken of which no Estimate can properly be made, and he sends to acquaint the Commons singly, that he hopes, from their known Zeal, that they will enable him to carry on the same in the most effectual manner. Now, Sir, by what I understand from the

Anno 13, Geo II. 1739. Honourable Gentleman who spoke last, he apprehends that the Purport of this Message ought either to have been contained in the Speech itself, or delivered from the Throne when his Majesty came to the House of Lords, or communicated by way of Message to both Houses.


‘ I believe, Sir, I may venture to say that the Public is sufficiently apprized that the Measures his Majesty mentions he has under Consideration, are for distressing the Enemy in America, by an Expedition, the Particulars of which it would be highly imprudent to communicate: But if an Estimate, Sir, had been made of the Expences which every Branch of this Service requires, the Particulars must have been known, not only to ourselves, but our Enemies, and therefore they might have had Time and Opportunity to defeat the whole Expedition. Besides, Sir, Gentlemen can't say, but that a great many particular Services required in this Expedition, have been resolved upon since the Beginning of the Session. From these Reasons it appears, that his Majesty, or they who advise him, could not have laid this Estimate with the other Estimates before this House.

‘ The other Expedient proposed by the Honourable Gentleman, I mean that of communicating it from the Throne, was equally impracticable consistently with the Rights of this House. I have already, Sir, considered how this Proceeding would have looked, and, I think, I have proved, that it would have been a direct Violation of our Rights as a House. I shall only add, Sir, to what I have already said, that his Majesty, in his Speech from the Throne, informed both Houses, that the Services of the current Year would be various and extensive, and inevitably attended with great Expences and some Inconveniencies. He was likewise pleased to inform us, that he intended the Enemy should be distressed and annoyed in their most sensible Parts. This, Sir, was all that the other House could expect; and if those Services, by being so extensive, call for a further Supply than what is comprehended in the Estimate, to whom could his Majesty so properly apply as to this House?

The third Expedient, that at communicating this Message in writing to both Houses at the same Time, would perhaps, have been a more absurd way of Proceeding than any of the other two; for it must either have been in the same Words or in others. Had it been in the same, it was a direct Violation of our Rights. This, I believe, is what the Honourable Gentleman himself will not dispute; and Sir, I will give up the Cause, if the Honourable Gentleman, or any of his Friends, can frame a Message in other Words to answer the same Purposes. All that his Majesty, Sir, could have

have said, by way of Message to the other House, was, My Lords, I have certain Measures under my Consideration which I hope will merit your Approbation. He could not, Sir, with any manner of Propriety, have mentioned a single Word to the other House alone of Estimates of Supplies, and what this Message contains besides is nothing at all, or at least no more, than what he deliver'd from the Throne in the Beginning of the Session.

Anno 13, Geo.
II 1739.



‘ But, Sir, to put the Absurdity of supposing, that the Lords can have any Reason to be dissatisfied with this Message, being addressed to us singly, beyond all Dispute, I must put Gentlemen in Mind that it is the Prerogative, it is the Duty of the Crown, without consulting either House of Parliament, to put in Execution such Measures as may most effectually distress and annoy the Enemy. This Power, Sir, is lodg'd in the Crown in Time of War; it has never yet been disputed by the most jealous Opposers of the Court; so that, Sir, the Lords can have no shadow for complaining, that his Majesty has not beforehand submitted his Measures to their Deliberation. If they complain, Sir, it must be because his Majesty has not asked their Concurrence in granting the Supplies that are necessary for carrying on these Measures, a Practice, Sir, which, I hope, never will prevail in this Kingdom.

‘ The present, Sir, is a critical Time: The Eyes of all Europe are fixed upon our Deliberations; and, Sir, I am sorry to hear any thing thrown in here to break that Unanimity, which is the Soul and the Life of Councils. We ought to consider, Sir, that in a numerous Assembly, such as this, Gentlemen cannot expect that every thing they say, should be long a Secret; and, Sir, if the Lords should think, from what has been this Day said, that they will meet with a Party amongst ourselves ready to give up a Point, that they have so long and so ineffectually labour'd, who can say what may be the Consequences? At Home, Sir, I am sure the Constitution must feel the worst Effects from such an Alteration, and nothing could give, Sir, our Enemies Abroad so much Joy, or our Friends so much Concern.

‘ The Honourable Gentleman, Sir, said somewhat about this House being reduced to depend upon one of their one Number; but as I cannot understand what he meant, it is enough for me, Sir, to take notice that I know of no Dependance which this House has upon any Body. Gentlemen, I do not doubt, wou'd be very glad to see it dependent upon themselves; but, I hope, we never shall know any but a constitutional Dependency; and that, I hope,
we

Anno 13, Geo
II. 1739.

we shall always know. Mean Time, Sir, I can't help thinking it an odd way of arguing, for Gentlemen, in one Breath, to cry out against the excessive Power of this House, and the next, to bewail its Dependency upon one Person. I shall add no more, Sir, but to wish that Gentlemen would so unanimously agree to this just and necessary Demand of his Majesty, as to leave no room for the Enemies of the Nation to hope that this House, or any Members of it, wou'd wish, by an ill-tim'd Jealousy, or Frugality, to distress his Majesty's Measures.'

* Arthur Onslow Esq;

S I R,

Arthur On-
slow, Esq;

'I think myself oblig'd to rise up on this Occasion, when somewhat has been thrown out that seems levelled against the great and most important Right of this House, that of granting Money. It is a Right, Sir, that never ought to come into doubt; it is a Right which we cannot part with the sole Exercise of, without giving up our own Power, without betraying the Liberties of our Constituents. In my Opinion, Sir, this Message is drawn up with a just Regard to that Right, and had it not come in this manner, it would have been irregular; nay, I will go so far as to say, Sir, that had another House been apply'd to for this Money, tho' I have the greatest Regard for his Majesty's Service, tho' I have the greatest Opinion of the Justice and Necessity of this Demand, yet I, had not another Member of the House seconded me, would have oppos'd it.

'I cannot sit down, Sir, without doing Justice to the Honourable Gentleman who spoke last save one, by declaring, that ever since I had the Honour to sit in this House, or to know any thing of Gentlemen's Sentiments, I never knew any Gentleman more attach'd to the Rights and Privileges of this House; I always heard him upon that Subject with as much Pleasure as ever I heard any Gentleman in my Life; and I will say farther, Sir, that, I believe, no Gentleman has juster Sentiments of our Constitution than that Gentleman has, or can defend it with more Zeal and Abilities. If the Honourable Gentleman, therefore, threw out any thing upon this Head that seem'd to glance at the sole Power, which I hope, this House shall assert of granting Money, it was only from his Zeal, lest the other House might take Occasion from a seeming Neglect to raise Objections that might embarrass his

* *Speaker of the House, and Treasurer of the Navy.*

his Majesty's Measures at this important Juncture. But Anno 13, Geo. I am persuaded, Sir, from the Experience we have always had of the Moderation and Equity of that august Assembly, that we have nothing of that kind to fear. II. 1739.

Ordered, *Nemine contradicente*, That the said Message be referred to the Committee on the Supply.

The 13th. Read a third time, and passed the Bill for the more effectual preventing the Abuses and Frauds of Persons employed in the working up the Woollen, Linnen, Fustian, Cotton, and Iron Manufactures of this Kingdom. Ordered it to the Lords.

Ordered, That an Account be laid before this House, of what Money has been applied from Michaelmas 1730, to this Time, towards paying any Taxes on the Salaries of the Commissioners, and other Officers of the Admiralty, Navy, Treasury of the Navy, and Victualling Offices, out of what Fund, and by what Authority, distinguishing each Office, and each Year.

Ordered, That an Account be laid before this House of what Impreits for the Contingencies of the Admiralty, Navy, Treasury of the Navy, and Victualling-Offices are not cleared at the Navy-Office, with an Account of what Directions have been given for clearing the same. Impreits Account of Contingencies to the Admiralty, &c. ordered in.

The 14th. Read a first time, a Bill for further and more effectually preventing the wilful and malicious Destruction of Collieries and Coal-Works.

Agreed to the Report of Yesterday's Resolutions on the Supply, viz.

Resolved, That 200,000*l.* be granted on Account, towards enabling his Majesty to prosecute, in the most effectual manner, the War in which he is engaged.

That 9477*l.* 13*s.* 1*d.* be granted for defraying several extraordinary Expences and Services incurred, 1739; and not provided for by Parliament.

Received a Petition from the Silk-Weavers, Throwsters, &c. praying that the Duty upon China Raw-Silk, might be made equal to the Duty upon all Italian Raw-Silk, and setting forth the many Advantages which would accrue to this Kingdom thereby*.

Referred to a Committee of the whole House.

The 15th. Read a first time, a Bill for amending and enforcing the Laws relating to Rogues, Vagabonds, and other

* The present Duty on the Italian Raw-Silk, is 1*s.* 5*d.* and one Tenth of a Penny per great Pound. And that on China Raw Silk, is 3*s.* 9*d.* and 45 of 100 Parts of 1*d.* per great Pound.

Anno 13, Geo. II. 1739. other idle and disorderly Persons, and for reducing the same into one Act of Parliament; and also for amending the Laws for erecting, providing, and regulating Houses of Correction.

Read a second time, the Bill to restrain and prevent the excessive Increase of Horse-Races.

Ordered, That the Report from the Committee, who were appointed to consider how far the Privilege of this House ought to be allowed to such Members of this House as shall be absent in Foreign Parts during the Sitting of Parliament, be recommitted; on a Division, Ayes 77, Noes 73.

The 18th. Received several Accounts from the Navy, Admiralty, and Victualling Offices, of what Monies had been paid away for the last seven Years.

Read a first Time a Bill for Naturalizing Amalie Sophie de Wallmoden.

200,000l. granted out of the growing Produce of the Sinking Fund. Agreed to the Report of last Friday's Resolution in a Committee on Ways and Means, viz. Resolved, That towards raising the Supply, his Majesty be enabled to issue and apply the further Sum of 200,000 l. out of the growing Produce of the Surplusses, Excesses, or Overplus Monies commonly called the Sinking Fund.

Ordered, That it be an Instruction to the Gentlemen, who are appointed to prepare and bring in a Bill upon the Resolution reported, upon the fifth Instant, that they do prepare a Clause or Clauses to be inserted in the said Bill, pursuant to this Resolution.

Read a first Time a Bill for the more easy and effectual Recovery of small Debts.

Read a first time a Bill to give further Powers to the Commissioners for building Westminster Bridge, and to enable them to raise a further Sum of Money towards finishing the said Bridge; and to perform other Trusts reposed in them.

Ordered a new Writ to be issued out for electing a Member for the Borough of Devizes in Wilts, in the room of Sir Joseph Eyles Knight.

Read a first time a Bill to explain and amend an Act 9. Q. Anne, for securing the Freedom of Parliaments, by the further qualifying the Members to sit in the House of Commons.

Received a Petition from the Justices of Westminster, setting forth the Insufficiency of the Laws in being, for settling the Prices of Coals, or preventing Combinations, &c.

Received

Received a Petition from the Justices of Westminster, setting forth the Insufficiency of the present Laws in being, for obliging the Scavengers to cleanse the Streets, that they have no Power to remove the Nuisances and Obstructions in the Street, and can proceed only by Indictment, which is very dilatory and expensive, and no Provision made for defraying the Charges, &c. &c. And thereupon praying Relief.

Anno 13, Geo.
II. 1739.

Both Petitions were Ordered to lie upon the Table.

The 19th. Read a first Time a Bill for granting to his Majesty the Sum of One Million, Two hundred Thousand Pounds, out of the Sinking Fund, and the growing Produce thereof.

Read a first Time a Bill for the better Preservation of the Salmon and Trout Fisheries within this Kingdom.

Agreed to the Amendments made by the Lords to the Bill for Naturalizing such Foreign Protestants, as are settled, or shall settle in any of his Majesty's Colonies in America.

Rejected, (upon the second reading) the Bill for Registering all Seamen, Watermen, Fishermen, Lightermen, &c. &c. without a Division*.

Bill for Registering Seamen rejected.

Resolved, That this House will, upon Monday Morning next, resolve itself into a Committee of the whole House, to consider of Heads of a Bill for the further and better Encouragement of Seamen to enter voluntarily into his Majesty's Service.

Read a second Time the Bill for granting One Million Two Hundred Thousand Pounds, out of the Sinking Fund.

A Motion was made, and the Question being put, that a new Writ be issued out for electing a Burgess to serve in this present Parliament for the Borough of Saltash in Cornwall, in the room of Thomas Corbet, Esq; who hath accepted a Salary of 200 l. per Annum as Secretary to the Court of Assistants for the Relief of poor Widows of Sea Officers; It passed in the Negative, Ayes 132, Noes 223.

Division on Mr. Corbet's having accepted a Place.

A Motion was made, and the Question being put, That a Committee be appointed to enquire what new Offices or Places of Profit have been created or erected since the 25th of October, in 1705; and also whether there are any greater Number of Commissioners made or constituted for the Execution of such respective Office: It passed in the Negative Ayes 154, Noes 169.

And on a Motion for an Enquiry what new Offices have been erected since 1705.

VOL. VI.

Q q

The

* By that Bill, if a Seaman, &c. removed from a certain District, he should be deem'd a Deserter, and be punish'd accordingly.

ANNO 12, Geo
II. 1739.

The 21st. Ordered, That the Call of the House be adjourned to this Day Month.

And then, The Address of the House of Commons to his late Majesty, in the 31st of March 1715, that his said Majesty would be pleased to direct, that all Powers, Instructions, Memorials, Letters, and Papers, relating to the then late Negotiations of Peace and Commerce, and to the Cessation of Arms, might be laid before that House, was read.

As also, The Journal of the House of the 9th of April following, in relation to the Appointment of a Committee of Secrecy, to whom the said Powers, Instructions, Memorials, Letters, and Papers, then presented to the House, were referred.

And likewise, His late Majesty's most gracious Speech to both Houses of Parliament, relating to the Conclusion of the War, and the Attempts to defeat the Protestant Succession; together with the Address of the House of Commons to his said Majesty thereupon, contained in the Journal of that House, of the 23d and 24th Days of March 1714. after which

William Pulteney Esq; stood up and spoke as follows:

S I R,


Fond as most Kings are of arbitrary Power, it is certain, the Sovereign of these Kingdoms is in a more happy and secure Condition, than any absolute Sovereign upon Earth; because, by our Constitution, and as long as it has its due Effect, neither the Discontents nor the Resentment of the People, can ever affect the Throne: In absolute, as well as limited Monarchies, it is not only the Duty, but the Business of the Sovereign to preserve the Affections and Esteem of his Subjects; because upon this alone his Security and Power must necessarily depend. I know, Sir, that in absolute Monarchies, supported by Standing Armies, the Security and Power of the Sovereign depends upon the Army, not upon the People; but, in such Governments, the People are not properly Subjects: They are the mere Slaves of the Sovereign and his Army; and are in the same State with the Villani in our ancient Constitution, who were neither allowed to have Arms, nor to know the Use of Arms. In such Governments therefore, the Gentlemen of the Army, and they alone, are properly to be called Subjects, and upon their Affections and Esteem, the Security and Power of the Sovereign must depend; for when a Discontent among them becomes general and violent, they mutiny, and such Mutinies, as we may learn from the Histories of all Ages, are generally fatal

Debate on the Motion for the Papers relating to the Convention.

William Pulteney, Esq;

fatal to the Sovereign as well as his Ministers, without making any Distinction between the Innocent and Guilty. This is a Danger which an absolute Sovereign must always lie exposed to, and the Misfortune is, that, as none but the Tools of Ministers and Favourites are usually allowed to approach the Throne, the King knows nothing of the Discontents of his Subjects, till he hears of their having thrown aside their Allegiance. Then, both his Security and Power must depend upon the Success of his Arms; and neither can be re-established, but by the Death of a great Number of his Subjects.

Anno 13, Geo.
II. 1739.



‘ From hence, Sir, it is evident, that the Sovereign of these Kingdoms must always be in greater Security than any absolute Monarch : By the Constitution of our Government, while it is preserved entire, the King can do no wrong. If any weak or wicked Measures are pursued, his Ministers only are to bear the Blame. The King can never suffer by such Measures, either in his Person, or Royal Dignity, unless he sets himself up as the Screen of his Ministers, and as a Buckler for defending them against the public Justice of the Nation, which he never can do whilst our Constitution is preserved. Whilst our Parliaments are allowed to sit, and to be free and independent, they never will allow their Sovereign to take upon himself the Blame of his Ministers, nor will they allow Discontents to grow general amongst his Subjects. When Discontents begin to grow general, there must have been some Fault in the Administration, or the People must have been mistaken and misled. If the latter of these be the Case, an impartial and strict Enquiry, by a free and independent Parliament, will rectify the Mistakes of the People, and direct their Resentment against those that led them into an Error. And when the Discontents of the People proceed, as they generally do, from any real Weakness or Wickedness in the Administration of our public Affairs, an Enquiry of this Nature will point out to the People, the Ministers that have disoblged them, and to the Crown, the Servants that have betrayed it. A free and independent Parliament will not only tell the King that the People are displeas'd with the Conduct of his Ministers, but it will distinguish between the Innocent and Guilty. The latter it will tear from behind the Throne, where such Ministers always endeavour to take Refuge, and thus, by clearing the Throne of Guilt, it will reconcile the Hearts of the People to their Sovereign.

‘ In this, Sir, the superior Happiness and Security of the Sovereign of these Kingdoms consists, and from this

Anno 13, Geo
II. 1739.



we may see the Duty that every Gentleman, as a Member of this House, owes to his King as well as his Country. When any Gentleman of this House becomes sensible of Complaints, Clamours, or Discontents among the People of that Part of the Kingdom he represents; and that those Complaints, Clamours, or Discontents, are growing general, he is, in Duty to his Sovereign, as well as his Country, obliged to move for an Enquiry into that Part of the Conduct of our Administration which occasioned them; and every Gentleman, who thinks there are any such, is obliged to join with him in the Motion, even tho' he should think that there is no real Ground for such Complaint, Clamour, or Discontent; because, in Duty to our Sovereign, we are obliged to inform him of every Discontent that arises in any Part of the Kingdom, and, in Duty to the People, we are obliged to give them Satisfaction; by punishing the Guilty, if the Discontent should, upon Enquiry, appear to be well grounded; by convincing them of their Error, if it should be found they have been deceived. This, Sir, is our Duty. Upon the Performance of this Duty, the superior Security of the Sovereign of these Kingdoms depends, and therefore every Gentleman of this House will certainly perform his Duty in this respect, unless he be more attached to the Security of the King's Minister, than to the Security of the King himself. In absolute Monarchies the Sovereign can expect no such Security, because, no Man can, in such Governments, come into any of the King's Councils, but such as are recommended by the King's first Minister, if the King be weak enough to have such a one; but as no Gentleman, I hope, comes here by the Recommendation of any Minister whatever, in this House his Majesty may always, I hope, depend upon an honest and fair Information.

' This being the Duty we owe both to our King and Country, I must desire, that every Gentleman would consider, what is said among the People, of our late Convention with Spain, and the Negotiations by which we were brought into that dishonourable and ridiculous Treaty. Is not that Treaty condemned by every Man in the Nation that dares speak his Mind? Did it not, as soon as it was published, raise a most general Clamour in every Part of the Kingdom? These Discontents at present lie smothering under the Hopes of a successful War, but they are far from being removed or extinguished. The People are still convinced, that the Treaty was a most destructive and dishonourable Measure: That the Honour of the Nation was negotiated away, the just Claims of our plundered Merchants given up, the South Sea Company abandoned, and the Freedom of

our

our Trade and Navigation left in a most precarious Situation ; Anno 13, Geo
 and all for the sake of furnishing some Gentlemen with an II. 1739.
 Excuse, for not having made the proper Use of those war-
 like Preparations, which had been made at a great Expence
 to the Nation. This, Sir, is the way of thinking amongst
 a great Part of the People, and whilst we think so, can we
 suppose, they will be satisfied, or that they will forgive those
 who led the Nation into such destructive Measures? These
 Discontents do not as yet, I hope, affect the Throne; but if
 we do not take care to remove them, they may, they proba-
 bly will; and we can remove them no other way, but by a
 strict and impartial Enquiry into the Measures that occa-
 sioned them. Whether those Measures were wrong, whether
 the Discontents of the People were well or ill grounded,
 signifies nothing: It is sufficient Cause for an Enquiry, that
 there are such Discontents among the People; and that
 there are, I believe, no Gentleman will deny. If they are
 well founded, we are bound, in Duty to our Country, to
 punish those that occasioned them, or at least to remove
 them from our public Councils: We are, in Duty to our
 Sovereign, obliged to remove weak or wicked Counsellors
 from about the Throne, and to shew the People that his
 Majesty is not to be blamed. If these Discontents are
 without Foundation; if there was no Weakness nor Wick-
 edness in our late peaceable Negotiations, nor in the Con-
 vention, which was the Issue of them, and which, I think,
 was the perfect Picture of its Parent, we shall be able, by an
 Enquiry, to convince the People of their Mistake, which
 will be of great Advantage to us in the Prosecution of the
 War; because the People will pay their Taxes with Plea-
 suré, when they consider that the public Money is under the
 Management of those who know how to apply it, and cer-
 tainly will apply it, to the best Advantage; and our Armies,
 both by Sea and Land, will act with Courage and Alacrity,
 when they have a Confidence in the Wisdom and Skill of
 those that conduct them.

For this Reason, Sir, if we have any Regard to our
 Sovereign, or to the Success of his Arms, which are now
 employed, and will, I hope, be vigorously employed, in
 vindicating the Honour and the Rights of the Nation, we
 ought to enquire into that Part, at least, of our late Con-
 duct, which relates to the Convention with Spain; and
 therefore, I shall conclude with a Motion for having all
 the Papers relating to that Negotiation laid before the House.
 This Motion is founded upon a very famous Precedent,
 which has been just read to you; and when those Papers
 are laid before the House, I shall then, in pursuance of the
 same

Anno 13, Geo
II. 1739.

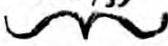


same Precedent, move for having them referred to a Committee of Secrefy; which, I think myself now obliged to give Notice of, in order to obviate the Objection usually made againft our addressing to have fuch Papers laid before us. As the Enquiry I thus intend to move for, is founded upon fo late a Precedent, and a Precedent too in which an Honourable Gentleman near me had a very great Concern: As he was fo zealous for enquiring into our peaceable Negotiations upon that Occafion, I hope he will not be againft fuch an Enquiry upon this; and really, if I were deemed worthy of giving him any Advice, I fhould advife him to be for having the Enquiry carried on in the moft ftrict manner, and by a Committee of Gentlemen who can be no way fufpected of a Dependency upon, or a Partiality for any of thofe that were concerned in the negotiating of that Treaty. He has often told us, that not only the Treaty itfelf, but every Step towards concluding it, may be juftified, and fhewn to have been the moft wife and prudent Measure the Nation could, at that Time, purfue; and, upon fuch Occafions, he has always arrogated to himfelf the fole Honour of that Measure. As to the Wifdom and Prudence of the Measure, he muft be fenfible that a great Part of the Nation differ in Opinion from him. He muft know, that not only the Treaty, but the Negotiations which ended in that Treaty, or rather in the War which was the natural Confequence of it, for the Treaty itfelf was rather the Beginning, than the End of a Negotiation: I fay, he muft know, that both the Treaty and the previous Negotiations were, and are ftill, condemned by a great Part of the Nation; and therefore, if he was the fole Author and Advifer, in order to vindicate his Character, he muft be for a ftrict and impartial Enquiry; becaufe this is the only way of refuting the Objections made to his Conduct.

But, Sir, as I always had, and have ftill a bad Opinion of the Treaty, as well as the previous Negotiations, I am willing to fuppose, the Honourable Gentleman was not the fole Author and Advifer of either; and, by the Nature of his Office, he could not be the Conductor: He went very far out of his Province, if he had any thing more to do, either with the Treaty or the Negotiations that preceded it, than fimplly giving his Opinion, as one of his Majesty's Cabinet Council; for, I hope, his Majesty's Cabinet Council does not confift folely in his Perfon; and therefore, I think, it is is very much his Intereft to have that Affair ftrictly and impartially enquired into, in order to convince the World, that he had not near fo great a Hand in it, as he is now generally fupposed to have had. Thus, Sir, let
tha

the Honourable Gentleman near me consider the Convention in what Light he will, let him consider it as a good Thing in which he had the Honour of being the chief Person concerned; let him consider it as a bad Thing in which he had no more Concern than what belonged to him, it is his Interest to have the Affair enquired into; and, considering the general Reproach it has occasioned, I have shewn that it is his Duty; so that I cannot but expect his Concurrence in the Motion I am to make. I can conceive no Reason for his being against it, unless he be not only conscious that the Convention was a very wicked Treaty, but also that he was, contrary to the Nature of his Office, and inconsistently with the Constitution of our Government, the chief Conductor, as well as the sole Adviser of it.

Anno 13, Geo.
II. 1739.



I hope, Sir, the House will pardon me, for taking up your Time with shewing so particularly my Reasons why the Honourable Gentleman near me should concur with me in the Motion I am to make. My Reason for doing so may be easily guessed at; and, as for the other Gentlemen now in this House, who may have had some Share in those Negotiations, or in advising that Treaty, if there are any such, I am sure they ought, for the sake of their own Characters, to promote an Enquiry into that Affair, if they really think it will bear being examined. As for my own Part, I shall freely own, that, in my Opinion, both the Treaty itself, and the Negotiations that preceded it, deserve to be, and, I believe, upon a strict Examination, will be as explicitly condemned by Parliament, as they have already been by the Nation. The Treaty of Utrecht, considering the Success of our Arms, was a bad Treaty: Our first Negotiations which afterwards produced that Treaty, were scandalous and dishonourable, because they were separate and distinct from our Allies in the War; but when this Treaty, and these Negotiations, are compared with our late Negotiations in Spain, and the Convention that was the Consequence of them, if the Authors and Advisers of the latter escape Punishment, the Authors and Advisers of the former deserve our Thanks. Therefore, if the Weakness or Wickedness of any Treaty or Negotiation, can be a Reason for a parliamentary Enquiry, we have more Reason to enquire into our late Convention and Negotiations with Spain, than we had to enquire into the Treaty of Utrecht. The latter was very far from having raised a general Discontent: It was, it is true, condemned by most of the Men of superior Knowledge and Sense in the Nation, but it was approved by such as do not consider the remote Consequences of Things; and, if we include the Populace, I may say, it was approved by a
Majority

Anno 13, Geo
II. 1739.

Majority of the Nation. Whereas our late Convention with Spain was not, I am convinced, approved by any Man of Sense in the Nation, except those only who were governed by private and selfish Motives of their own; and the Dishonour and Disadvantage of it were so apparent, that it was exclaimed against by all Ranks and Degrees of Men.

‘ I hope, Sir, it will not be urged against my Motion, that the Convention was approved of by Parliament; for suppose it had been approved of in the most plain and express Terms in the last Session of Parliament, it can be no Argument against enquiring into it, or condemning it in this. The Treaty of Utrecht had been approved of in the most express Terms by the very next preceding Session of Parliament, and yet, we find, it was enquired into, and not only expressly condemned, but the Authors and Advisers of it punished, in what I may properly call the very next ensuing Session. But the Convention was so far from being expressly approved in last Session, that it was with great Difficulty, and by a small Majority, it met with any Sort of Approbation. Nay, I am convinced, if the Argument had then rested upon the single Merits of the Treaty, it would have met with an express Condemnation. But as Peace is a desirable Thing, and as Gentlemen were afraid, that by condemning the Convention they would prevent the Conclusion of that Treaty of Peace they were made to hope for, and might thereby involve the Nation in a War, therefore, to avoid the Imputation of being the Authors of a War, they were against condemning the Treaty in Parliament, tho’ they could not but condemn in it in their Hearts. This, I verily believe, was the way of thinking with many Gentlemen who voted for the Address then proposed; and as those Gentlemen are now free from such Fears, as they may now consider the Convention, and give their Sentiments of it freely, and upon its own Merits, I have Reason to hope, they will not only join with me in moving for the Papers relating to it, but also in moving for having those Papers referred to a Committee of Secrecy; for if the Treaty deserved last Year to have been condemned upon its own Merits, it must now deserve more to be so, since it has failed of producing the only good Thing those Gentlemen could expect from it. Nay, such Gentlemen have, I think, more Reason than others to have the Treaty enquired into, and either vindicated or condemned; because they were last Year induced, by false Hopes, and arrogant Assurances, to give a Sort of Approbation to what had been
been

been condemned by the Majority of the Nation, and what they could not, in their own Consciences, directly approve.

Anno 13, Geo.
II. 1739.

But suppose, Sir, there may be some Gentlemen in this House who did approve, and still do approve of the Convention, as well as the Negotiations previous to it; and suppose, as the Hon. Gentleman near me has often said, that both may be fully justified, surely no Man who thinks so can be against our taking the most proper Method for bringing the Nation into their Way of thinking. The Desire of bringing others into our Opinion is so natural to Mankind, that no Man will refuse doing it, when he has a proper Opportunity for that Purpose; and as the Discontents of the Nation still run very high against that Treaty, and those Negotiations, I have shewn that it is the Duty of every Member of this House to endeavour to remove them, by taking the most proper Method for shewing the People their Mistake, and that they have no Reason to be dissatisfied with either. Thus, if we approve of the Convention, we ought to enquire into it: If we do not approve of the Convention, we ought to enquire into it; and therefore, let Gentlemen pretend what they will, I cannot suppose that my Motion will be opposed by any, but such as are conscious of the Weakness or Wickedness of that Measure, and are against its being enquired into by Parliament, lest they or their Friends, who had a Hand in that Treaty, should be thereby brought to suffer the Punishment they deserve; but as the Number of such Gentlemen is not, I hope, very great in this House, therefore, I think, I may make my Motion with some Confidence of Success; and that there may be no Objection made to the Form of it, I have drawn it up in the very Words of the first Motion made for enquiring into the Treaty of Utrecht. My Motion is, That an humble Address should be presented to his Majesty, that he would be graciously pleased to give Directions to the proper Officers to lay before the House, all the Powers, Instructions, Memorials, Letters, and Papers, relating to the Convention between Great Britain and Spain, concluded at the Pardo, Jan. 14, 1739. N. S.

Sir Robert Walpole,

S I R,

Of all the Duties incumbent upon us as Members of this House, there is not one more necessary than that of supporting his Majesty in the Prosecution of the present War, and avoiding every Thing that may interrupt him, or any of those employed by him, in that Prosecution. The

Sir Robert
Walpole.

VOL. VI.

R r

Gentle-

Anno 13, Geo.
II. 1739.



Gentlemen that were concerned in advising and conducting our late Negotiations with Spain, or in concluding the late Convention, are not, I am very sure, in the least afraid of a fair and impartial Enquiry into that whole Affair, or of having all the Papers relating to it laid before this Assembly; but if such an Enquiry were to be set on foot, they would have Reason to be afraid of an unfair and partial Enquiry into their Conduct: I say, Sir, they would have Reason to be afraid; for tho' such a Thing be improbable, it must be allowed to be possible; and a bare Possibility is, in such a Case, a sufficient Ground of Fear. This must of course give them a good deal of Uneasiness, and put them to an infinite deal of Trouble, as we may most rationally conclude, from the Loads of Papers we have already upon our Table, relating to those Transactions. These, and a great many more, the Gentlemen concerned, and their Friends, must carefully review, for otherwise their Enemies might, from some of the Papers, pick Objections to their Conduct, which, without examining other Papers, might appear feasible and well grounded; from whence we must perceive, what an infinite Trouble the Gentlemen concerned in those Transactions must be put to by such an Enquiry; and this Trouble no Gentleman can in Justice resolve to put them to, unless he suspects, at least, their having been guilty of very great Enormities.

From this Consideration, Sir, which will hold good in all Cases as well as this, we ought to lay it down for a Rule of our Conduct in this House, never to subject any Man to the Trouble and Danger of an Enquiry, unless we think, we have good Reason to suspect his having been guilty of some very great Weakness, or some real Crime, in the Affair he had under his Management. This ought, in all Cases, and at all Times, to be our Rule of Conduct; but in the present Case, and at the present Time, we are more than ordinary under an Obligation to follow it; because we are now engaged in an expensive War, and a War which may become dangerous as well as expensive; and because some of those Gentlemen that had a Hand in advising or conducting our peaceable Negotiations, are now employed by his Majesty in advising or conducting the Measures proper to be taken for a vigorous Prosecution of the War: This every one knows to be our Case at present, and without Compliment, I think, I may say, these Gentlemen are the most proper to be employed; because they must be supposed to be the most sensibly touched with the Shifts and Chicanes of Spain, and the most thoroughly acquainted with the Affairs and present Situation of that Nation: Their
Re-

Resentment will prompt them to carry on the War with the utmost Vigour, and their Knowledge will direct them how to carry it on with the greatest Success. Therefore, of all Things, we ought, at present, to avoid entering upon an Enquiry into their past Conduct, unless we are fully convinced of their having been guilty of some egregious Weakness or gross Fault; and, if none but those who think so will join with the Honourable Gentleman in his Motion, I believe, it will not meet with that Success he seems to expect.

Anno, 13 Geo.
II 1739.

‘ A popular Discontent or Clamour, when it becomes general, and is entertained by Men of Sense and Figure, as well as by the Vulgar and Ignorant, is a Misfortune, I shall readily grant, Sir, which ought never to be neglected by this House. This is what will never, I believe, admit of a Dispute amongst us; but the Dispute generally is, whether the Discontent be general, and by what sort of People it is entertained; and, in this, most Gentlemen without Doors pass their Judgment according to the Company they keep, and the Place they chiefly reside in; but this, I am sure, is far from being a right way of judging within. We are here, Sir, the Representatives of the whole Nation: We are to judge, as the Majority of the Nation ought, and may be supposed to judge; and, as it is impossible for any one Member of this House to know the particular Sentiments of every Man in the Nation, he must form to himself some other Method of judging. The only sure Method he can, for this Purpose, lay down, is, to consider the Affair in Question, and to suppose that the Majority of the Nation, at least the Majority of Men of Sense or Figure, are upon the right Side of the Question. To apply this Rule to the Case in hand: We are not to suppose, much less judge, that the Majority of the Nation are dissatisfied with the late Convention, because we find the Majority of those we converse with dissatisfied with it; nor are we to suppose, that the Majority of the Nation are pleased with it, because the Majority of those we converse with, are so; but, we are to consider the Convention itself, with all the Circumstances attending it, and, if we are from thence convinced, that it was a good Thing at the Time it was made, we ought to suppose, that most Men of Figure and Sense in the Kingdom approve of it.

‘ This is the only Method, Sir, by which, as Members of this House, we ought to judge what are the Sentiments of the Majority of the Nation; and according to this Method, I must suppose, that the Majority of the Nation neither were, nor are dissatisfied with the late Convention between Us and Spain, because, I think, they neither had, nor have any Reason to be so. His Majesty was certainly in the

Anno 13, Geo.
II. 1739.



right to try all peaceable Methods for bringing the Court of Spain to hear Reason, before he resolved on having Recourse to Arms: This was the repeated Advice of his Parliament; and, his following this Advice, shewed his Regard to the Trade and Happiness of his Subjects. The Court of Spain had, for some Years, amused him with Promises, and with Protestations that they were to settle all Disputes in an amicable manner; and, the best way for putting these Protestations to the Proof, was to bring them to some one Point, which must necessarily be performed in a few Months. The Point fixed on by his Majesty for this Purpose was, their making good the Damages our Merchants had sustained. This they promised, by the Convention, to do in a very short time; and, if they had performed this Promise, it would have been a good Pledge for their Sincerity in the future Negotiation. If the Convention, Sir, had been a definitive Treaty: If, by such a Treaty, nothing had been obtained but a Reparation for past Damages, without any Stipulation for future Security, I shall grant, it would have been a bad Treaty. But, as the Convention was designed only by way of preliminary, and as immediate Reparation for all past Damages was stipulated, in order to put the Sincerity of the Spanish Court to the Test, I must still think it was the wisest and the best Method we could take, for avoiding the Imputation of involving ourselves rashly in War, and, at the same time, for preventing its being in the Power of the Court of Spain to amuse us longer with empty Promises or deceitful Protestations.

This is the only true Light, Sir, in which the Convention can be considered; and, when I consider it in this Light, I cannot suppose, that any impartial Man of Sense in the Kingdom ever did, or can now find fault with it, or with the Negotiations that preceded it; and as I shall always take the Sense of Parliament to be the Sense of the Nation, that is to say, of the Majority of those whose Opinions we ought to regard, this Treaty, and all the previous Negotiations, having met with the Approbation of Parliament, I must, from thence likewise, conclude that they were, and still are approved by the Majority of those that make any sort of Figure in their Country. The mere Populace, indeed, in all Countries, are fond of War, because they can lose nothing, and some of them generally make their Fortunes by War; therefore, we ought not to wonder, if they find fault with every Measure that is taken for avoiding a War, which, tho' it be their Delight, must be allowed to be a public Calamity; and the natural Inclinations of the Populace in this Kingdom, were roused and enflamed by our
 Merchants

Merchants and Seamen who had suffered by the Spanish Depredations, and who were governed by their private Resentment, and not by any public Regard for the Good of their Country; but, I hope, it will not be alledged, that a War ought to have been entered into, merely for the sake of putting an End to such Discontents. Besides, even these Discontents cannot now be insisted on as a good Foundation for an Enquiry, because they are really now at an end. His Majesty's Declaration of War put a final End to them, as we have often been told, even by those that seem to patronize this Motion. An Enquiry, indeed, may, nay, I am convinced, will revive them; because it will be impossible to convince Men who judge so partially, and, I may say, selfishly, that any Measure for preventing the War was right, or that the Advisers and Conductors of such Measures ought not to be punished; and, as I cannot suppose, that this House will punish Gentlemen who shall, upon an Enquiry, be found, thro' the whole Tenor of their Conduct, to have had a true Regard to the Interest of the Nation in general; I must conclude, that the Enquiry proposed will, probably, end in reviving those ill-grounded popular Clamours, with the additional Misfortune that this House will then share in the supposed Guilt of our Ministers and Negotiators.

Thus I have shewn, Sir, that a parliamentary Enquiry into our late Negotiations with Spain, would be dangerous, because it would, probably, revive the Discontents and Clamours, groundlessly, in my Opinion, raised against those Negotiations: That such an Enquiry would be prejudicial, because it would interrupt us in the Prosecution of the War; and that it ought neither to be insisted on, nor agreed to, by any but those who are fully convinced, that the Gentlemen who were concerned in advising and carrying on those Negotiations, were guilty of great Failings and Enormities. As I am none of these, after thanking the Honourable Gentleman for the Piece of Advice he was pleased to direct, as I imagine, in particular to me, I must beg his Pardon for not following his Council. If I were the only Person concerned, I should be very ready to take his Advice: I should be ready, and shall always be ready to submit any Part of my Conduct to a fair and impartial Enquiry; but, I cannot make so free with the Conduct of other Gentlemen. I cannot give my Consent for subjecting them to the Trouble and Danger of a parliamentary Trial, when I do not think there is the least Ground for suspecting their having been guilty of any Fault, and much less of any Crime. By a formal Trial, the most innocent Man must certainly be put to great Trouble, and he must always be exposed to the Danger

Anno 13, Geo
II 1739.



Anno 13, Geo
II. 1739.

ger of Mistakes, Misapprehensions, or Partialities, on the Part of those that are to be his Judges: We have often heard of innocent Men's being condemned; and therefore, I shall never think it just in me to give my Vote for exposing a Man to that Danger, when I am fully convinced of his Innocence.

With regard to the Precedent upon which the Honourable Gentleman has been pleased to found his Motion, it may be a Precedent as to the Forms of Proceeding, but it can be no Precedent as to the Merits of the Case. Will any Gentleman say, that because we enquired into the Treaty of Utrecht, therefore we ought to enquire into the late Convention between Spain and Us? Is there any Parallel between the two Treaties? Is there any Parallel between the Circumstances of this Nation, or the Circumstances of Europe, at these two Periods? Is there any Parallel between the Persons concerned in negotiating these two Treaties? Can the Convention be suspected of any such latent Design as the Treaty of Utrecht was, strongly, and with great Reason, suspected of? I am really surprized, Sir, to hear the Enquiry into the Treaty of Utrecht brought as a Precedent, or an Authority, for what is now proposed. If it was mentioned as a Proof, that the Parliament has a Right to enquire into any Treaty or public Transaction, it was quite needless to bring a Precedent or Proof for this Purpose, because it is what no Man will now, thank God! deny. But if our having enquired into that Treaty was mentioned as an Argument for our enquiring into this, it is, I think, one of the most inconclusive Arguments that was ever made use of in any Debate. The Treaty of Utrecht was a most dishonourable Treaty, at the End of a most successful War: The Convention was only a Preliminary, or an Attempt to prevent a dangerous War. At the Time of the Treaty of Utrecht, the Circumstances of Europe were in the most happy Situation for this Nation, and our Enemies were, in some measure, at our Mercy, if we had not entirely confounded this happy State of our Affairs, by deserting our Allies at that critical Juncture: Whereas, at the Time of the late Convention, the Circumstances of Europe were in no very happy Situation for us, and, I am sure, it cannot be said, that those we might then reasonably expect to be our Enemies, were in any measure at our Mercy. The Treaty of Utrecht was concerted, negotiated, and concluded, by those who were known, I may almost say, declared Enemies to the Protestant Establishment; and there was a violent Suspicion, that, in the negotiating of that Treaty, there was an underhand Plot for overturning that Establishment, and placing the Pretender

Pretender upon the Throne of these Kingdoms: Can it be said, that the late Convention was negotiated by such Men? Can it be suspected, that any such Plot was carried on under the Cloak of that Negotiation? Besides these Differences in the two Treaties, and the Circumstances that attend them, there was a very material Difference in the Approbation the two have met with: The Treaty of Utrecht was, it is true, approved of by Parliament, but it was by a new Parliament, and a Parliament generally composed of Men of a different Complexion, that it enquired into and condemned: Whereas the Convention was approved of by this very Parliament; and I cannot think, it would add much to the Credit or Dignity of Parliaments, to see a Treaty condemned in one Session, which had been approved of in the very next preceding Session of the same Parliament. For my Part, I cannot see how any Gentleman can, this Session, vote for an Enquiry into a Treaty, which last Session he so far approved of, as to advise his Majesty to proceed upon the Footing of that Treaty; for, I hope, no Gentleman will, after what I have said, vote for enquiring into a Treaty which, he thinks, he has no Reason to condemn; and therefore, I am convinced, no Gentleman will vote for this Motion, who agreed to the Address, last Year, upon our taking the Treaty into our Consideration.

Anno 13, Geo.
II. 1739.

‘ From what I have said, Sir, I hope it is evident, the Enquiry into the Treaty of Utrecht can be no Precedent, or Argument, for what is now proposed. I have often, indeed, heard Precedents quoted in this House, which, I thought, had very little Relation to the Case in hand; but I never heard a Precedent quoted, which I thought less *à propos* than the present. The Enquiry into the Treaty of Utrecht can no more be brought as a Precedent, or an Argument, for enquiring into the late Convention, than it can be brought as a Precedent, or Argument, for our enquiring into the grand Alliance; therefore, the Honourable Gentleman’s Motion must rest entirely upon the Opinion we have of the Gentlemen concerned in advising or conducting our late Negotiations with Spain, and upon the Opinion we have of the Fitness of the present Time for setting on foot an Enquiry into their Conduct. As I have a very good Opinion of the Gentlemen concerned: As, I think, there is nothing appears, either from the Convention, or from the Papers already before us, that can in the least impeach their Conduct; and as, I think, this is not a fit Time for enquiring into it if there did, I shall, therefore, be against the Motion, and, I hope, every Gentleman that thinks as I do, will join with me in putting a Negative upon it.’

George

Anno 13, Geo.
II. 1739.



Geo. Lyttle-
ton Esq;

George Lyttleton Esq;

S I R,

‘ I think it my Duty to be warmly for this Enquiry : I think it my Duty, not upon the Principles of a Whig, or of a Tory, but upon a much better Principle than either, a Principle of Love to my Country, superior infinitely to any Party-Names or Distinctions. But I am not in the least surprized, that some Gentlemen should be very unwilling we should look back to the Transactions that preceded the War : Transactions, which, for the Honour of the Nation, one ought to wish might sink in Oblivion, if, while we are smarting with the Effects, it was possible for us not to remember the Cause ; and, indeed, I believe, that such a Retrospect would be painful enough to us all ; for who can be easy, that considers from what a Precipice we lately escaped, and that those who drove so near to it, have the Reins still in their Hands ? But unpleasant as it is to look back, it is the proper Business of Parliament : It is our Duty to look back, that we may know the better how to look forwards, that we may understand the full Merit of our Minister’s Services, and suit our Expectations of the future, to our Sense of the past.

‘ It has been said, that this Treaty, we wou’d enquire into, has been approved by this Parliament. Sir, I will be bold to say, it has been condemned in Effect by the King himself, and by the whole Legislature. I will be bold to say, there is not one Word in his Majesty’s Declaration of War, not one Word in any Resolution, in any Address, or in any Act of Parliament for supporting the War, that is not directly opposite to the Principle upon which the Convention was built, upon which all our Measures, all our Negotiations were founded, as long as the Genius of our Ministers prevailed over the Spirit and Sense of the Nation. Sir, the Principle of the War is to consider our Right, Not to be searched, as an indubitable Claim, that will not admit of any Discussion ; The Principle of all these Negotiations, and of the Convention itself, was to consider it as a Matter that required to be discussed, and to be regulated ; and would to God, Sir, we had gone no farther in the Course of those able Negotiations : But it is a melancholy Truth, which can be proved from Papers now on your Table, that for many Years together, there was hardly a Letter written by our Ministers, a Demand made by them, or a Plan of Accommodation proposed, or accepted, which did not evidently tend to weaken our own Right, and strengthen our Enemy’s, by some new mistaken Conception
in

in their unwarrantable, groundless Pretensions. Nay, so late as in December 1737, we contended with our whole Strength, that the Regulations laid down in the Treaty of 1667, with regard to searching in the Seas of Europe for contraband Goods, should be deemed to extend to America, and observed there, in searching our Ships. What a Condition had we been in, how grossly entrap'd by our own astonishing Ignorance, if Spain had taken us at our Word, and allowed the Demand! With what Grace, after that, could we have presumed to talk of no Search? But luckily for us, the Spanish Minister served us a great deal better than our own: He was so good to teach us, how to understand our own Treaties; and so, at last, we saw our Error, and set the Dispute on its proper Foundation. Are not these, Matters that deserve to be look'd into a little more closely? Is not here, Business sufficient to employ a secret Committee?

Anno 13, Geo.
II. 1739.

‘ Sir, is it enough for a Ministry to declare themselves honest, and wise; and are we to take their Words for it, against such terrible Grounds of Suspicion? Sir, I own myself very unfit to judge for Gentlemen in an Administration; but, if I could form any Judgment, how they ought to conduct themselves, I should think, the throwing out daily Defiances to find any Fault with them, and then denying all Means of Enquiry, must be very bad Policy; because, it is so far from looking like Innocence, that it gives the strongest Suspicion of Guilt. When K. Charles I. told the Commons, (who were preparing Complaints against Buckingham) That he would not allow any of his Servants to be questioned in Parliament, he spoke the Language of despotic Power, and such as this House would never endure. But if, instead of speaking so openly, he had a little softened his Style, confessed their Right to question his Servants, but at the same Time denied them the Means: If Buckingham himself had challenged them to examine his Conduct, or the Conduct of those who acted by his Instructions, and under his Orders; and then refused them the Sight of those Instructions, and the regular Methods, according to the Usage of Parliament, of examining into those Orders; the Appearance, indeed, would have been fairer, but the Proceeding itself would have been equally dangerous, equally fatal to the Rights of this House.

‘ Sir, that Parliament would not have borne it; for it was composed of such Men, as had no Influence upon them, to abate the Spirit and Zeal with which they proceeded to enquire into, and punish Mal-administration: Such Men, at their first Meeting, before they would give one Penny

Anno 13, Geo
II. 1739.

of Money, to support the King in a War with Spain, which had been begun at the Desire of Parliament, appointed a Committee to consider of secret Affairs, and another Committee for Grievances. You will find them upon their Journals: The Misemployment of the public Treasure; and the Dishonour brought upon the Nation. These they resolved to enquire into before they voted any Supply, without apprehending any Reproach of Want of Zeal for the King, or the War; but that they might know the true State of the Nation, and carry on the War with more Chearfulness, when Justice was done upon those who had involved them in so many Difficulties. The same Parliament declared, and it stands uncontroverted yet upon your Journals, 'That common Fame is a good Ground of proceeding for this House, either by Enquiry, or, if the House find Cause, by Impeachment.' Accordingly, Queries were drawn up, to enquire into the Conduct of Buckingham, which were afterwards turned into Articles of Impeachment against him, and the King, to save his Minister, had no other Way than dissolving that Parliament; for the Art of softning them by Corruption was not in use in those Days.

' Sir, I hope, I have not mispent your Time in calling back to your Memory the Proceedings of a former House of Commons, which deserve, I think, the greatest Respect, and are mentioned with Reverence by the most impartial Historians. How History will mention ours, I wish, we may think worth our Concern; but how the Nation will judge of them now, I am sure, we ought to consider. Sir, if a King has lost the Esteem and the Hearts of his People, the Interposition of Parliament may awaken him to a Sense of his Error, and by healing Counsels, reconcile, and restore them again; but if Parliaments themselves act so as to lose their own Dignity, and, by Consequence, the Esteem and Love of the People, who shall then interpose, or what Mediator is left? It is such an Evil as admits of no Remedy: It is the worst Misfortune that can ever befall a free Government.

' To have approved the Convention; to have rejected a Motion; to have rejected a Motion for laying before Parliament, the Instructions of the Minister, who concluded, and signed that Convention; and then to deny the Means of examining into those Negotiations, upon which Spain grounds those very Pretensions, that we are fighting now to destroy, will certainly do us great Honour in the Opinion of those, who are this Year to pay Four Millions for supporting the War. What they will think of all this, I do
not

not know ; but, I am apt to believe, they will never think about it, without having it at the same Time in their Thoughts, that the same House of Commons has three Times rejected the Place-Bill. Anno 13, Geo. II. 1739.

After several Hours Debate the Motion passed in the Negative, Ayes 196. Noes 247.

The 22d. Read a second Time a Bill for better Preservation of Salmon and Trout Fisheries.

Read a second Time a Bill for Naturalizing Madam Wallmoden.

The 25th. Read a first Time a Bill for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

Read a third Time and passed the Bill for Naturalizing Amalie Sophie de Wallmoden.

Read a second Time a Bill for the further and more effectually preventing the wilful and malicious Destruction of Collieries and Coal Works.

Read a second Time a Bill for amending and enforcing the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and for reducing the same into one Act of Parliament.

Read a second Time a Bill for the more easy and effectual Recovery of small Debts.

The 26th. Read a first Time a Bill for making more effectual the Laws now in being, for disabling Persons from being chosen Members of, or sitting or voting in the House of Commons, who have any Pension during Pleasure, &c.

199,704 l. granted for the Ordinary of the Navy.

Agreed to the Report of Yesterday's Resolution on the Supply, viz. Resolved, That 199,704 l. 8 s. 3 d. be granted for the Ordinary of the Navy (including Half Pay to Sea Officers) for 1740.

A Motion relating to Misapplication of public Money over-rul'd.

It was moved, and the Question being put, That to apply towards defraying the ordinary Charges of the Navy, or to any Head contain'd in the ordinary Estimate thereof, any Sum of public Money, exceeding the Sum granted by Parliament for that purpose, is a Misapplication, and ought to be prevented ; it passed in the Negative.

The 27th. Read a second time the Mutiny-Bill.

Also a second time the Bill to grant further Powers to the Commissioners of Westminster-Bridge, &c.

The 28th. Received his Majesty's Answer to their Address, that he would give Directions to the proper Officers to lay before this House an Estimate of what may be necessary for the Rebuildings and Repairs of his Majesty's Ships for 1740.

The 29th. Received the Report of the Committee appointed to enquire what Laws are expired or near expiring, &c.

Anno 12, Geo
II. 1739.



Read a second Time a Bill for making more effectual the Laws now in being, for disabling Persons from being chosen Members of, or sitting or voting in the House of Commons, who have any Pension during Pleasure, &c.

Read a second Time a Bill for explaining and amending an Act 9 Q. Anne for securing the Freedom of Parliaments, by the farther qualifying the Members to sit in the House of Commons.

In a grand Committee went thro' the Bill for punishing Mutiny and Desertion.

March 3. The House resolved itself into a Committee, to consider of Heads for a Bill for the further and better Encouragement of Seamen to enter voluntarily into his Majesty's Service. And Resolved, that a Voluntary Register of Seamen will be of great Utility to this Kingdom.

The 4th. In a grand Committee went thro' the Bill for disabling Persons, who have any Pension during Pleasure, &c. from sitting or voting in the House of Commons.

Agreed to the Report of the Mutiny-Bill, and ordered it to be engrossed.

Deferr'd going into a Committee on the Bill for the better Preservation of Salmon and Trout Fisheries, till this Day six Weeks.

The 5th. Agreed to the Report of the Bill for Disabling Persons from sitting or voting in the House of Commons, who have any Pension during Pleasure, &c. and ordered it, with the Amendments, to be engrossed.

Ordered an humble Address to his Majesty for a Copy of the Memorial and Petition of the Lord Mayor and Aldermen of London, presented to his Majesty upon the Order they received for settling the Price of Coals, &c.

The 6th. Ordered a new Writ to be issued out, for electing a Member to serve in Parliament for the Town of Berwick upon Tweed, in the room of the Right Honourable Hugh Hume Campbell Esq; commonly called Lord Polwarth, now Earl of Marchmont, a Peer of Great Britain.

Message relating to the Marriage of the Princess Mary.

The House received a Message signed by his Majesty, signifying, that his Majesty having received Proposals, for a Marriage between the Princess Mary and Prince Frederic of Hesse, Son of Prince William, Landgrave of Hesse, Brother to the King of Sweden, has been pleased favourably to accept and agree to the same, and has thought proper to communicate his Intentions to this House; and as his Majesty can make no Doubt, but that this Alliance with so considerable a Protestant Family, will be to the general Satisfaction of all his good Subjects, he promises himself
the

the Concurrence and Assistance of this House, in enabling him to give such a Portion to his Daughter, as may be suitable to the Honour and Dignity of his Crown and Family. Anno 13, Geo. II. 1739.

Resolved, Nemine Contradicente, That an humble Address be presented to his Majesty, to return him Thanks, for communicating the intended Marriage to this House, and to assure his Majesty that they will enter into the immediate Consideration of this important Affair, in such a Manner, as shall demonstrate the Zeal, Duty and Affection of this House to his Majesty, and a just Regard to the Honour and Dignity of his Royal Family. Vote there-
on.

And the said Message was referred to the Committee on the Supply.

Read a third Time, and passed the Bill for punishing Mutiny and Desertion, &c.

In a grand Committee went thro' the Bill to prevent the excessive Increase of Horse-Races, with several Amendments.

The 7th. Received the Report of his Majesty's Answer to their Address of Thanks, for his most gracious Communication of the intended Marriage, &c. viz. "Gentlemen, I give you my Thanks for this dutiful and affectionate Address, and look upon it as a further Instance of the Personal Regard you have ever shewn to Me and My Family." Kings Answer

Reported the Bill to restrain and prevent the excessive Increase of Horse-Races, and ordered it to be engrossed, on a Division, Ayes 47, Noes 25.

The 10th. Agreed to the Report of the Bill for amending and enforcing the Laws relating to Rogues, Vagabonds, &c. with several Amendments, and ordered it to be engrossed.

Agreed to the Report of last Friday's Resolution, in a Committee on the Supply, viz. Resolved, that the Sum of Forty Thousand Pounds be granted to his Majesty for the Marriage Portion of the Princess Mary, one of his Majesty's Daughters. 40,000l.
granted for
her High-
nesses Por-
tion.

Read a first Time a Bill for remedying some Defects in an Act 43 of Q. Elizabeth for the Relief of the Poor; and in one other Act 9 K. George I. for amending the Laws relating to the Settlement, Employment and Relief of the Poor; and for making the said Acts more effectual.

Read a first Time a Bill to continue several Laws therein mentioned, for punishing such Persons as shall wilfully and maliciously pull down or destroy Turnpikes for repairing Highways, or Locks, erected by Authority of Parliament; for making Rivers navigable, &c. for preventing frivolous
and

Anno 13, Geo
II. 1739.

and vexatious Arrests; and for better securing the lawful Trade of his Majesty's Subjects to and from the East Indies, and for preventing their trading under foreign Commissions; for limiting the Time for suing forth Writs of *Certiorari* upon Proceedings before Justices of the Peace, &c. for the better and more speedy Execution of Process within particular Franchises or Liberties; and for extending the Powers and Authorities of Justices of the Peace of Counties, touching County-Rates, to the Justices as have Commissions of Peace within themselves.

Pension-Bill
passed.

Read a third time, and passed the Bill for making more effectual the Laws now in being, for disabling Persons from being chosen Members of, or sitting or voting in the House of Commons, who have any Pension during Pleasure, or for any Number of Years, or any Offices held in Trust for them.

Passed also an engrossed Bill to restrain and prevent the excessive Increase of Horse Races, and for amending an Act passed last Session, for the more effectual preventing excessive and deceitful Gaming.

Passed also a Bill for the more effectual improving the Navigation of the River Dun, in the County of York.

Agreed to the Report of Yesterday's Resolutions on Ways and Means, viz. Resolved, that 21,000*l.* 1*s.* 8*d.* be issued and applied towards raising the Supply, being the Remainder in the Exchequer of Money arising by Sale of Lands in St. Christophers.

The 12th. Read a first time, a Bill for providing a Marriage-Portion for the Princess Mary.

Read a third time, and passed the Bill for the further and more effectually preventing the wilful and malicious Destruction of Collieries and Coal-Works.

In a grand Committee, went thro' the Bill for granting to his Majesty 1,200,000*l.* out of the Sinking-Fund, and the growing Produce thereof.

The 13th. Read a second time, the Bill for providing a Marriage-Portion for the Princess Mary.

Read a first time, a Bill to prevent collusive Qualifications of Persons to vote as Freeholders at Elections.

Agreed to the Report of the Sinking-Fund Bill, and ordered it to be engrossed.

Read a third time, and passed the Bill for amending and enforcing the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and for reducing the same into one Act of Parliament.

In a grand Committee went thro' the Bill for granting further Powers to the Commissioners of Westminster Bridge, &c.

The

The 14th. Read a second time, a Bill for punishing such Persons as shall wilfully pull down or destroy Turnpikes, &c. &c. &c. Anno 13, Geo II. 1739.

In a grand Committee went thro' the Bill for providing a Marriage-Portion for the Princess Mary, with Amendments.

Read a first time, a Bill for the Increase of Mariners and Seamen to navigate Merchant-Ships, and other Trading-Ships or Vessels.

The 15th. Agreed to the Report of the Bill for providing a Marriage-Portion for the Princess Mary.

Read a second Time a Bill for remedying some Defects in an Act 43 of Queen Elizabeth, for Relief of the Poor, and in one other Act 9 King George I. for amending the Laws relating to the Settlement, Employment, and Relief of the Poor, and for making them more effectual.

Resolved, That it be an Instruction to the said Committee, that they receive a Clause to direct the Inhabitants of every Township, Village, or Place, who have been rated, and have paid towards the Relief of the Poor, the Year preceding, to elect annually double the Number of Persons they shall judge necessary to be appointed Overseers of the Poor for such Parish, &c. and to return their Names to the Justices of the Peace, &c. to nominate and appoint one half of the Persons so returned to them, to serve as Overseers of the Poor for each Parish, &c.

Agreed to the Report of the Bill for granting further Powers to the Commissioners of Westminster-Bridge.

Received a Message from the Lords, that they had agreed upon an Address to his Majesty, to which the Lords desire the Concurrence of this House.

The said Address was read, and with an Amendment agreed to by the House, *Nemine Contradicente*; and the Blank therein was filled up with the Word *Commons*. Then the said Address was ordered back to the Lords. And about half an Hour after, a Message was sent from the Lords to acquaint this House, that the Lords have agreed to the said Amendment.

Went into a grand Committee on the Bill to explain and amend an Act 9 Queen Anne, for securing the Freedom of Parliaments by the farther qualifying Members to sit in the House of Commons. And dropt the same *sine Die*. Bill for securing the Freedom of Parliaments, &c. dropped.

The 16th. Read a third time, and passed the Bill for granting 40,000l. Portion to the Princess Mary.

Read a second time, a Bill for the better and more easy collecting of Charity-Money upon Briefs.

Read

Anno 13, Geo
II. 1739.

Address on
the taking
Porto-Bello.

Read a second time, the Bill to prevent collusive Qualifications of Persons to vote as Freeholders at Elections.

Then both Houses went with the following Address to his Majesty, viz.

Most Gracious Sovereign,

“ We your Majesty’s most dutiful and loyal Subjects, the
“ Lords Spiritual and Temporal, and Commons in Parlia-
“ ment assembled, do congratulate your Majesty on the
“ glorious Success of your Majesty’s Arms in the West-
“ Indies, under the Command of Vice-Admiral Vernon,
“ by entering the Port, and taking the Town of Porto-
“ Bello, and demolishing and levelling all the Forts and
“ Castles belonging thereto, *with six Men of War only* *.

“ This Enterprize, so wisely concerted, and so bravely
“ conducted, cannot fail of giving the utmost Joy to all your
“ Majesty’s faithful Subjects, since it affords the most rea-
“ sonable Hopes and Expectations, that, by the Blessing of
“ God upon your Majesty’s Councils and Arms, it may be
“ attended with other important Advantages, and highly
“ contribute to the obtaining real and effectual Security of
“ those just Rights of Navigation and Commerce, belong-
“ ing to your Majesty’s Subjects, for the Preservation of
“ which your Majesty entered into this necessary War.”

To which his Majesty answered.

My Lords and Gentlemen,

“ I thank you for your dutiful Congratulations on this
“ Success, which is so much for the Honour and Interest of
“ my Crown and Kingdoms. The Satisfaction you express
“ in the Measures I have taken, is very agreeable to me.”

The 14th. Agreed to the Report of the Bill to continue several Laws therein mentioned; for punishing such Persons as shall wilfully destroy Turnpikes, &c. &c.

Read a second time, the Bill for the Increase of Mariners and Seamen to navigate Merchant-Ships, and other Trading-Ships or Vessels.

Read a first time, a Bill for qualifying Persons acting as Trustees for repairing the Highways, &c. Mr.

* *This Address was sent down by the Lords to the Commons, without those six Words. And Mr. Pulteney moved for and insisted upon that Amendment, because Admiral Vernon had declared, when he sat in that House in the preceding Parliament, that he would engage to take Porto Bello with six Men of War only. And that as he had been as good as his Word, they could not do him too much Honour, &c. After some Debate, the Amendment was agreed to, on a Division, Ayes 34, Noes 31.*

Mr. Speaker reported, that the House had attended his Majesty in the House of Peers; where his Majesty was pleased to give the Royal Assent to

Anno 13, Geo.
II. 1739.

An Act for providing a Marriage-Portion for the Princess Mary.

Royal Assent given to several Acts.

An Act for the more effectual securing and encouraging the Trade of his Majesty's British Subjects to America, &c.

An Act for punishing Mutiny and Desertion, &c.

An Act to explain and amend an Act 1 of Queen Anne, for the more effectual preventing of Abuses and Frauds of Persons employed in the working up the Woollen, Linnen, Fustian, Cotton, and Iron Manufactures of this Kingdom; and for extending the said Act to the Manufactures of Leather.

An Act to indemnify Persons who have omitted to qualify themselves for Offices and Employments within the Time limited by Law, &c.

An Act for repairing Hockliffe Road.

An Act for improving the Navigation of the River Dun.

An Act for naturalizing Amelia Sophie de Walmoden.

An Act for naturalizing such foreign Protestants, &c. as are settled, or shall settle in any of his Majesty's Colonies in America. And to eight other Acts.

The 20th. In a grand Committee went thro' the Bill to prevent collusive Qualifications of Persons to vote as Freeholders at Elections, &c. with several Amendments.

The House, according to Order, took into Consideration the Lists of the Protections and written Certificates entered in the several Offices of London and Middlesex, &c. And several of the said Returns were read. And the standing Order of the House, made the 31st of January, 1718.

Votes relating to Protections

' That all Protections and written Certificates of the Members of this House be declared void in Law, and be forthwith withdrawn and called in, and that none be granted for the future; and that, if any shall be granted by any Member, such Member shall make Satisfaction to the Party injured, and shall be liable to the Censure of this House.'

Ordered, *Nemine Contradicente*, That the said standing Order be forthwith reprinted and published, &c.

The 21st. Agreed to the Report of the Bill to prevent collusive Qualifications of Persons to vote as Freeholders at Elections, &c.

Read a third time, and passed the Bill to continue several Laws therein mentioned, &c.

Mr. Alderman Willimott reported from the Committee of the whole House, who were appointed to consider of

Anno 12, Geo II. 1739. Methods, for the better accommodating the Cities of London and Westminster with Coals, the following Resolution : viz.
 Resolved,

That it appears to this Committee, that the high Duties of 3s. 4d. per customary Ton, to be paid to the Proprietors of the Navigation of the River Dun, for Coals coming down that River, in order to be shipped for Sea, has been one great Impediment to Coals coming down that River, and the Cause of the Duties having produced nothing.

A Motion for a List of Cruizers over-ruled

A Motion was made, and the Question being put, that the Commissioners for executing the Office of Lord High Admiral of Great Britain, do lay before this House, a List of such of his Majesty's Ships of War, as have been employed as Cruizers, for the Protection of the Trade of this Kingdom on this Side Cape Finisterre, since the 10th of July last, distinguishing the Time each Ship was ordered to remain, and the Time such Ship did actually remain on such Cruise, together with the Reasons of her returning to any Port of this Kingdom : After some Debate, it passed in the Negative, on a Division, Ayes 97, Noes 145.

The 24th. Read a third time, and passed the Bill to give further Powers to the Commissioners for building Westminster Bridge, and to enable them to raise a further Sum of Money towards finishing the said Bridge, and to perform other Trusts reposed in them.

Passed also the Bill for granting to his Majesty, 1,200,000l. out of the Sinking-Fund, and the growing Produce thereof; and for granting the Sum of 21,000l. remaining in the Receipt of his Majesty's Exchequer, arisen by Sale of Lands in the Island of St. Kits; and for the further appropriating the Supplies granted in this Session of Parliament.

Address for a proper Number of Cruizers.

Resolved, That an humble Address be presented to his Majesty, that he would be pleased to direct, that, over and above the Ships of War, he shall think fit to employ against the Enemy, such a Number of Ships may be appointed to cruise in proper Stations for the effectual Security and Protection of our Trade, as shall be consistent with the Defence and Protection of his Majesty's Dominions, and the safe convoying the Trading-Ships of this Nation to and from foreign Parts.

Read a third time, and passed the Bill for more effectual preventing fraudulent Qualifications of Persons to vote as Freeholders at Elections, &c.

King's Answer

Received the Report of his Majesty's Answer to their Address of Yesterday, viz. " All possible Care has been taken in carrying on the War against Spain in the most proper and effectual manner, and at the same time for promoting

“ tecting the Trade of my Subjects; and you may be assured, that the same Care shall be continued.”

Anno 13, Geo. II. 1739.

The Amendments made by the Lords to the Bill for prohibiting Commerce with Spain, were taken into Consideration, some of which were agreed to, and others disagreed to. And a Committee was appointed to draw up Reasons to be offered to the Lords, at a Conference, why some of the Amendments were disagreed to.

A Conference with the Lords on the Bill for prohibiting Commerce with Spain.

In a grand Committee went thro' the Bill for the Increase of Mariners and Seamen, &c, with Amendments.

The 26th. Agreed to the Report of the Bill for the Increase of Mariners and Seamen, and ordered it to be engrossed.

The 27th. Agreed to the Report of the several Resolutions in a Committee on Ways and Means relating to the Encouragement of the Greenland and Whale-Fishery. And ordered in a Bill accordingly.

Read a third time, and passed the Bill for Increase of Mariners and Seamen, to navigate Merchant-Ships, and other Trading-Ships or Vessels

A Message was sent to the Lords to desire a Conference upon the Amendments made to the Bill for prohibiting Commerce with Spain, and their Lordships agreed to the same, and appointed To-morrow at two o'Clock.

The 28th. Read a first time, a Bill for Relief of Debtors, with respect to the Imprisonment of their Persons.

Mr. Walpole reported that the Managers had been at the Conference with the Lords, and delivered the Reasons for disagreeing to some of the Amendments made to the Bill for prohibiting Commerce with Spain: And had left the Bill and Amendments with their Lordships.

The Bill left with the Lords

Received divers Accounts from the Commissioners for Trade and Plantations, in pursuance of two Addresses to his Majesty on the 13th of June 1739, (concerning the Paper Currency, and the Rates of Gold and Silver in America, from 1700 to this present Year) together with the Return sent to the said Commissioners from the respective Governors of his Majesty's Plantations thereupon, and together with a List of the said Returns.

Resolved, That this House will, upon this Day Month, resolve itself into a Committee of the whole House, to consider further of the Bill for remedying some Defects in an Act 43 Queen Elizabeth, and in one other Act 9 King George I. for Relief of the Poor.

A Petition of divers Merchants, Exporters of the Wool-

Merchants Petition relating to the Embargo.

len and British-Manufactures and Fisheries, &c. was read; setting

Anno 13, Geo
II. 1739.

Division
thereon.

setting forth the great Losses which they sustain by the laying on a general Embargo, &c. and praying Relief.

A Motion was made and the Question put, That the said Petition be referred to the Consideration of a Committee of the whole House, and that the Petitioners, if they think fit, be heard by themselves, &c. it passed in the Negative. On a Division, Ayes 95, Noes 166.

The 31st. Read a first time, a Bill to empower the Court of Aldermen to fix a Price on Coals.

Read a first time, a Bill for better Preservation of his Majesty's Woods in America, &c.

April 1. The House resolved itself into a Committee, to consider of an Act made the last Session, for taking off the Duties upon Woollen and Bay-Yarn, imported from Ireland to England, and for the more effectual preventing the Exportation of Wool from Great Britain and Ireland to foreign Parts. Moved that the said Act be repealed, which after Debate was rejected.

Read a second time, a Bill for better Preservation of his Majesty's Woods in America, &c.

Read a second time, and committed a Bill for reducing an Act 2 of King George II. and an Act 3 King George II. for Relief of Debtors, with respect to the Imprisonment of their Persons, into one Act, and for explaining and amending the said Acts.

Ordered, That the Committee have Power to receive a Clause or Clauses for the Relief of such Persons being Debtors, who were actually beyond the Seas on the first of January 1736, and who by unavoidable Accidents were deprived of taking the Benefit of an Act 10 King George II. for Relief of insolvent Debtors.

Read a second time, the Bill to empower the Lord-Mayor and Aldermen, to set the Price upon all Coals imported into London.

In a grand Committee went thro' the Bill for the better and more easy collecting of Charity-Money on Briefs, and ordered the Report on the 11th Instant; on a Division, Ayes 46, Noes 21. Adjourned to the 10th Instant.

Address relating to the American Currency.

The 10th. Resolved, That an humble Address be presented to his Majesty, that he will be graciously pleased to give Directions, that there may be laid before this House, Copies of the Instructions to the several Governors of the British Plantations in America, whereby they are directed to observe and put in Execution an Act 6 Queen Anne, for ascertaining the Rates of the foreign Coins in America; and also relating to their not giving their Assent to any Acts of Assembly for the striking and issuing any Paper-Bills of Credit

Credit in lieu of Money; and likewise relating to the passing any Bill, or Bills, whereby the Trade or Navigation of this Kingdom may be any ways affected.

Anno 13, Geo
II. 1739.

In a grand Committee went thro' the Bill for better Preservation of his Majesty's Woods in America, and for the Encouragement of the Importation of Naval Stores from thence, and for granting a further Bounty upon all Ships employ'd in the Whale-Fishery.

Agreed to the Report of the Bill for the more easy collecting of Charity-Money on Briefs. Ordered it to be engrossed.

The 14th. Agreed to the Report of the Bill for better Preservation of his Majesty's Wood in America, &c. Ordered it to be engrossed.

The 15th. Passed the Bill for continuing several Laws therein mentioned relating to the Premiums upon the Importation of Masts, Yards and Bowsprits, Tar, &c. and for granting a further Bounty upon all Ships employed in the Whale-Fishery.

Received an Account of the Rise and Progress of the Paper-Bills of Credit in South Carolina from 1700 to this present time, together with the Computed Value of Money of Great Britain at the Times of creating and issuing the same, &c. and several other Accounts relating thereto.

Agreed to the Report of the Bill for confirming and enlarging the Powers granted to the Governors and Guardians of the Hospital for the Maintenance of exposed and deserted young Children, by his Majesty's Charter, bearing Date the 17th of October 1739, and to enable them to execute the good Purposes of the said Charter, with the Amendments.

The 16th. Passed the Bill for enlarging the Powers of the Governors of the Hospital for exposed and deserted young Children, with the Amendments; and ordered it to the Lords.

Received five Petitions praying to be heard by themselves or Counsel, against the Bill for settling the Prices of Coals, and Leave was given accordingly.

Read a second Time a Bill for the public-registring of Deeds, Conveyances, &c. and committed it, on a Division, Ayes 62, Noes 40.

The 17th. Agreed to the Amendments made by the Lords to the Bill for enforcing the Laws relating to the Rogues, Vagabonds, and other idle and disorderly Persons, and for reducing the same into one Act of Parliament.

Took into Consideration the Amendments made by the
Lords

Anno 13, Geo
II. 1739.



Lords to the Bill for prohibiting Commerce with Spain, and disagreed to one Amendment.

Ordered, that Mr. Secretary at War do go to the Lords, and desire a free Conference thereupon.

The 18th. Read a third Time and passed the Bill for the more easy collecting of Charity-Money on Briefs. On a Division, Ayes 85, Noes 76.

In a Committee made a Progress on the Bill for settling the Prices of Coals, and to proceed on Monday; Ayes 45, Noes 38.

The 21st. Read a second Time a Bill to obviate certain Doubts, how far Persons acting under certain Charters from the Crown, or other Powers, are obliged to qualify themselves, by taking and subscribing the several Oaths and Tests established by the several Statutes now in force for those Purposes.

In a grand Committee, made a Progress on the Bill for public-registring of Deeds, Conveyances, &c. when it was moved that all such Writings should be registred with the Clerks of the Peace in each County, which passed in the Negative, on a Division, Ayes 91, Noes 122, to proceed to-morrow.

The 22d. The Managers went to hold a free Conference with the Lords on the Bill for prohibiting Commerce with Spain, and having waited there three quarters of an hour, and the Lords not coming to the said free Conference, the Managers thought it their Duty to stay no longer.

House ad-
journed on a
Disgust con-
ceived against
the Lords.

The House thereupon adjourn'd itself in some disgust, without taking any Notice of the Orders of the Day, which were accordingly dropt, but were revived the next.

The 23d. The Managers went to a free Conference with the Lords, and being returned, the same was reported to the House.

The 24th. In a Committee, took into Consideration the several Papers relating to the Paper Currency, and the Rates of Gold and Silver in America, from 1700 to this Time. And came to several Resolutions on the same.

In a Committee went thro' the Bill to empower the Court of Lord Mayor and Aldermen to set the Price of Sea-Coals imported into London.

Agreed to the Report of the Bill to impower the Court of Lord Mayor and Aldermen of the City of London, to set the Price of Sea-Coals imported, &c. And ordered it to be ingrossed.

Ordered several Addressses to be presented to his Majesty concerning the Paper Currency in America.

Went into a Committee on the Bill for obviating certain Doubts

Doubts concerning Persons taking the Oaths. Moved that the Chairman do leave the Chair, which after Debate passed in the Affirmative; on a Division, Ayes 79, Noes 61. Anno 13, Geo. II. 1739.

The Bill for public-registring of Deeds, Conveyances, &c. was dropt by Agreement.

The 28th. Read a third Time, and passed the Bill to impower the Lord Mayor and Aldermen to set the Price upon all Coals imported into London, and ordered it to the Lords; on a Division, Ayes 56, Noes 32.

The 29th. His Majesty came to the House of Peers, and gave the Royal Assent to the following public Bills, viz. Royal Assent given to several Acts.

An Act for granting One Million two hundred thousand Pounds, out of the Sinking-Fund, and growing Produce thereof. And for granting the Sum of Twenty one thousand Pounds one Shilling and eight Pence half-penny, remaining in the Exchequer, arisen by Sale of Lands in St. Christopher's.

An Act for continuing the several Laws therein mentioned relating to the Premiums upon the Importation of Masts, Yards and Bowsprits, Tar, Pitch and Turpentine; to British-made Sail-Cloth, to the Greenland and Whale Fishery: For granting a farther Bounty for all Ships employed in the Whale Fishery during the present War, &c. &c.

An Act for prohibiting Commerce with Spain.

An Act for enforcing the Laws against Rogues, Vagabonds, &c. and for reducing the same into one Act of Parliament.

An Act to restrain the excessive Increase of Horse-Races; and for amending an Act for preventing of excessive and deceitful Gaming.

An Act for preventing the malicious Destruction of Collieries and Coal-Works.

An Act to continue several Laws therein mentioned, &c. &c.

An Act for the Increase of Mariners and Seamen to navigate Merchant Ships.

An Act to prevent fraudulent Qualifications of Persons to vote as Freeholders at Elections.

An Act for confirming and enlarging the Powers of the Governors and Guardians of the Founding Hospital.

An Act to grant further Powers to the Commissioners of Westminster Bridge.

And to Six other public, and Eleven private Acts.

After which his Majesty was pleased to make a most gracious Speech from the Throne, signifying, That the Zeal of the King's Speech.

anno 13, Geo
II. 1739.

Zeal which they had hitherto shewn for the Support and Prosecution of the just and necessary War, in which he was engaged, was a fresh Proof of their Concern for the Honour and Interest of his Crown and Kingdoms. He thanked them for the effectual Supplies, which they had granted him for the Service of the current Year: And assured them, that they should be duly employed to the Purposes for which they were given. He again recommended Union amongst ourselves, as being highly conducive to the carrying on this great Work with Honour and Advantage, and to the more speedy obtaining of all possible Justice and Satisfaction from the Crown of Spain, for the many grievous Injuries suffered by his Subjects; and effectual Security for the future, &c.

Particulars omitted, by Mistake, in the last Session.

November 29. The three Motions following were made; the first by Sir William Wyndham; the second by William Pulteney, Esq; the third by Edmund Waller, Esq; viz.

1st, Whether or no an humble Address should be presented to his Majesty, that he would be graciously pleased to give Directions to lay before Parliament, Copies or Extracts of such Memorials or Representations, as had been made either to the King of Spain or his Ministers, from the Treaty of Seville to March 9, 1738, relating to any Losses sustained by his Majesty's Subjects, by Depredations committed by the Spaniards in Europe or America, which had not before been laid before Parliament.

2dly, Whether or no an humble Address should be presented to his Majesty, that he would be graciously pleased to give Directions, to lay before Parliament, Copies or Extracts 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 in Spain, and Consuls in Europe, from the Treaty of Seville to January 1, 1738, relating to any Losses sustained by his Majesty's Subjects, by Depredations committed by the Spaniards in Europe or America, which had not before been laid before Parliament.

3dly, Whether or no an humble Address should be presented to his Majesty, that he would be graciously pleased to give Directions, to lay before Parliament, Copies of all the Instructions and Letters sent to Mr. Keene by his Majesty's Ministers, authorizing him to conclude and sign the
Con-

Convention between his Majesty and the King of Spain, on Anno, 13 Geo. II. 1739. N. S.

Each of these three Motions occasion'd a Debate, of which the two last were as follow :

Debate on the second Motion.

William Pulteney, Esq;

S I R,

Altho' the Success of the last Motion must be a Discouragement to any Gentleman to make a Motion in this House, which he thinks will not be approved by the Minister, yet, as I am resolv'd always to do my Duty as a Member of this House, without regard to the Success I may meet with, as I am resolv'd to consider only what may be agreeable to the People I represent, and what they may justly expect, without regard to its being agreeable or disagreeable to a Minister, I shall beg Leave to make you a Motion, which, I think, is not liable to the Objections made against the last, and therefore, I hope, it will meet with a happier Fate. For these two last Sessions, Sir, this House, and the whole Nation, were entertained and amus'd with the strongest Assurances, that the Negotiations then carrying on with the Court of Spain would at last end in a safe and honourable Peace: This would have been a good End, an End for which we had Reason to negotiate, and an End which every good Man wish'd to see, tho' very few expected it; but as, during the whole Time of these Negotiations, we were put to a great Expence, and, suffering many of the Calamities of a real War, we ought not to have continued our Negotiations, unless we had very good Grounds to expect a speedy and happy Issue; and, in the mean Time, those Squadrons, which the Nation was put to the Expence of sitting out, ought to have been employ'd in protecting our Trade, from those warlike Insults which, under peaceful Pretences, were frequently put upon the Trade and Navigation of this Kingdom.

William Pulteney, Esq;

If our Negotiations had ended in a safe and honourable Peace, as we were often assur'd they would, the People would have concluded, that those Hopes, upon which we had for so many Years continued our Negotiations, were well founded, and the Fruits of an honourable Peace and flourishing Trade would have made them forget the Injuries they had suffer'd, and the Dangers they had been expos'd to. Like a weary Traveller, they would have rejoic'd in the Warmth and Convenience of their Quarters, and would have forgot the Toils and the Dangers of that long and tedious Circuit, they had been oblig'd to make, in order to come safely to their Lodging. But as our Negotiations

Anno 13, Geo.
El. 1739.



have now taken a quite different Turn, the People neither can suppose, that we had ever any well-grounded Hopes of Success by Negotiation, nor can they forget the Insults they were exposed to, and the Injuries they suffered, by the Continuance of these hopeless Negotiations. They not only conclude, that we continued to negotiate after being deprived of all Hopes of Success in that Way, but that very little Care was taken, in the mean Time, to protect our Trade from those Dangers and Inconveniences it was exposed to, by these very Negotiations.

‘ If these Conclusions are wrong, Sir, if our Hopes of Success by Negotiation were well founded, and proper Care taken to protect our Trade in the mean Time, I am sure the Parliament cannot do a more effectual Service to the Administration, than to enquire into the Grounds upon which our Ministers continued to negotiate, and into the Care they took to protect our Trade, while they thus continued to negotiate; and as no such Enquiry can be made, without having all the necessary Papers and Materials before us, I hope, in the Motion I am to make, I shall have the Concurrence of every Gentleman concerned in the Administration; for when a Man is blamed or accused, either by a private Person, or by the public Voice of his Country, I am always willing to suppose him innocent, unless he gives me Reason to suspect him guilty, by his industriously avoiding a fair Enquiry into his Conduct. For this Reason, I say, Sir, I hope, I shall have the Concurrence of every Gentleman concerned in the Administration; for I shall be sorry to find them, by their Opposition within Doors, justifying and confirming the scandalous Conclusions that are made against them without.

‘ But, Sir, whatever Reception my Motion may meet with from those concerned in the Administration, I am sure it is a Motion that will be agreeable to every Man, who has no Share in the Administration, nor any particular Dependence upon it; and it is a Motion which every Man, that has suffered by our Negotiations, or may suffer by the War, has a Right to have complied with. When any great Misfortune is brought upon the Nation, the People expect, they ought to be informed, how that Misfortune came to be brought upon them. This Information they cannot expect from those concern’d in the Management of our national Affairs: They will not rest satisfied with any Accounts they can give, and in this they are in the right, because those that are concerned in the Conduct of public Affairs may be, and are often, the chief Cause of the public Misfortune. In all such Cases, it is from Parliament only they

they can expect Satisfaction. It is for this they send us here; and if we don't give the People this Satisfaction by a fair and impartial Enquiry into the Causes of the Misfortune, we neglect one of the chief Ends of our meeting in this House. I hope it will be granted, that War is at all Times, and to every Nation, a very great Misfortune: It is not yet a Twelvemonth ago, since it was represented as such a terrible Misfortune, that a Nation ought to submit to the most cruel Indignities, the most tedious Negotiations, the most scandalous Convention, rather than involve itself in a War. I did not then, I do not now, look upon War in such a terrible Light; but yet I look upon it as a Misfortune, which no Man ought to involve his Country in, if it can be avoided; and therefore, if there be any amongst ourselves who, by their Folly, have involved us in this Misfortune, their Conduct ought to be enquired into, and their Persons removed from our Councils, that the Nation may not suffer a second Time by their Folly; for if we do not remove such Men from our Councils, they may bring us into a second Misfortune, ten Times worse than the first.

Anno 13, Geo.
II. 1739.



‘ This, Sir, is what the People are afraid of: They feel the Misfortune of the War, and, I fear, will feel it severely before it can be brought to an honourable Conclusion: They suspect, we have been led into it by the Weakness of our Conduct: By not understanding our own Rights, or not representing them in a proper Manner to the Court of Spain, that Court, they suspect, has been encouraged to form new Pretensions against us; and that by mean Concessions in former Treaties, and by too patiently and too long submitting to Indignities, we at last made that Court believe, that nothing could provoke us to declare War against them. This is suspected by most Men in the Nation to be the remote Cause of the present War; and for removing or confirming their Suspicions, they expect, they justly expect a fair and impartial Enquiry into the Conduct of our public Affairs. If by this Enquiry we remove these Suspicions, we do Justice to our Ministers; if thereby we find them confirmed, I hope we shall do Justice to the Nation.

‘ The People, Sir, have long suffered, and greatly: Our Ships have been seized, our Merchants often plundered, our Seamen long treated in the most cruel manner, by a Nation we could have crushed to Atoms, if we had properly and seasonably made use of our Power. The People expect to see a Reason given for making them suffer so long; especially, since the Reason hitherto given, appears now to be no

Anno 13, Geo.
II. 1739.



Reason at all. Every one knows, that our Merchants and Seamen have been complaining of the Depredations committed upon them by the Spaniards, for this Dozen of Years past: During all that Time we have been in a continual Course of Negotiation, and the Sufferers have always been told with great Confidence, that our Reason for not putting an end to their Sufferings by a Declaration of War, was the reasonable Hopes we had of putting an end to them by a Treaty of Peace. This now appears to have been a very insufficient Reason; and it cannot be said, it was less convenient, or less safe for us to have declared War, or issued Reprizals, against Spain, ten or a dozen Years ago, than it was in the Month of June last; for the Affairs of Europe were never in so unlucky a Situation for this Kingdom, as they were at that Time, nor was the Power of Spain then less, or the Power of this Nation then more considerable, than for twenty Years preceding. Nay, the Power of Spain was last June more considerable than it had been for a dozen of Years before, because they had in that Time many large Additions to their Navy, and had united themselves more firmly to the Court of France: Whereas we had made no Addition to our Strength: We had relieved our People from none of the Taxes they groaned under, nor paid off any considerable Part of our national Debt; and by our Conduct we had in that Time detached from us every useful Ally we had, or could have in the World. Therefore, I must conclude, that last Summer was the worst of any preceding Time for this Nation to engage in a War; from whence it is natural to suppose, and the whole Nation does suppose, that neither our former pacific, nor our present warlike Measures proceeded from any national Concern, but from some Motive of a private Nature, which we ought, and certainly will enquire into, if we shew a due Regard either to our Country or Constituents.

Another, and, I think, a very strong Reason, Sir, for our enquiring into the Causes of the War is, the Confidence with which the Court of Spain has publicly asserted, that the War is owing to a Breach of Stipulations on the Part of this Nation. It is, indeed, lucky for us, that Spain took from thence an Occasion not to perform her Part of the last scandalous Treaty we made with her; for the last is far from being the first scandalous Treaty we have lately made with that Nation. It is lucky for us, the Spaniards refused to pay the 95000l. stipulated by the late Convention; for if they had made that Payment at the Time appointed, we should have been pinned down to a new ten Years Negotiation, during which Time their Guarda Costa's would have had

had a sort of new Indulgence to have plundered our Merchants, and by that means they would soon have reimbursed themselves the Sum they paid for that Indulgence. But as the Reasons given by Spain, for not making that Payment, are founded on Breaches of Conditions on our Part; as those Conditions are such as were never ratified by his Majesty; and as they have never yet been denied by any public Authority in this Kingdom, they ought certainly to be enquired into by Parliament, for vindicating the Honour of our Ministers, if they are innocent, and for vindicating the Honour of his Majesty and the Nation, by punishing them, or sending them over in Fetters to the Enemy, if they are guilty.

Anno 13, Geo.
III. 1739.

‘ In short, Sir, to have suffered so long and so much, in hopes of a Peace, and yet at last to find ourselves in a War, and at a Time the most inconvenient, the most dangerous for this Nation, affords such Presumptions against the Wisdom of those that have lately conducted our public Affairs, and has raised such a general Suspicion and Distrust among the People, that in Duty to our Country, in Duty to our Sovereign, and, I hope, in Justice to those who have been concerned, we ought to make strict Enquiry into our late Negotiations with Spain. Whoever may be to blame, we are very certain, both from the Nature of our Constitution, and the Knowledge we have of his Majesty’s Wisdom and Goodness, that he can have no Share in it; and, therefore, when general Suspicions and Complaints are raised among the People, it is the Duty, it is one of the greatest Uses of Parliaments, to enquire into the Grounds of them, in order, either to convince the People that there is no solid Ground for such Suspicions or Complaints, or to reconcile them to their Sovereign, by detecting and punishing the Guilty, or at least by preventing their having any farther Concern in advising or conducting our public Affairs. This, I say, is, at all Times, the Duty of Parliament, but especially when the Nation is just entered into an expensive and dangerous War, and a War too, which a great Part of the People believe to be owing to the tedious perplexed Negotiations we have for so many Years been carrying on at the Court of Spain, and the tame Submissions we have made to the repeated Insults of that haughty Nation.

‘ Can the Nation, Sir, expect a prudent or a vigorous Prosecution of the War from those who, they believe, have been guilty of so much Imprudence and Weakness in Time of Peace? Can our Soldiers or Sailors act with Courage or Vigour, when they are diffident of the Conduct of those who are their chief Directors? Can our People pay with Pleasure

Anno 13, Geo.
II. 1739.

sure their Taxes, when the chief Management and Application is to be entrusted to those, in whose Conduct they can put no Trust? Sir, if we expect Success in the War, if we expect to put a speedy and an honourable End to it, we must remove the present Suspicions of the People, or remove those that have caused them; and neither of these can be done, but by a fair, and impartial, and a strict parliamentary Enquiry into our late Conduct, especially that Part of it which relates to our Transactions with the Court of Spain. This Enquiry we have a Right, and are, in Duty to our Sovereign, as well as our Constituents, bound to make; and this Enquiry will, I hope, turn out to the Advantage and Honour of those that have been concerned. I hope we shall be able to remove the Suspicions of the People, by shewing them, that all our late Transactions with Spain have been carried on with Wisdom, Steadiness, and Perspicuity; but this cannot be done, unless we have laid before us all those Papers that are necessary for giving us a thorough Insight into those Transactions; for if the proper Materials are denied, the people will not believe, that we are either serious or impartial in our Enquiry; and in that Case, instead of removing their Suspicions, with regard to our Ministers, we shall render them discontented, nay desperate, as well as diffident, by giving them a Suspicion of the Integrity of their Representatives.

‘ For this Reason, Sir, I shall conclude with moving, &c.’

Horatio Walpole, Esq;


S I R,

Horatio Wal-
pole, Esq;

‘ I must think, that Gentlemen give themselves a very unnecessary Trouble, when, upon this Occasion, or any Occasion of the like nature, they talk to us of the Right we have to enquire into the Conduct of any public Measure. In former Times, this Right may, perhaps, have been denied, by the Parasites of Princes, who aimed at arbitrary Power. But it is a Right that has never, of late Years, been denied: It has never been, I believe, so much as insinuated by any Gentleman now in this House, that we have not such a Right, or that it ought not to be exercised upon every proper Occasion. But, as parliamentary Enquiries into the Conduct of those that are employed by the Crown, are generally the Cause of great Ferments in the Nation, especially when they are directed against those in high Stations, and as such Enquiries are always dangerous, as well as troublesome, even to the best and most faithful Servants of the Crown, they ought not to be set on foot, but when there

is an absolute and apparent Necessity for so doing. We may remember, the very last Enquiry that was set on foot, raised such a Ferment in the Nation, as, at last, ended in a dangerous and destructive Civil War. That Enquiry was absolutely and apparently necessary; but necessary as it was, if we had, at that Time, been engaged in a foreign War, I should have been for putting it off till the Conclusion of the War; for, if the disaffected or discontented Party, call them which you will, could have had any foreign Assistance, they might, perhaps, have been able to have turned the Tables, and instead of having their Conduct enquired into and punished as it deserved, they might have enquired into and punished the Conduct of those who had so justly set up an Enquiry into theirs.

Annō 13, Geo.
H 1739.



‘ All such Enquiries, Sir, must therefore be allowed to be of dangerous Consequence to the Tranquillity of the Nation; and, if we consider by whom such Enquiries are generally set on foot and carried on, we must allow, that they are not only troublesome, but dangerous, to the Persons whose Conduct is enquired into. They are generally set on foot by the personal Enemies of those in the Administration, and are usually carried on with a Zeal for condemning, which stifles every Sentiment of Compassion, and makes human Frailties appear to be monstrous Crimes. I shall grant, Sir, that it is a great Advantage to a Person accused, either by a private Informer, or by a public Report, to be legally tried and fairly acquitted; yet, nevertheless, I believe, no such Person would chuse to put himself upon his Trial, if he could conveniently avoid it; for even the most Innocent may, by some Accident or Mistake, be condemned, and therefore a prudent Man, let his Innocence be never so apparent, will always chuse to vindicate his Character by some other Method, rather than run the risk of a legal and formal Trial. For this Reason, Sir, I shall be no way surprized, if I find the Friends of those who were concerned in our late Negotiations with Spain, opposing any parliamentary Enquiry into those Negotiations; especially as I am convinced, whatever some Gentlemen may please to suggest, that there was not one wrong Step made in the whole Course of that Transaction.

‘ I presume, Sir, it will appear from what I have said, that no parliamentary Enquiry ought ever to be set on foot, but when there is an absolute and apparent Necessity for so doing; and therefore, I shall next observe, that there never can be such a Necessity, but when there appears to have been a flagrant Error in some Part of the Conduct of our public Affairs. A national Misfortune is no just Cause for a parliamentary

Anno 13, Geo
II. 1739.

liamentary Enquiry, unless there be Ground to believe, that it was owing to the Crime, the Neglect, or the Weakness of those who were concerned in advising or conducting our public Affairs. I shall most readily admit, that War is a great Misfortune to any Nation; and that it is a greater Misfortune to a Trading Nation, than to any other: To which I must add, that to this Nation, I believe, it is a greater Misfortune to be involved in a War with Spain, than with any other Nation in Europe. But this is so far from being a Reason for an Enquiry, that it is a Justification of the pacific Measures so long pursued by the Administration. Their avoiding a War as long as possible, their endeavouring as much as they could to bring Matters to an Accommodation, is, in my Opinion, a Manifestation of their Prudence, and of their steadfast Regard for the Trade and Happiness of their Country. Suppose it true, which I have good Reason to believe is far from being the Case, that the Spaniards were so wrong-headed as to look upon our Regard for ourselves, as a Sign of our Fear of them, could this be called a Weakness in those that had the Management of our Affairs, especially as they have now convinced the Spaniards of their Error? And, if the Court of Spain did really fall into such an Error, I hope, the Event of the present War will be a lasting Memorial for that Nation, never to fall into such another.

Thus, Sir, I think, it is evident, that our present Misfortune of being engaged in a War with Spain, can be no Reason for setting up a parliamentary Enquiry into our late Transactions with that Nation, unless it should be said, that we made unreasonable Demands upon them, or entered precipitately into the War, neither of which, I believe, will be expressly alledged by any of those Gentlemen who now seem so fond of parliamentary Enquiries, tho' the Hon. Gentleman has been pleased to insinuate something like it; for, I must think, a War is precipitately entered into, if it is begun at the very worst Time that could have been chosen for that Purpose. I cannot, however, be of his Opinion: I cannot think, that last Summer was the worst, or the most improper Time we could have chosen for entering into a War, or ordering Reprizals against Spain. The Additions made by Spain to its Navy, we knew, could be of no Signification in a War against this Nation; and tho' the Courts of France and Spain have been of late more firmly united than they were about fifteen Years ago; yet that Union will not, I hope, prevail with France to assist the Spaniards in an unjust War against us; but, if it should, it is not to be imputed to any Error in our Conduct, but to the present
Circumstances

Circumstances of the two Courts; for whilst the present King of Spain lives, it is natural to suppose, that there will be an Union between the two; and this is another very strong Argument for justifying the Length, or, if Gentlemen please, the Tedioufness of our Negotiations; because, if the present King of Spain had, in the mean time, happened to die, we should probably have found that Court more flexible, and more inclined to come to a friendly Accommodation with us. But, as that Event did not happen, and as it became at last absolutely necessary for us to vindicate our Rights by Force of Arms, we were obliged to take our Fate, let who would declare against us; for, let the Situation of Affairs in Europe be what it will, I hope, it will always be the Happiness of this Nation to find proper and powerful Allies upon the Continent, as soon as we have Occasion for them. But, I must observe, Sir, that the best Method to have good Allies, is to shew them, we can stand upon our own Legs; for, if they should suppose, we cannot do without them, they will of course impose harder Terms upon us, than they could otherwise think of.

With regard to our own Conduct, therefore, I do not think there is the Ground for suspecting it of any Weakness, either in the Negotiations that preceded the War, or in the Time we chose for commencing it; and consequently there can be no Necessity for an Enquiry. I, indeed, never heard of a parliamentary Enquiry into public Measures, unless they were such as had been first censured by Parliament. Can this, Sir, be alledged against any Part of our Negotiations with Spain? Those Negotiations did, at last end in a Treaty: That Treaty was approved of by Parliament. If it had been censured, there would then have been good Reason for enquiring into the Negotiations by which it was concluded; but, so far otherwise, it was approved of, and justly approved of by both Houses, in my Opinion, whatever some Gentlemen might think of it. By that Treaty, a Reparation for the Damage our Merchants had suffered was expressly promised; nay a proper Provision was made for preventing any Search in Time to come. This was all we could desire, and the Consequence has shewn, it was a good Treaty for this Nation: The Spaniards thought it so good for us, that they afterwards refused to perform their Part of it; and this is the true and the sole Cause of the present War; therefore, I am surprized, any Gentleman should pretend to be ignorant of the Cause of this War, or that a parliamentary Enquiry is necessary for informing any Man in the Kingdom what was the Cause of the War.

Anno 12, Geo
II. 1739.



Whatever Doubts some Gentlemen within Doors may have, however much they may refine, about the remote Cause of the War, I am persuaded, Sir, no Gentlemen, or at least very few, without Doors, pretend to doubt of the Court of Spain's being the sole Cause of the War, by refusing to fulfil that Convention they had so lately and so solemnly agreed to. And, I am as fully persuaded, that with regard to the Negotiations which ended in that Treaty, there are no Complaints without Doors amongst Men of Figure and Sense; except such as are prejudiced by their Passions, or such as are disaffected to his Majesty, and consequently ready to find fault with every Thing done by his Servants. If there are any Complaints without Doors, they are wholly among the Vulgar, the Ignorant, the Prejudiced and the Disaffected; and if this House were to shew so great a Regard to the Complaints of such Men, as to enter into a Parliamentary Enquiry, in order to convince or satisfy them, we should never be able to do any Thing else but enquire, nor would such Enquiries ever convince or satisfy them, but, on the contrary, would afford them new Matter for Complaint.

Therefore, Sir, whatever Right we may have to enquire, however much it may be our Duty to enquire into public Transactions, we are at present under no Necessity, nor have we any Occasion to take up our Time with Enquiries. But even suppose an Enquiry were necessary, yet it may be prudent to delay going upon it for some Time; and this, I think, is the Case with regard to the Enquiry now proposed. Suppose it were necessary to enquire into our Negotiations with Spain antecedent to the Convention, it would, I think, be very imprudent to go upon it in this Session of Parliament; because it would be necessary to have several Papers laid before us, which it would be most imprudent to make public, as every Paper must be, that is laid before such a numerous Assembly. Whether the Papers now moved for may be necessary for an Enquiry into our late Negotiations with Spain, I shall not determine; but this I may with Confidence affirm, that the laying of all the Letters and Instructions moved for, before this Assembly, might be attended with most fatal Consequences to the Nation.

We all know, Sir, that the Spaniards lay the whole Blame of the War upon us, by pretending, we were the first that broke the Convention. Their Pretences, indeed, are so weak, and so apparently ill-founded, that they do not deserve an Answer, and far less the Notice of this House; but if this Motion should be agreed to, and complied with
by

by his Majesty, the Letters and Instructions thereby called Anno r3, Geo. II. 1739. for, might afford the Spaniards some plausible Grounds, at least more plausible than any they yet alledged, for saying, it was this Nation that first violated the Convention. If from these Papers it should appear, that hostile Instructions were sent to any of our Sea-Commanders, or to any of our Governors, tho' it should appear at the same Time, that those Instructions were conditional, and not to be carried into Execution, unless the Court of Spain should refuse such or such a reasonable Demand, yet that Court would from thence argue, that we had dealt deceitfully, or not candidly, by them; because it from thence appeared, that we had been preparing to attack them, at the very Time we were treating with them. Besides this, there are many other Circumstances might appear from the Papers and Instructions now called for, which might give the Court of Spain some Colour, tho' not real Ground, for laying the Blame of the War at our Door; and as we do not know what Effect these colourable Pretences might have upon foreign Courts, all of whom now look upon the War as owing to the Obstinacy of the Spaniards alone, we ought not, I think, in Prudence, to call for any Papers that may probably furnish our Enemies with such Pretences.

Another fatal Consequence that may probably arise from having these Papers laid before us, is a Discovery of those Designs that are now to be executed against the Enemy. Let us consider, Sir, the Circumstances the Nation was in last Year. His Majesty was by the Advice of his Parliament to make a last Attempt for accommodating our Differences with Spain in an amicable Manner: For this Purpose, he was to make a peremptory Demand of every Thing we had a Right to insist on; and for making this Demand effectual, or at least to give it its due Weight, he sent Admiral Haddock with a Squadron into the Mediterranean, and Commodore Brown with another to the West-Indies; in order to shew the Court of Spain, that we were resolved to begin Hostilities, if they attempted to quibble with us any longer. This had the desired Effect: It produced the Convention, by which, as I have said, we obtained all we could desire. We must suppose, that these Squadrons were furnished with Instructions for beginning Hostilities, in case the Court of Spain had absolutely refused to treat with us upon a reasonable Footing; and consequently we must suppose, that in the Instructions there were Schemes laid down, how our Squadrons were to begin the Attack, and where they were to make the first hostile Attempt upon the Enemy. As Spain submitted, and

Anno 13; Geo
II. 1739.

concluded a most reasonable Treaty with us, there was then no Occasion for carrying any of those Schemes or Designs into Execution; but now that Spain has, by adding Breach of Faith to her former Obstinacy, obliged us to begin the War, these Schemes or Designs, or some of them, must now be carried into Execution; and before this is done, I am sure it would be very imprudent to discover them to the Enemy, which would be the certain Consequence of having the Letters and Instructions now called for, laid before us. We should thereby give Spain an Opportunity of providing against every Attack we can make, and of taking all possible Means for rendering our Designs against them abortive.

‘ Sir, whatever Opinion the People without Doors may have of the past Conduct of those, who have the Direction of our public Affairs, I am certain, they would have no good Opinion of, nor any Confidence in their future Conduct, should they agree to this Motion, or advise his Majesty to comply with it; I must, therefore, be of Opinion, that, should we agree to the Address proposed, his Majesty would find himself under a Necessity of refusing our Request; and as I am very well assured, that his Majesty will never refuse any reasonable Request that can be made to him by his Parliament, I shall always be against making any Request, which, I think, he cannot in Prudence, or consistently with the Welfare of his Kingdoms, fully comply with. The Address proposed, I hope, I have shewn to be a Request of this Nature; this is the Light I view it in; and this is a most substantial Reason for my giving a Negative to the Motion.’

Edmund Waller, Esq;


S I R,

Edmund Wal-
ler, Esq;

‘ I shall readily admit, that the Rights and Privileges of Parliament have not of late Years been so much disputed by our Ministers, as they were formerly, and if it were necessary, I could give a very good Reason for this Complaisance on the Part of our Ministers; but the acknowledging of our Right to enquire will signify but little, if it should ever come to be in the Power of Ministers, to prevail with a Majority of this House, to put a Negative upon every Question that tends to an Enquiry. This, I hope, is not now our Case; but I must observe, that, for many Years past, either our Ministers have been extremely good, or our Parliaments extremely complaisant; for there has been no regular Parliamentary Enquiry into the Conduct of any one Minister, whilst he continued to be so; and if no Minister’s

nister's Conduct is ever to be examined by Parliament, till after he is given up by the Crown, I cannot think, that Parliamentary Enquiries will ever be of any great Service to the Nation. The Hon. Gentleman that spoke last, has been so good as to acknowledge our Right to enquire into the Conduct of public Affairs; but if the Arguments he has been pleased to make use of upon this Occasion, be allowed to be of any Weight, I am sure, no Parliamentary Enquiry into a Minister's Conduct can ever be set on Foot, because they will be of equal Weight against every future Enquiry, and every Motion that may tend to that End.

Anno 13, Geo
II. 1739.



‘ The Hon. Gentleman is pleased to say, we ought never to enquire, but when there appears to have been a flagrant Error in the Conduct of our public Affairs. Sir, how is this Error to appear, if we are never to have laid before us any Papers that relate to the late Conduct of our public Affairs? Does not every Gentleman see, that the End of an Enquiry is here mistaken for the Cause? A general Suspicion, therefore, must always be a good Cause, and this is what gave Occasion for the present Motion. There is at present the strongest Reason to suspect most egregious Errors in the late Conduct of our public Affairs, and we desire to have the Papers now moved for laid before us, that we may from thence point out the Errors our Ministers may have been guilty of, or remove the Suspicions which are now so general, and which may have been unjustly conceived. But I will go farther: I will affirm that, if our Ministers have been guilty of no Error in their late Conduct, they have at least been guilty of a most egregious Mistake. They declared, with the greatest Assurance, for several Years together, that they had Reason to hope for a happy Issue from their pacific Negotiations. Does it not now evidently appear, that they were mistaken? And as I can discover no material Difference between an Error and a Mistake, I must therefore think, that from the Hon. Gentleman's own Argument, there is an absolute and apparent Necessity for enquiring into our late Conduct; and if there be a Necessity for examining our late Conduct, we ought to have all Papers before us, that may any way contribute to our Information.

‘ Whether we ought, or ought not to enquire into the late Conduct of our public Affairs is therefore, I think, a Question that can admit of no Dispute, and, I think, it has not been said, that the Papers called for are not necessary for our Information. But we are told, they cannot be laid before us, because the Secrets of our Government would thereby be discovered to our Enemies, which might be of mischievous Consequence to the Nation. That these Papers contain

Anno 13, Geo
II. 1739.



contain some Secrets, which our Ministers do not desire to have discovered, is what I am fully convinced of, otherwise this Motion would not be so strenuously opposed: But that this Discovery might be of any mischievous Consequence to the Nation, is what I very much doubt of. It is what every Gentleman, as a Member of this House, ought to doubt of, because in the present Case, we ought certainly to have all the Information that can be given consistently with the public Safety; and in a Case where we ought to doubt, it is below the Dignity of this Assembly to take a Resolution of that Doubt from any of our own Members. In such a Case, it is from his Majesty alone we can accept of any Satisfaction, and the only Method of obtaining that Satisfaction is, by agreeing to the Address proposed. Can our presenting such an Address be attended with any bad Consequence? If his Majesty, by way of Answer, should tell us, that some of those Papers could not safely be laid before us, would such an Answer be attended with any bad Consequence? Could it be said to be a Refusal of our Request? No, Sir, every Refusal of such Request implies, in its own Nature, the Condition of its being consistent with the public Safety; and therefore his Majesty's telling us that it is not, will always be look'd on by a dutiful House of Commons, as a sufficient Answer to such a Request; but it is an Answer we can take from none but our Sovereign: It is beneath our Dignity to take such an Answer from any of his Servants.

Supposing then there was a Probability, that some of these Papers might make a Discovery, which would be of dangerous Consequence to the Nation, it would be no Argument against our agreeing to the Motion. But so far otherwise, it is not possible to suppose, that any of the Papers now called for contain any Secrets, the Discovery of which might be of bad Consequence to the Nation, without supposing our Ministers to have been guilty of a very great Weakness. I shall grant, that in Summer, 1738, we were, or at least our Ministers were, in a State of Uncertainty about War or Peace. I shall grant, it was right in them to contrive and form Schemes for attacking the Spaniards, in case they had refused to treat with us upon a reasonable Footing; but whilst they were in this Doubt, I am sure it would have been very wrong, in them, to have communicated such Schemes, either to the Commanders of our Squadrons, or to the Governors of our Plantations. For as no such Scheme could be carried into Execution by them, till they had an Account from hence, that our pacific Negotiations were entirely broke off, and War resolved on; and as the same Express that carried them this Account, might likewise have

have carried them the Schemes our Ministers had formed, with proper Instructions for putting them in Execution, it would have been most imprudent and rash in our Ministers; to give or send them any warlike Schemes, or Instructions for executing any such Scheme, before they sent them an Account of our Negotiations being entirely broke off. We cannot; therefore, suppose, that any of the Letters or Instructions now called for contain any Secrets, or any Schemes which are now to be executed, unless we suppose that our Ministers were guilty of a Piece of great Weakness; and if we suppose them guilty of such a Piece of Weakness, it is a good Reason; not only for enquiring into their Conduct; but for removing them from our public Councils; for in the dangerous, and, I am afraid, long Journey we are now entered upon, it is not likely, these Ministers can carry us thro' with Safety, that made such a Trip at the first Outset.

' Sir, if the Letters and Instructions now called for, were such as they ought to have been, they could contain nothing but Orders and Directions how to take care of our Trade; and prevent our Merchants being farther plundered; whilst we were negotiating with those that had plundered them. It was certainly our Business to prevent, as much as possible; our Merchants being plundered during the Course of our Negotiation, not only for the sake of our Trade, but for the sake of succeeding in our Negotiation; for the less we suffered; the less Reparation we had to demand, and the less we had to demand, the more easily might we expect to obtain Satisfaction in an amicable way. It was, therefore, the Duty of those, whose Business it was, to send the most prudent and exact Instructions to our Commanders; Governors; and Consuls, to take all proper care of our Trade in the mean time: And here, I believe, the Secret lies. Considering how many of our Merchant-Ships were seized; how many plundered, and some perhaps, with their whole Crew; sunk, after being stripped of every Thing the Pirates thought valuable, there is the greatest Reason to suspect, that due Care was not taken of our Trade, nor proper Instructions given for that Purpose; and this is the Secret, I believe, which some amongst us are so much afraid of having discovered; but will the Discovery of this Secret be attended with any mischievous Consequence to the Nation? Can the Enemy from thence get any Advantage? On the contrary, Sir, if this Secret be not now discovered; if those who neglected, or did not know how to take care of our Trade in Time of Peace, be left to take care of it in Time of War, this Nation must suffer many Losses in Trade, and the Enemy must reap many Advantages, which neither we should have
suffered,

Anno 13, Geo.
II. 1739.

Anno 13, Geo
H. 1739.

suffered, nor they have reaped, if proper Care had been taken to prevent it. This is a Consequence, and a fatal Consequence, which Reason may convince us of, and it is, in my Opinion, confirmed by what has already passed since the War began; for if the Enemy, in every four Months, during the Continuance of the War, should be able to take as many of our Merchant-Ships, as they have done in the four Months since it began, I am afraid, we shall neither get Honour nor Advantage by the War, and in the mean Time our Trade will be utterly undone.

As for the Handle the Enemy may get from these Papers, for throwing the Blame of the War upon this Nation, it is impossible to suppose they can get such a Handle from these, or from any Papers that can be laid before Parliament. The Cause of the War is now so well known, that it is needless either for them or us to dissemble or disguise it any longer. The Non payment of the 95,000l. stipulated by the Convention, was not the Cause of the War; but the Unavoidableness of a War, without giving up the Point of Search, was the Cause of that Non payment. It is known to all Europe, as well as to every Man in this Nation, that the two principal Points in Dispute between Spain and us, were Reparation for past Sufferings, and no Search in Time to come. The Spaniards, I believe, were from the Beginning resolved to grant us neither the one nor the other, but were willing to negotiate with us as long as we pleased, because, in the mean time, they had an Opportunity to enrich themselves by the Plunder of our Merchants; and tho' a Suspension at least of searching till the Point of Right should be determined, ought to have been a Preliminary to any Negotiation, yet we not only entered upon a Negotiation, but have concluded two Treaties with them, without stipulating so much as a Suspension of searching our Ships upon the open Seas. In this manner we continued to negotiate with them for almost twenty Years, and would, I believe, have still continued to do so, if the Spirit of the Nation had not at last risen up against this tedious, hopeless, and unequal Method of Negotiation; for the late Convention gave us nothing but a new Fund for Negotiation. It gave us no Security, it gave us no Satisfaction, it gave us no Reparation, but what the Spaniards themselves had before acknowledged to be justly due to us. Before this Convention was concluded, the King of Spain himself had allowed six of our Ships to have been unjustly seized: These six Ships, I suppose, he reckoned worth 27,000l. and this was all the Reparation he would agree to give. If we would accept of this Reparation, release all other Demands, and leave the
Point

Point of Search, as well as all other Disputes, to a new Negotiation, the Spaniards were willing to conclude a Treaty or Convention with us; and so fond were we of having a Treaty of some sort or other, that we agreed to these Terms. But tho' this Treaty was not censured, as, in my Opinion, it ought to have been, within Doors, yet it was so much censured, and so loudly and generally exclaimed against without Doors, that our Ministers saw, the Nation would neither give up, nor bear to negotiate any longer about the Point of Search, nor would it bear with seeing the South-Sea Company made a Sacrifice of to the unjust Resentment of the Court of Spain.

Anno 13, Geo.
II. 1739.

This the Court of Spain were sensible of, as well as our Ministers; and as the Court of Spain were resolved not to yield to us in either of these Points, they saw, that a War was unavoidable, even tho' they had paid the 95,000l. stipulated by the Convention. Therefore, as I have said, it was not the Non-payment of that Sum that was the Cause of the War, but it was the Unavoidableness of a War that was the Cause of that Non-payment; and it was the Court of Spain's obstinately insisting upon these two Points, which of their Side were most unjust, that was the Cause of a War's becoming unavoidable. This every Man of Sense, both Abroad and at Home, is fully apprized of. It is the unjust Obstinacy of the Court of Spain, that must, by every one, be looked on as the Cause of the War; but whether that Obstinacy was occasioned by the Conduct of our Ministers, is a Question of a different nature, and a Question that will, I hope, be soon examined into, in the only Place where such a Question can be properly examined, I mean, a free, an independent, and an unbiassed British Parliament.

Considering the Power of the two Nations; considering the Incapacity of Spain, either to hurt this Nation, or to defend itself against us; and considering how severely it has, in former Reigns, felt the Weight of our Resentment, it must be allowed, Sir, that the Obstinacy of the Court of Spain, in Points that are so manifestly unjust, is both surprizing and unaccountable. It must be allowed to be a sufficient Cause for suspecting the Conduct of our Negotiators, and as Suspicion is a good Cause for a parliamentary Enquiry, for this Reason, if there were none other, their Conduct ought to be strictly enquired into, and all Papers necessary for that Purpose ought to be laid before us. But according to the Honourable Gentleman's way of arguing, it will always be either too early or too late, to call for any Papers that may give Light into the Conduct of a Minister. Whilst he is alive, and entrusted by the Crown, it will always be

Anno 13, Geo
II. 1739.



too early for this House to call for any Papers relating to his Conduct, because you may thereby discover the Secrets of the Government: In Time of Peace you may thereby disturb, or render fruitless, his Negotiations for preventing a War; and in Time of War, you may thereby discover his Schemes for carrying it on. Thus, whilst he is alive, and favoured by the Crown, it will always be too early to call for any Papers relating to his Conduct; and after he is dead, I am sure, it will be too late to enquire into his Conduct. At this Rate, Sir, you must never enquire into the Conduct of any Minister, whilst he continues in favour with the Crown; and if this should be laid down as a Maxim, it would destroy the chief Use of Parliaments. The Nation would have no legal way left of getting rid of a weak or wicked Minister; and if this should ever come to be our Case, it would be ridiculous in us to boast of the Happiness of our Constitution, or to say, We are a free People.

For this Reason, Sir, I hope the Arguments which the Honourable Gentleman has been pleased to make use of, will have no Weight, either in this Case, or any other of the like nature. But in this Case, there is not the least room for making use of such an Argument; because it is impossible to suppose the Papers, now called for, contain any Secrets that ought not to be discovered, without supposing our Ministers to have been guilty of great Weakness, and this, I hope, the Honourable Gentleman is far from supposing, or desiring others to suppose.

Robert Tracy, Esq;

S I R,

Robert Tracy,
Esq;

The very Argument the Honourable Gentlemen have made use of in favour of this Motion, is with me an Argument for being against it. They say, it is necessary to make a solemn parliamentary Enquiry into the late Conduct of our public Affairs, and therefore, it is necessary to have these Papers laid before us. Now, I think, it is not in the least necessary to make any Enquiry into the late Conduct of our public Affairs, and therefore, I think, there is no Necessity for our having these Papers, or any other Papers of the like nature laid before us. I entertain no Suspicions, that there was either Weakness, or Wickedness, in any of our late Measures: I think they were all as prudent and as right as could be expected from human Wisdom; and I have this Comfort, that my Opinion has always been, and, I hope, still is the Opinion of Parliament. I do not remember that any one public Measure has lately been taken, but what has had the previous Consent, or the posterior Approbation of Parliament;

Parliament; and therefore, I can see no Reason why we should interrupt our Ministers in the Prosecution of the just and necessary War we are now engaged in, by putting them upon their Trial before this Assembly.

Anno, 13 Geo.
II. 1739.

‘ I can find no Fault, Sir, with any Part of the Conduct of those who are now our Ministers, but I am really surprized at the Conduct of those that oppose them, and who are now the Advocates for this Motion. They seem in their Conduct, or, at least, in some Part of it, to imitate a Man whom, I am certain, they do not like. The King of Spain, Sir, seems to have laid it down as a Maxim, that he may abdicate the Crown, and take it up again, whenever he thinks fit. He has already done so once; but if he abdicates a second time, I hope they won't again give him leave to resume. I hope he will be served as a neighbouring Monarch was, who, it is thought, had likewise a Design of re-ascending the Throne, but was prevented by being locked up in a Castle. The Gentlemen in the Opposition, like the King of Spain, have once already retired from their Seats in this House, and like him too, have again resumed them: If they do so a second time, I think they ought to be taken at their Word, and prevented from having it in their Power to return. The King of Spain, and his Queen together, ever since he resumed the Crown, have been raising continual Broils and Disturbances in Europe: In this too these Gentlemen seem to imitate him: They seem, I think, to come here only with a Design to raise Disturbances, and to impede and retard the public Measures, at a Time when every Engine of Government ought to be left to act with the utmost Vigour and Freedom. Even this Motion I must look on as a Prosecution of the same Design, and therefore, I shall be against our agreeing to it.’

George Heathcote, Esq;

S I R,

‘ Whatever the Honourable Gentleman that spoke last may think, whatever the Majority of this House may think of our late public Measures, I am very sure the Majority of the Nation do not approve of them. The Majority of the Nation not only disapproved of the pacific, negotiating Humour that for so many Years prevailed amongst us; but they did, they do still suspect, that our Negotiators were either most egregiously imposed on by the Court of Spain, or induced from some private Motives of their own, to continue negotiating, and suffering our Merchants to be plundered, after their being fully assured that their Negotiations could have no Success. If the former was their Case, they were

Geo. Heath-
cote, Esq;

Y y 2

guilty

Anno 13, Geo.
II. 1739.



guilty of a most pernicious Weakness ; if the latter, of a most heinous Wickedness. This is the way of thinking with almost every Man without Doors, nay, it is the way of talking with almost every Man without Doors, that is not paid for talking otherwise ; and, indeed, the very nature of the Case must, in my Opinion, make every Man think so, whatever way he may talk. It is now almost twenty Years since the Spaniards set up their Pretence to a Right of searching our Ships in the American-Seas, and seizing and confiscating such as had what they were pleased to call contraband Goods on board. It is almost twenty Years since they began to exercise this Right, and they have continued to exercise it without Interruption, and with great Success, except when they suspended it, that they might afterwards reassume the Exercise of it with the more Safety.

‘ If they had only set up such a Right, Sir, without making use of it, or if the Use they made of it had done no immediate Prejudice to this Nation, we might have negotiated with them about it for some Years, we might have delayed insisting peremptorily upon their giving it up in express Terms ; but, as they not only set it up, but made use of it ; and as the Use they made of it was infinitely prejudicial, as well as dishonourable to the Nation, it is amazing that we did not bring them to a positive Declaration upon this Head many Years ago : One would really think, our Ministers were infatuated, and cannot help concluding, that they must either have been most egregiously imposed on by the Court of Spain, or that, with their Eyes open, they sacrificed the Rights, the Honour, the Trade, and the Navigation of their Country, to some private Views of their own. Before this Dispute came to an open Rupture, frequent Attempts were made in this House to enquire into this Part of our Minister’s Conduct, and Motions were frequently made for having such Papers laid before us, as were necessary for that Purpose ; but, we were then told, that the laying such Papers before us would interrupt the Course of our Negotiations, and would, probably, make a War unavoidable, which might be otherwise prevented. This always prevented any Enquiry into the Conduct of our Negotiators, during the Course of their Negotiations ; and, now we are told, you must not have the Papers necessary for such an Enquiry laid before you, because it will discover those Schemes that have been concerted by our wise Ministers for carrying on the War.

‘ Sir, an Honourable Gentleman has already shewn, that it is impossible to suppose any such Discovery can be made, by the Papers now called for ; but I will go farther, I will insist

insist upon it, that such a Discovery, if it were made, could do us no Prejudice, but that on the contrary, it may be of great Service. We have no Occasion, Sir, to make a Secret of any of our Designs against the Spanish West Indies, and there, I hope, most of our Schemes against Spain are, and will be laid. Suppose our Ministers had, during their late Negotiations, concerted such hostile Schemes, and suppose they were so weak, as to communicate those Schemes to our Sea-Commanders, our Governors, or our Consuls, and to have sent Instructions for carrying them into Execution, before they knew whether they were to be executed or no; for tho' they may be wise, I do not take them to be Conjurors, and, therefore, I cannot suppose, they knew what Resolutions the Court of Spain would come to, upon our making a peremptory Demand. I say, suppose all that in this Case can be supposed, is it, now that War is declared, in the Power of Spain to prevent the Execution of such Schemes, or to take any Measures for rendering the Execution more difficult? Suppose we had concerted a Scheme for making an Attack upon the Havana, upon Carthagena, Vera-Cruz, or any of the other Spanish Settlements in America, could the Spaniards now send a Reinforcement of Troops to any of those Places, if we take proper Measures to prevent it? Whilst we are Masters at Sea, it is evident they cannot; therefore a Discovery of such Schemes can do no Prejudice, but may be of Service to the Nation, because it may frighten the Court of Spain into a Compliance with our just Demands, which is the only way they have, or can take for preventing the Execution of them.

The Obstinacy of the Court of Spain, during the Course of our Negotiations, I am convinced, Sir, proceeded entirely from the Ignorance or the Timidity of our Negotiators, which gave that Court Reason to think, either that we did not understand our own Rights, or that we were afraid of endeavouring to vindicate them by Force of Arms; and now that War is declared, I am convinced, that their Obstinacy in continuing the War, rather than submit to reasonable Terms, can proceed from nothing but a Belief, that we either do not know how to prosecute the War, or that we dare not prosecute it in the proper Way, for fear of disobliging their Friends the French. If from a Discovery of our Schemes, it should appear, that we both know how to prosecute the War, and dare prosecute it in the proper Way, which, I hope, will appear, whenever our Schemes are discovered, I am persuaded, it would put an End to the Obstinacy of the Spaniards, and, consequently, to the present War, which must be allowed to be inconvenient for

Anno 13, Geo
II. 1739.

us, but it may, probab'y, be fatal to them. Therefore, there can be no Danger in our having the Papers now called for laid before us: Without them, or, at least, most of them, we can have no Satisfaction as to our past Conduct; and whatever we may think about it, we ought to have some Regard to what our Constituents think of it: Many of them have suffered by the Tedioufness of our Negotiations: Most of them complained of our continuing so long to negotiate, under the Insults and Depredations we were thereby exposed to; and as our Negotiations now appear to have been fruitless, those that are to suffer by the War have Reason to ask, why they were made to suffer so much by the Peace? In this they expect Satisfaction from Parliament, and if they should be disappointed, they will, I fear, have the same Opinion of us, that most of them, I believe, have of our late Negotiators: They will think, we have a greater Regard to our own Ease and Tranquillity, than we have to the Honour of the Nation, or the Happiness of the People; which is a Character I shall always endeavour to avoid, and, therefore, I must be for agreeing to the Motion now under our Consideration.

Sir John Barnard.

S I R,

Sir John Barnard.

I Have always attended my Duty in this House, and always shall, as long as the People freely and voluntarily do me the Honour of chusing me one of their Representatives; but if we are never to enquire into the Conduct of any Minister, till that Minister, or the Crown, gives us Leave to do so, our attending here, or our meeting together in this House, will be of very little Signification to the People; for, I may venture to prophesy, that if ever we should have a House of Commons so complaisant to the Crown, as not to enquire into the Conduct of any of its Ministers, without a *Conge* for that Purpose, such a House of Commons will be as complaisant in every other Respect; and will consequently agree to every Law the Crown may be pleased to propose, and to every Grant the Crown may be pleased to demand, and insist on. Like some of the petty States in France or Germany, we may make humble Remonstrances to our Sovereign, and represent our Inability to comply with the Free gift demanded of us; but when our Sovereign, or his Prime Minister, says, it must be done, we may depend on it, that such a House of Commons will always submit and agree to what is demanded of them. The Gentlemen of the other Side of the Question should be cautious of mentioning any Thing that has been lately done

done in Spain, for there are many Things now done in that Kingdom, which neither would nor could be done, if their Cortez had preserved their antient Freedom and Independency; and, if the Maxims these Gentlemen have been pleased to advance upon this Occasion should ever be received in this Kingdom, our Parliaments will soon become as complaisant to the Crown, and of as little Use to the People, as the Cortez now are in Spain.

Anno 13, Geo.
II. 1739.

‘ A Parliamentary Enquiry into a Minister’s Conduct is, I find, very much mistaken by the Gentlemen who oppose this Question. Sir, it is not a Trial: It is a Sort of Debt which every Minister owes to the Public. A Minister is a Sort of Agent or Steward for the Public; and is not every Steward obliged to give an Account of his Stewardship? When a Lord happens, upon the general View of his Affairs, to be perfectly satisfied with the Management of his Steward, he may save himself the Trouble of examining, or appointing others to examine particularly into his Steward’s Conduct and Accounts; and, in the same Manner, when a Nation happens, upon the general View of public Affairs, to be perfectly well satisfied with the Conduct of its Ministers, there is no Necessity for a particular Enquiry into their Conduct; but, will any Gentleman say, this is our Case at present? Sir, our Conduct, as Members of this House, is not, in this Case, to be directed by our own Opinion. This House is not the Lord to whom our Ministers are to answer for their Conduct: The People is the Lord to whom they are to answer, and we are appointed by the People to examine into their Conduct and Accounts. Therefore, when the People in general, or a great Part of them, seem dissatisfied with the Conduct of public Affairs, it is our Duty, whatever we ourselves may think, to make a strict and impartial Enquiry into the Conduct of our Ministers, and to call for all Papers that may be necessary for that Purpose. This is not subjecting our Ministers to a Trial, it is only making them give an Account to the People, of their Stewardship, which is an Obligation they lay themselves under, when they accept of being the Ministers of the Crown, and consequently the Stewards of the People; and they ought to be ready to perform this Obligation, when, and as often as the People may please to require it. I am sorry it is not performed much oftner than has been usual of late Years: I am sure, the oftner it is performed, the more it will redound to the Honour of a good Administration, the better Safe-guard it will be to the People against the Frauds and Oppressions of a bad one.

‘ In private Life, Sir, we know that a good and faithful
Steward

Anno 13, Geo.
II. 1739.



Steward is desirous of having his Management and Accounts examined and settled as often as possible : No Man that has honest Intentions desires to have long, or will have perplexed Accounts ; and therefore, an Examination of them can give him no Concern, nor can it give him much Trouble, or take up any considerable Part of his Time. In public Life, I am convinced it will always be the same : When there is no Fraud nor Mystery in a Minister's Conduct, he will be desirous of having it often enquired into : Such Examination can give him no Trouble, nor take up any Part of his Time ; because his Papers, his Vouchers, his Measures may be easily understood, and will justify themselves. Therefore, when I find Ministers cutting and shuffling, and making use of all their Art to prevent an Examination into their Conduct, it will always be, with me, a strong Argument for an immediate and strict Enquiry. But now, it seems, we must not enter upon an Enquiry, because it will take off the Thoughts of our Ministers from the Prosecution of the just and necessary War we are at present engaged in. Sir, I am surprized to hear this Argument made use of ; for, it is very well known, that none of our Generals or Admirals have had any chief Concern in our Administration for these several Years, nor has any one of them ever once been employed in our Negotiations ; therefore their Thoughts can be no way taken up by an Enquiry into our late Conduct, and I must think, that in Time of War, our Generals and Admirals ought to be his Majesty's chief Counsellors. I wish they had been so for some Years past : If they had, we should not, I believe, have suffered so much by our Negotiations. If the Advice of some of them had been followed, I am convinced, the War would have been begun and happily ended long before this Time ; and, for this Reason, I do not know, but an Enquiry into our past Conduct may be one of the best Things we can do for the public Good, because it will take up the Time of our Negotiators, and prevent their interrupting our Generals and Admirals in the Prosecution of the War.

‘ It is not possible, Sir, for our Ministers, with all their Art, to shew, that an Enquiry into their pacific Conduct can be attended with any one Disadvantage to the Nation ; and, if any great Part of the People appear dissatisfied with their Conduct, I have shewn, that it is our Duty to enquire into it. Will any Gentleman say, that no great Part of the People appear dissatisfied with our long and tedious Negotiations ? While these pacific Measures were carrying on, the People appeared dissatisfied with them, and openly shewed

shewed their Dissatisfaction by many Petitions presented to this House. Is it possible to suppose, they are now less dissatisfied than they were at that Time? If our pacific Measures had ended in an honourable and solid Treaty of Peace, they might at last have given some Satisfaction: The People would have forgot and forgiven the Insults and Losses the Nation was exposed to, by the Methods that were taken for obtaining so good an End. But our Negotiations ended in a most insignificant Convention, which was called the Preliminaries to a definitive Treaty of Peace, but it has since appeared to be the Preliminaries to a dangerous War. In these Circumstances, is it not natural for the People to enquire, what Hopes, what Foundation we had for continuing a pacific Negotiation for so many Years, under all the Disadvantages of a real War? Is it not natural for the People to enquire, how we came to allow the Spaniards quietly, on our Part at least, to wrest from our antient Ally the Emperor, the rich and beautiful Kingdom of the Two Sicilies? Is it not natural for the People to enquire, how we came to put ourselves to the Expence of sending a large Squadron to conduct Don Carlos triumphantly to the Possession of that Kingdom? And all this, without their giving us the least Satisfaction as to any one Point between them and us. Sir, the People will enquire into these Things, and if you do not give them Satisfaction by a previous parliamentary Enquiry, they will condemn as well as enquire: They will go farther, they will condemn you, as to your Characters at least, for not having condemned such a weak and pernicious Conduct.

The Honourable Gentleman, Sir, that spoke first against this Motion, mistook the Case very much when he said, the Convention was approved of by Parliament. If such a Question had been put, it would not have passed. If the Question had been put in express Terms, approve or disapprove of that Treaty, it would, I am persuaded, have been disapproved of, even by this House: It was disapproved of by the whole Nation. I am surprized to hear it now said, that we got by that Treaty any Reparation for past Injuries, or any Security against future. If the Spaniards had paid us the 95,000l. thereby stipulated, we, or at least our South-Sea Company, must have paid them back 68,000l. of that Sum, or have lost their Right to the Assiento Contract; that all the Reparation promised was only 27,000l. which was not near equal to the Value of the six Ships, the Spaniards had before acknowledged to have been unjustly seized. Thus it is evident, that no Satisfaction or Reparation was so much as stipulated for the injured Honour of the Nation.

Anno 13, Geo
II, 1739.



and a very insignificant one for the Losses of our Merchants. Then, as to the Point of Search, no Security against it was so much as stipulated: It was expressly referred to be regulated by Plenipotentiaries; that is to say, it was on our Part tacitly given up. We got nothing therefore by that Convention, but a new Fund for Negotiation, as an Honourable Gentleman has already said in this Debate; and this our Ministers would, I believe, have remained satisfied with, for some Years longer, if the Spirit of the Nation would have given them leave; but they saw they durst not continue to negotiate any longer upon the former Footing, and Spain would treat with them upon no other.

' This, Sir, was the true Source of the War. Spain did not refuse to perform her Part of the Convention, because she thought it good for us, but because she saw that her making the stipulated Payment would not prevent a War, unless she likewise did us Justice with respect to the other Points in Dispute. This she resolved not to do, and therefore she resolved not to put 95,000l. into the Hands of a People from whom she expected an immediate Attack. This, Sir, was the true Reason why Spain did not pay us the 95,000l. at the Time appointed; but, when I am thus considering the Reason why Spain did not make that stipulated Payment, I cannot but observe, that in all her Manifestos, she attributes that Non-payment to Agreements which the Parliament never heard of; and this furnishes us with a new, and a very strong Argument for enquiring into our Negotiations, previous to that Convention, in order to see whether the Court of Spain have any just Ground for alledging and insisting upon such Agreements; for if they have, we ought at least to censure those that made such Agreements, before we punish Spain for insisting upon them.

' Thus, Sir, in every Light the Question can be put, it appears necessary for us to enquire into our late pacific Conduct. In no Light can it be supposed, that such an Enquiry will be attended with any Danger or Disadvantage to the Nation; and, as the Papers now called for are necessary for our Information, upon such an Enquiry, therefore, I hope, the Motion will be agreed to.'

Sir Robert Walpole.

SIR,

Sir Robert
Walpole.

' I had not the good Fortune of being here upon the first Motion, but I have been informed of it, and of the Fate it met with. I think the House was much in the right in putting a Negative upon it, and, I hope, you will do the same with regard to the Motion now before you. The Question

is

is not about the Right this House has to enquire into any public Measure, or into the Conduct of any public Minister. Anno, 13 Geo. II. 1739.

I hope, I shall never see this Right disputed hereafter, tho' it has been in former Times warmly contested and positively denied. But these Times, thank God! are over: Our happy Constitution is now so well understood, and the Rights of this House so firmly established, that no Man, I believe, for the future, will ever deny our Right to enquire. But there may be such a Thing as an improper or imprudent Enquiry; and the Question now before us is, whether it would not be improper to enter upon any such Enquiry at this Time, and whether it would not be imprudent to make a public Enquiry into the Conduct of our Negotiations with Spain.

For my own Part, Sir, I should be extremely glad to have those Negotiations enquired into in the most strict, the most impartial, and the most public manner, if no Damage could from thence ensue to the Nation. This, I say, I should be extremely glad of, because I am convinced, it would redound very much to the Honour of his Majesty, and of every one employed by him in carrying on those Negotiations. On his Majesty's Part nothing would appear but the utmost Candour, the utmost Regard for the Rights of his People, and the most tender Concern for their Tranquillity, Safety, and Happiness: Whereas, on the Part of Spain, there would appear nothing but Quibble, Chicane, and the most disingenuous manner of treating: Seeming to grant one Day what they denied the next; and continual repeated Promises, that all should be made easy in a little Time. It is to this that we are chiefly to ascribe the Tedioufness of our Negotiations. His Majesty, from his Concern for the Peace and Welfare of his People, was unwilling to come to a Rupture with Spain, as long as there were any Hopes left of being able to accommodate all our Disputes with that Nation in an amicable manner; and these Hopes were kept alive by the repeated Assurances given, from Time to Time, by the Court of Spain, and the plausible Excuses they were furnished with, from the great Distance of the Places where proper Enquiries were to be made, and from the imperfect Accounts sent them by their Governors in America.

These Assurances and Excuses, I say, Sir, prolonged our Negotiations, and prevented his Majesty's resolving to have Recourse to Arms, till he saw there was no depending upon any Promises they could make, or upon the most solemn Treaty that could be concluded with them; and therefore, I am convinced, a parliamentary Enquiry into these Negotiations,

Anno 13, Geo.
II. 1739.



Negotiations would redound very much to the Honour of every Gentleman that was concerned either in advising or carrying them on. But, I must beg leave to think, that they are not a fit Subject for a parliamentary Enquiry, nor is the present a proper Time for the Parliament's entering upon a Disquisition into any public Measure. In all Cases of a foreign nature, we ought to be extremely cautious of resolving to enquire into them, in a parliamentary way; because no such Enquiry can be carried on, without running a great Risk of discovering Secrets that may give foreign Courts a great Advantage over us, and such; perhaps, as may render every Court in Europe not a little shy of entering into any Negotiation with us. When we have a Minister at a foreign Court, it is often necessary for him, in his Letters, to give an Account of the personal Characters, the particular Interests, and the private Conversations of the Ministers and Favourites of the Court at which he resides; and, I must beg of Gentlemen to consider, whether Foreigners would think it either decent or honourable in us, to expose such Letters to public View, and whether it would not make every Court in Europe extremely shy of entering into any future Negotiation with the Court of Great Britain.

‘ I could mention many other Circumstances, Sir, which must always make it inconvenient and hazardous, to set up a parliamentary Enquiry into any foreign Measure, but what I have said will, I hope, be sufficient for convincing you, that no such Enquiry ought to be set up, unless the Measure appears to have been monstrously absurd, and that, by such an Enquiry, some Methods may be found for repairing the Damage the Nation may have suffered, or preventing the Danger the Nation may have been led into by that foreign Measure. Let us now examine, if either of these be the Case, with regard to our late pacific Conduct, as Gentlemen are pleased to call it. Surely, it cannot be called monstrously absurd, because it is but two Years ago, that this very House of Commons advised his Majesty to continue his Negotiations, and to use his Endeavours with his Catholic Majesty, to obtain effectual Relief for his injured Subjects. According to this Advice, his Majesty renewed his Endeavours to obtain Redress in an amicable manner, and the Court of Spain now finding that bare Promises or Assurances would not do, they carried their Disingenuity such a Length, that they actually agreed to, and signed a solemn Treaty, within a Year after this Advice was given to his Majesty, by his Parliament.

‘ Whether the Convention was a right Treaty or no, is not

not the Question now to be determined, but, I am sure, this House cannot call it monstrously absurd; because tho' we did not in express Terms approve of it, we so far approved of it, that we advised his Majesty to proceed upon it; and upon the Footing of that Treaty, our Plenipotentiaries immediately insisted upon the Crown of Spain's giving up all Pretences to any Right of searching our Ships in the American Seas; so that I cannot see, how we can now so much as find fault with that Treaty, or with any of the Negotiations that either preceded or succeeded it. But, upon this Occasion, Sir, I must observe, that some Gentlemen are so sanguine, and so much wedded to their own Opinion, that they never think there can be any thing in what is said against them; and for this Reason, I believe, they never examine the Arguments or Objects of their Opponents with Attention. For my Part, I am not so sanguine: There is no Opinion of mine, where I will not admit, that there may be something in what is said against it. This is my Case, with regard to the Convention. There was, perhaps, something in what was said against it; but upon the whole, I then thought, I still think, the Argument in its favour was stronger and better supported, than the Argument against it. By accepting that Treaty, we have rendered Spain inexcusable; whereas, if we had begun Hostilities when such Terms were offered us, I am afraid most Courts in Europe would have laid the Blame of the War at our Door.

Having now shewn, Sir, that our pacific Conduct, or our Negotiations, tedious as they were, cannot, by this House, be called monstrously absurd; I shall next examine, whether we can, by enquiring into these Negotiations, repair any Damage the Nation has suffered, or obviate any Danger it lies exposed to. If such an Enquiry could any way contribute to our Success in the War, or to the bringing about a speedy and honourable Peace, I should be as much for it as any Gentleman in this House; but, in my Opinion, it may do us great Prejudice in both these Respects. It may unfold such Secrets, as will make some of the Powers of Europe our Enemies that are now our Friends, or such as may instruct the Enemy, not only how to defend themselves, but how to hurt us; and tho' none of our Generals may be directly and personally concerned, yet, such a public Contest as such an Enquiry must necessarily occasion, will take off the Attention of the whole Nation from the Prosecution of the War, and may raise such Heats and Animosities amongst ourselves; as will be a great Hindrance to us, and a great Advantage to the Enemy; which fatal Effect we shall have the more Reason to dread, when we reflect, that there was
never

Anno 13, Geo.
II 1739.



Anno 13, Geo
II. 1739.

never yet a parliamentary Enquiry, which did not produce one Party that thought they had discovered great Crimes and Misdemeanors, and another Party that thought they had discovered none.

‘ This, Sir, leads me naturally to consider the Propriety of the Time for making the Enquiry proposed. Suppose our late Negotiations with Spain were a proper Subject for a parliamentary Enquiry, which, I hope, I have shewn, they are not; yet, I cannot think, any Gentleman will say, that the very Beginning of a heavy and dangerous War, is a proper Time for us to set up such an Enquiry into any Affair, either of a foreign or domestic nature, especially when it cannot be said, that there is the least Danger in delaying it, or that we can reap any Benefit or Advantage from it, except the Satisfaction of punishing those that were concerned in these Negotiations, in case it should appear that they have injured their Country by their Crimes, their Neglect, or their Imprudence. Public Justice, I shall grant, must be a Satisfaction to every one who wishes well to the Public; but a Delay is no Pardon; and, I hope this War will not be of such a long Continuance, as to out-live all those who were concerned in the Negotiations that preceded it. A proper and seasonable Time will come for enquiring into any or all of our late public Transactions: I hope it will come before any of those Persons are dead, that were concerned in our late Negotiations, and when that Time comes, if an Enquiry should appear necessary, I shall most readily concur in it; and, if any of our Negotiators should appear to have been guilty, either of Weakness or Wickedness, I shall be as ready as any Gentleman in this House, to censure or punish them.

‘ For these Reasons, Sir, I think it would be both improper and imprudent in us, at present, to make a parliamentary Enquiry into any late public Transaction, either foreign or domestic; and however general the Complaints, or the Suspicions may be among the People, against our late pacific Conduct with regard to Spain, we ought not, I think, in this House, to do any thing that is either improper or imprudent, for the sake of giving Satisfaction to those that appear dissatisfied. But, I do not believe, that the Dissatisfaction with those Measures, is general among the People without Doors, or that it, in any Degree, prevails among the better sort of People in the Nation. Those few amongst us that suffered by the Spanish Depredations in Time of Peace, were, I believe, displeas'd with our continuing to negotiate after they had suffered, and I do not at all wonder at it; for it is natural for Men to judge of the public Interest, from their
own

own private Interest and Passions; but it is the Duty of those who are at the Helm of public Affairs, to lay aside all private Regards, either of their own, or of any Man else, and to consider the public Interest alone. I wish we could always do so in this House: If we did, we should judge more candidly of one another's Intentions, as well as of the Intentions of our Ministers; for, I am sure, it is more their Interest to consult the public Good in all their Transactions, than it is the Interest of any other Set of Men in the Kingdom, because not only the Interest of their Country, which is common to them on other Subjects, but their personal Safety and Glory depends immediately upon their doing so. Therefore, when we are to direct our Conduct in this House by the Opinion of our Constituents, if ever such a Case is to be admitted, we should consider seriously, not only the general Prevalency of such Opinions, but whether or no they are founded upon particular Interests, or popular Prejudices; and, if we do this, I am convinced, we shall find no Cause to shew any Regard to the Complaints or Suspicions without Doors, against our late pacific Conduct.

Anno 13, Geo
II. 1739.

But now suppose, Sir, that the present were a proper Time for enquiring into the Conduct of our late Negotiations, and that we ought in Prudence to do so, yet I cannot think it would be either proper or necessary for us to call for the Papers now moved for; necessary it cannot be, Sir, with respect to most of the Papers called for; because the Letters and Instructions to our Governors, Admirals, or Consuls, can have nothing to do with our Negotiations; and if they were necessary, I do not think it would be proper at this Time to call for them. Upon this Subject, Sir, it is hardly possible for me to speak without running the Risk of being misunderstood, so ready are Gentlemen to mistake Suppositions for Assertions. However, as we had one Squadron in the Mediterranean, and another in the West-Indies, I shall suppose, that there might have been Orders or Instructions sent to Admiral Haddock in the Mediterranean, or to Commodore Brown in the West-Indies, to execute some Design against the Spaniards, in either, or both these Places, as soon as they should hear from our Minister at the Court of Spain, that the Negotiations were broke off without any Effect. This, I say, I only suppose; I must desire Gentlemen to take notice, I do not assert; but it may be supposed, because a Messenger could go much sooner from Spain to either of these Admirals, than he could come to London, and from thence back again either to the Mediterranean or West-Indies. Tho' the Spaniards at that Time prevented the Execution of those Designs, by their agreeing to the Convention,

Anno 13, Geo.
II. 1739.

Convention, yet now that they have broke that very Convention, those Designs, if there were any such, or something like them, are certainly proposed to be executed; and if so, it would certainly be very wrong to have them discovered, by having the Papers now called for laid before us, before they are or can be executed. In such Cases I shall grant, that his Majesty is the proper Person from whom this House is to take an Answer; but I shall never be for calling for Papers, when I think it highly probable, that his Majesty cannot order them to be laid before us, without unfolding Secrets which ought not to be discovered; and as I take this to be the Case with regard to the Papers now called for, I must be against the Motion.'

This Debate ended in a Negative on the Motion, without a Division.

Debate on the third Motion.

Edmund Waller Esq;

S I R;

Edmund Wal-
ler, Esq;

' Notwithstanding the bad Success my worthy Friend has met with in his Motion, yet I will offer another, and I do it with the more Assurance, because the Motion I propose to make, relates but to one particular Point, and cannot discover any of our deep-laid warlike Designs, nor any Secret that can be of dangerous Consequence to the Public. It can discover no secret Design, unless it be a Design to sacrifice the South Sea Company to the Success of our Negotiations; and, if there was any such Design, I am convinced every Gentleman will think, 'twould be of more dangerous Consequence to the Public to have it remain concealed, than to have it now revealed. But before I make my Motion, I must obviate some of the Objections that were made by the Hon. Gentleman who concluded the last Debate, against Enquiries in general. If his Objections were to hold good, it would never be prudent in this House to enquire into the Conduct of any foreign Affair, for in every such Affair, there may be Secrets in some of the Letters or Papers relating to it, that ought not to be published for a Century, at least, after its final Conclusion. But in all such Cases, we have a Remedy which may be easily, and has been often applied. When upon our Address, his Majesty answers, that several of the Papers called for, contain Secrets which ought not to be discovered, we may name a Secret Committee to inspect such Papers, and to report such Parts of them only, as are necessary and fit to be communicated; and a Secret which regards the public Safety or Welfare, may be as safely entrusted

trusted to a select Committee of this House, as to any Committee of his Majesty's Privy Council. The Danger of a Discovery can therefore never be a solid Objection to our enquiring into any Affair, either of a foreign or domestic Nature; and much less can it be an Objection to our addressing for any Papers; because, till we have his Majesty's Answer, we cannot know, nor ought we to suppose, they contain Secrets which ought not to be discovered.

Anno 13, Geo.
II. 1739.

‘ I shall always think, Sir, notwithstanding the Fate of the two former Motions, that it would be wrong in this House to refuse calling for any Papers, because some amongst us say, they think it probable, that such Papers contain Secrets, which ought not to be discovered. It was, in my Opinion, so far from being highly probable, that I think it was impossible the Instructions to our Admirals could contain any secret Schemes or Designs; because no such Schemes or Designs have been, as yet, executed with the utmost Expedition, in case our Negotiations should have broke off, surely they ought to have been executed with as much Expedition, after the Convention's being broke through. It is now six Months since the Convention was openly broke thro' by the Spaniards, and as we have, as yet, heard of the Execution of no hostile Schemes, I must believe, there were none such formed, and much less communicated to our Admirals or Governors, till after we found, that the Spaniards would not perform what they had so expressly agreed to in the Convention.

‘ I beg Pardon, Sir, for touching upon what is past, but as it may be of some Weight with respect to the Motion I am to make, I hope the House will excuse me. The Hon. Gentleman ask'd us, what Advantage can we expect from an immediate Enquiry, besides that of punishing the Guilty? which, he says, we may do afterwards as well as now, if any should then appear to have been guilty. I will tell him one Advantage, Sir, which we may reap by an immediate, and cannot reap by a future Enquiry: We shall prevent the Guilty from being farther guilty, as they probably may be, if their past Conduct is not immediately enquired into. This, Sir, is an Advantage of the utmost Consequence in our present Situation: The Nation may be undone by our not laying hold of it: If our pacific Measures were carried on by imprudent, pusillanimous, perplex'd Counsels, what will become of the Nation, if our warlike Measures be carried on by Counsels of the same Sort? Besides, before the War can be concluded, we must have new Negotiations; and, shall we allow our future Negotiations to be directed and carried on by those

Anno 12, Geo
II. 1739.



who have been guilty of so much Weakness in our past? This, Sir, will probably be the Case, if we do not immediately enquire into the Conduct of our past Negotiations; and therefore, if we do not enquire, I shall expect no Success in the War, nor any Honour from the Peace.

‘ For this Reason, Sir, I hope, the Hon. Gentleman’s Arguments against an immediate Enquiry will have no Effect; and, if we should not think fit to make a general Enquiry into all our Negotiations, for fear of discovering Secrets that may be of dangerous Consequence to the Public, I hope, this will be no Argument against our enquiring into such Parts of them as cannot possibly contain any such Secret. Of this Sort, I take to be that Part of them which relates to the concluding and signing the late Convention, under the Condition expressed in his Catholic Majesty’s Declaration; for that Declaration I must look on as a Condition annexed to the Convention; and, from Mr. La Quadra’s, and from Mr. Keene’s own Letters, some Parts of which I shall beg Leave to read to you, it appears to have been looked on as such, by the Court of Spain, and to have been accepted as such, by him. (Here he read several Paragraphs from Mr. La Quadra’s and Mr. Keene’s own Letters, some of which our Club had got Copies of.) From what I have read to you, Sir, it appears, that the Court of Spain insisted upon its being declared, that they had a Right to suspend the Assiento of Negroes, in Case our South-Sea Company did not subject herself to pay, within a short Term, the 68,000 l. she had confessed to be owing to his Catholick Majesty. It appears, that they not only insisted upon a Declaration of this Right, but that they would not trust to his Word; they must have it in Writing; and the Method contrived for that Purpose was, that his Catholic Majesty should make such a Declaration in Writing, and that he, Mr. Keene, should accept of it, and transmit it to his Court, as the Condition on which the Signing of the Convention was to be proceeded on, and in no other Manner.

‘ This, I say, Sir, appears from the Letters we have already upon our Table; and as the South-Sea Company neither owed, nor ever had confessed they owed such a Sum; as Mr. Keene must have known they did not, because he was Agent for them, as well as Envoy from his Majesty, at the Court of Spain; I cannot imagine, how he came to admit of any such Right, or receive such a Declaration; nor can I imagine, how he could have an Authority for so doing; for, regularly, he ought to have had an Authority from a General Court of the South-Sea Company
for

for this Purpose, as well as an Authority from his Majesty's Anno 13, Geo. II. 1739. Ministers, and the former, I am certain, he never had, whatever might have been his Case with respect to the latter.

As this seems to me to have been a very surprizing and extraordinary Step, and as the Papers relating to this Part of our Negotiations can discover no Schemes or Designs against the Enemy, nor any other Secrets that can be of dangerous Consequence to the Public; therefore, I shall conclude, Sir, with moving, That, &c.

William Pulteney, Esq;

S I R,

As I hear several Gentlemen calling out No, No, this is the same with the former Motion; I must beg Leave to shew the Difference: The only Objection that seemed to have any Weight against the former Motion, and, I believe, the only one that prevailed with this House to put a Negative upon it was, the Danger of discovering those warlike Projects and Designs against the Enemy, which our Ministers had concerted, and which are not yet executed. I am sorry they are not: I am sure, some of them, if any such have been formed, might, and ought to have been executed before this Time. Can any Gentleman say, we have such a Danger to apprehend from the Papers now moved for? Can it be suggested, that these Papers may contain Secrets which it would be inconsistent with the public Safety to discover? Sir, they may, for what I know, contain Secrets, but if they do, those Secrets are the Secrets of Ministers, and not the Secrets of the Nation. It is impossible, therefore, to suppose, that the laying of those Papers before us, can be attended with any of the bad Consequences we were frightened with upon the last Motion.

William Pulteney, Esq;

An Hon. Gentleman near me complained much in the last Debate, of Gentlemens talking of weak Measures, and the like; and seemed to take all to himself, as if he were the only Minister we have in this Kingdom, and the chief Adviser of all our public Measures. Sir, we have other Ministers, at least others who have the Name of Ministers, and, I hope, they deserve the Name they bear; for, I am sure, if any one Minister should, in this Kingdom, take upon him to direct all our other Ministers, they ought all together to be dismissed his Majesty's Councils: He, for his assuming Arrogance; and they, for their tame Submission. But, I hope, it is not so, and therefore, when weak Measures or corrupt Ministers are talk'd

A a a 2

of,


Anⁿo 13, Geo of,
II. 1739.

of, the Hon. Gentleman should consider, that other Ministers may be meant, and Measures which he had no Share in advising or conducting. He likewise complained, that his Suppositions were often taken for positive Assertions. When this was, I do not know: but, I must observe, that the very Insinuations of a Minister are often, by his own Creatures, taken for positive Assertions, and produce the same Effect; and as the Hon. Gentleman, in the last Debate, took the Liberty to suppose without asserting, whatever Effect his Suppositions might have, I hope, I may be allowed to take the same Liberty. I will not assert, Sir, that any of our present Ministers are corrupt, or that any of our past Measures were weak; but, I may suppose such Things. There may be corrupt Ministers; there may be weak Measures: God forbid, I should assert, there are any such at present in this Kingdom; but, if such Things can be supposed, it is a good Reason for our Parliaments to keep a watchful Eye upon our public Affairs, and to enquire often both into the Conduct of our Ministers, and the Wisdom of the Measures they pursue. This is at all Times the Duty of Parliament, but more so in Time of War, than in Time of Peace; because weak Measures may then do much more Mischief; and as Ministers have then more Money going thro' their Fingers, they may, if they are corrupt, spread their Corruption farther, and squander away more of the Public Money, than they can do in Time of Peace.

A Time of War is, therefore, so far from being an improper Time for a Parliamentary Enquiry, that such Enquiries are more necessary, and ought to be more frequent in Time of War, than in Time of Peace. Such Enquiries, Sir, never of themselves create Parties or Divisions in the Kingdom, nor do they ever raise any Heats or Animosities. Indeed, when there are Parties already formed upon different Principles, and governed by different Maxims, and one of those Parties gets the Reins of Government out of the Hands of the other, and prosecutes the Heads of the other, for what they did in Pursuance of the Principles and Maxims of their Party, this of course stirs up Heats and Animosities between the two Parties, because all those who have embraced the Principles and Maxims of the Party, must approve of, and consequently will zealously endeavour to justify and support, what was done in Pursuance of those Principles and Maxims. This was the Case of the Parliamentary Enquiry mentioned in this Debate; but, is this the Case at present? Sir, the Enquiry now desired by so many Gentlemen in this House, and, I may say, by the whole

whole Nation without Doors, has no Relation to any Difference of Principles: It can relate to nothing but the good or bad Administration of public Affairs. No Man condemns, no Man will condemn the Principle upon which our pacific Gentlemen pretend to have acted: No Man will say, that forcible Means ought to be made use of for obtaining Justice from any foreign Nation, whilst there are Hopes of obtaining Justice in an amicable Way; but, it is said, and loudly said without Doors, that our pacific Gentlemen did not act upon this Principle, or pursued it too far, if they did. This is the Question, Sir: Upon this Question there will be a Difference in Opinion, whether we enquire into it or no; and we ought to enquire, in order to put an End to that Difference; for, I believe, it will be allowed, that those who approve, as well as those who condemn, are at present in the Dark; and as the Majority of the Nation are now of the latter Side of the Question, therefore, as a Friend to our Ministers, I am for a fair and impartial Enquiry, because, I hope, it will bring the Majority of the Nation over to their Side of the Question.

Anno 13, Geo
II. 1739.



• If there were no Cause to suspect our late Measures of any Weakness, if there were no considerable Party in the Kingdom, that appeared dissatisfied with them, it might, perhaps, be unnecessary to take up our Time with examining into them; but this is far from being the Case: There is not only good Cause to suspect, but upon the Face of the Convention, there appears now to be good Cause to condemn. When that Convention was last Year laid before us, some Gentlemen did not, perhaps, consider what was meant by having the Point of Search referred to be regulated by Plenipotentiaries, nor did they consider what was meant by his Catholic Majesty's Declaration that was tacked to the Tail of it. But the King of Spain, in his Manifesto, has now explained both. He has told us our Plenipotentiaries could not insist upon his giving up the Point of Search, because by the Convention it was expressly referred to be regulated. He has told us, we could not refuse allowing him to suspend the Assiento of Negroes, in case our South-Sea Company did not pay him the 68,000l. because he had expressly, by his Declaration, which was a Part of the Convention, reserved to himself that Right. This is the Light, Sir, in which all Europe, I believe, considers them; and in this Light I then considered them. I then said, that referring a Right to be regulated, was an admitting that there was such a Right. I then said, that our Minister's accepting of the Declaration, was an admitting it as a Part of the Convention, and as the Condition upon which the Convention was to subsist. We there-

Anno 13, Geo
II. 1739.



therefore ought to enquire, whether Mr. Keene had a proper Order for accepting it: If he had not, he was certainly guilty of a Breach of his Duty; and, in my Opinion, no Minister could give, or advise giving him such an Order. The Right, the Estate of a great Company was thereby given away, and will any Gentleman say, a Minister can give away a Person's Estate without his Consent? If we had been reduced by the Misfortunes of War to sacrifice the Rights and Properties of a few private Men to the public Safety, something might have been said by way of Excuse for such a Sacrifice; but surely no Minister is wantonly, and without so much as an Appearance of Necessity, to give up the Right or the Property of any one Subject in the Kingdom without his Consent. Therefore, as the accepting of that Declaration in the solemn manner, the Letters that have been read to you, shew it was accepted of, must be allowed to be at least a Weakness, I think it absolutely necessary for us to make some Enquiry into that Affair, and for this Purpose we must have the Papers moved for, laid before us.'

Sir William Yonge.

S I R,


Sir William
Yonge.

' I am glad of this Opportunity to vindicate an Honourable Gentleman who was concerned in these Negotiations, and who, from the whole Tenor of his Conduct, appears to have been as able and as honest a Minister, as was ever employed by this Nation. As for the Convention itself, Sir, he has already been fully justified with regard to every Article contained in it, because the whole was approved of by his Majesty, and by both Houses of Parliament; and after the solemn Approbation it met with from all the Branches of our Legislature, I am surprized to hear any Gentleman now finding fault with it, or with any one that was concerned in the Negotiation. All the Objections that were made to it, were fully answered at the Time it was under our Consideration; and as the Objections now made, are only Repetitions of what was then fully answered, it would be wrong in me to take up your Time with repeating those Answers.

' Sir, the Honourable Gentleman may as well say, that every Letter wrote by Mr. La Quadra to Mr. Keene, was a Part of the Convention, as to say, that a Declaration signed by Mr. La Quadra only, was a Part of a Treaty which was concluded and signed by the Ministers of both the contracting Parties, and ratified by their respective Sovereigns. By such a Declaration the King of Spain could neither get a new Right, nor the Confirmation of any old Right. He did not so much as mean to get any such thing. He thereby
meant

meant no more, than to reserve to himself a Right to suspend the Assiento of Negroes upon Non-performance on the Part of our South-Sea Company. This he thought he had a Right to do, because of the Assiento's being a mutual Contract; and he thought it necessary to reserve this Right, by a Declaration in Writing, because the Assiento Treaty was, among the rest, mentioned in the Body of the Convention; but Mr. Keene had nothing to do with this Declaration: He did not admit the Right which his Catholic Majesty pretended to, nor did he accept of the Declaration with any such View, or for any such Purpose. He only promised, he would send a Copy of it to his Court, and another to the South-Sea Company. Mr. Keene, therefore, cannot be so much as suspected of having done any thing amiss in that Negotiation; and as the Treaty itself was approved of by Parliament, I can see no Occasion for our enquiring into the Negotiation.

Anno 13, Geo.
II. 1739.



‘ But, Sir, suppose there were an Occasion for our doing so, can we, consistently with what we have this Day already done, agree to the Honourable Gentleman's Motion? The Motion seems, indeed, to refer to a particular Point, but it will include all or most of the Papers referred to in the two former Motions; and therefore, the same Reason that prevailed with us to put a Negative upon them, must prevail with us to put a Negative upon this also. Besides, Sir, if Spain could have been prevailed on to have accepted of some few reasonable Concessions on our Side, I believe it will be allowed, that it would have been prudent in us to have made some such Concessions, rather than have come to an open Rupture with a Nation, we have so much Reason to be Friends with, and at a Time which, I am sure, cannot be called the most favourable for this Nation's declaring War. It is, therefore, highly probable that Mr. Keene had Instructions to propose or agree to some such Concessions: I shall not say there were any such, but, now that War is declared, would it not be unwise, would it not be ridiculous in us, to let Spain know what Concessions we were willing to make for the sake of Peace? And, if our Minister's Instructions for this Purpose were all laid before this Assembly, and ordered to lie on our Table, can we suppose, that the Court of Spain would not get an Account of them? Sir, I make no question, but that Copies of them would be sent to that Court; and this would certainly contribute towards making them more obstinate, and consequently, towards the Prolongation of the War; for whatever Concessions we might have been willing to make for preventing a War, now it is begun, I hope we shall have no Occasion to make any
for

Anno 13, Geo
II. 1739.

for putting an End to it. I hope the War will be attended with such Success, that we shall soon be in a Condition to prescribe our own Terms. It will probably be so, if we do not prevent or retard our Success, by Factions and Divisions amongst ourselves. But, if Spain should know what Concessions we were willing to make for the sake of Peace, will she not the more obstinately persist in refusing the Terms of Peace we may hereafter think fit to prescribe?

‘ From hence, Sir, we may see, that it would probably be of a most pernicious Consequence to the Nation, to have those Papers laid before us; and therefore, it must be allowed, that it would be wrong in us to address for them.’

Samuel Sandys, Esq;

S I R,

Samuel Sandys,
Esq;

‘ I am extremely surprized to hear Gentlemen still insist upon the late Convention’s having been approved by Parliament. Sir, it was not approved by either House of Parliament: An Honourable Gentleman in the last Debate allowed, that it was not approved; and said, the Parliament only advised his Majesty to proceed upon the Footing of that Convention. Why did they so, Sir? Because that very Gentleman and his Friends most confidently assured us, that it would, at last, produce a safe and honourable Peace. Upon these Assurances, the Advice of Parliament was founded, and not upon any thing that appeared upon the Face of the Treaty. Gentlemen then thought, that if it should produce a safe and honourable Peace, it would in the End appear to be a good Treaty; and therefore they would not condemn it, because such a Condemnation would have prevented an Effect which they were assured of, and which every Man desired to see. But these Assurances having failed, the Foundation the Parliament had for giving that Advice is taken away; and every one must now join in thinking it a bad Treaty, because it put the Nation to near half a Million Expence, without gaining to us the least Advantage; unless the War is to be called an Advantage, and when compared with our former peaceable Negotiations, it must be allowed to be so. But even the War is not to be ascribed to that Treaty, but to the Disdain the Nation shewed at seeing such a Treaty agreed to; for the Treaty itself was nothing but an Expedient, for preventing our reaping this melancholy Advantage for a while longer, and the Advice of Parliament was obtained as a second Expedient, for preventing the Condemnation of the first.

‘ With regard, Sir, to the Declaration or Protest tacked to the End of this Treaty, I remember it was said last Year,
that

that it had no more Relation to the Convention, than it had to the grand Alliance; and this was then, perhaps, believed by many Gentlemen in this House: But it now appears, that the Court of Spain are of a very different Opinion; and, I believe, there is not a Civilian in Europe that is not of their Opinion. Our Minister accepted of it in the most solemn manner; and seeing he did so, he must have accepted it in the Terms expressed in the very Body of it, as the Basis of the Treaty, as the Condition upon which the King of Spain signed the Convention; therefore, if it was not an Article in the Treaty itself, it was the chief Article in the Agreement previous to that Treaty. This, I believe, Sir, was truly the Case, and if the Papers now called for should be laid before us, I believe, it will appear to have been so; for there was a Treaty signed by the Ministers on both Sides, anterior to the Treaty afterwards laid before Parliament, and in this Treaty, if common Fame speaks true, this Declaration, or the Substance of it, was an express Article; but this was giving up the Right of the Nation, and the Right of the South-Sea Company, in so direct a manner, that it was not thought safe to ratify it; and therefore, I suppose, the Expedient was agreed to, of having this Article annexed to the Treaty, by way of Protest or Declaration.

‘ But, Sir, was not this in effect the same? Was not our accepting, or even admitting such a Declaration to be made, a tacit Acknowledgment of the Right therein claimed? The King of Spain pretended to a Right of suspending the Assiento Contract, upon whatever he may be pleased to call a Non-performance, on the Part of our South-Sea Company. He not only pretended to such a Right, but he has actually exercised it: He has suspended the chief Part of this Contract, almost ever since it was made; and, upon a Treaty, he insists on this Right being reserved to him, either by an Article in the Treaty, or by a Protestation to be delivered to us in the most solemn manner, at the Time of his signing the Treaty. Could we in Honour, or in Justice to ourselves, admit of any such thing? Ought we not to have insisted upon his giving up such an unjust Claim, by an express Article in the Treaty? But I do not wonder at our Minister’s admitting it; The Honourable Gentleman that spoke last, seems to admit it; and he is, I believe, pretty well acquainted with the Complexion of our Negotiators. He told us the King of Spain thought he had such a Right, because of the Assiento’s being a mutual Contract. I shall grant, it is a mutual Contract; but it is between the two Nations: We have appointed the South-Sea Company to perform it on our Part; if they should fail in the Performance

Anno 13, Geo.
II. 1739.

Anno 13, Geo
II. 1739.



of what they have undertaken, the King of Spain is not to suspend, immediately, the Contract: He has no Right to do so: He ought to apply to our Court; and, if the South-Sea Company has really failed in the Performance, we are in Honour obliged to make them perform. If they have not failed: If the Complaint against them be unjust, we are in Honour obliged to protect them, let the Consequence be what it will.

‘ We ought therefore, Sir, to have insisted upon the King of Spain’s giving up the Right he pretended to; but, instead of this, we allowed him to reserve it in a tacit manner, and allowed him to deliver us a Protestation for that Purpose. We have, therefore, at least, tacitly, admitted of his Claim. The Court of Spain thought so: They had Reason to think so; and they will accuse us of Tricking and Shuffling, if we now pretend to deny it. We must now, either acknowledge this Right, or give the Spaniards just Cause to have a very bad Opinion of us. This Dilemma the Nation has been brought into by our Negotiators; and, in all such Cases, it is the Duty of Parliament to enquire strictly into the Affair, in order that the Innocent may be cleared of Suspicion, and the Guilty meet with condign Punishment.

‘ The Pains now taken, Sir, to shew, that we never did admit of this Claim, is an Acknowledgment that it was wrong to do so. Suppose then our Minister in Spain did not admit of this Right or Claim, by accepting of this Declaration, yet, surely he did so, when he signed a Treaty in which the Reservation of this Right was an express Article; and, if he did so, that Treaty’s not being ratified here, can be no Excuse for his having signed it. For this Reason, if there was any such Treaty, as common Fame reports, Mr. Keene is not altogether so blameless as the Honourable Gentleman represents, unless he had an express Order for doing so; and if he had, I am sure those who gave him that Order, are not without Blame. This is what we want to know: This is what we ought to enquire into; and, for this Purpose, it is necessary for us to have the Papers now moved for, laid before us.

‘ Is it possible to suppose, Sir, that by an Address for the Instructions and Letters sent to Mr. Keene, authorizing him to conclude and sign the Convention; I say, is it possible we can thereby mean or design, to have laid before us all the Memorials and Representations made to the King of Spain, or all the Instructions and Letters sent to our Governors or Admirals, relating to the Spanish Depredations, most of which happened before the Convention was so much as thought of? Sir, it is needless to argue with one who can, or
will

will suppose any such thing. But the Honourable Gentleman has hit upon the true Reason that will, I am afraid, prevent our seeing the Papers called for, or any other of the like nature. He says, our seeing those Papers may let Spain see what Concessions we were willing to make for the sake of Peace. Sir, I believe, we have no Occasion, to be afraid of Spain's seeing these Concessions: I believe, they were before too well acquainted with them; and this, I believe, was the chief Cause of their past Obstinacy; for, I fear, we made so many Concessions, that we made them believe, we would yield any thing rather than go to War. Thank God! we have now convinced them of the contrary; and are, I hope, in a way of making them more pliable for the future. But if we were willing to make any Concessions which Spain has not, as yet, been made acquainted with, I can see no Danger to the Nation, if they should be published to the whole World. They may shew too great Complaisance, perhaps Pusillanimity, in our Ministers, but they will serve to justify the Nation to the whole World; and with regard to Spain, I hope, we shall never more think of conquering their Obstinacy by Negotiation. Now that War is declared, if one Blow does not make them submit, we must, as soon as possible, give them another; and if that will not do, a third, which, I am convinced, is the speediest and the best way of negotiating a Peace with that Nation. We cannot therefore be afraid of Spain's seeing what Concessions we were willing to make for the sake of Peace; but there may be some amongst us who are afraid, lest the Nation or Parliament of Great Britain should see what Concessions they were willing to make for the sake of Peace. Here, I am convinced, it is, Sir, that the Shoe pinches; but as this Shoe neither pinches me, nor any of my Friends, and as, I think, the Parliament ought to guard against any such Concessions being made for the future, therefore, I am for our seeing them, and every Paper that can give us a Light into any of them.'

George Littleton, Esq;

S I R,

'It is most amazing to me, to hear it said, that this Question is the same with the two former; whereas, it is a single Question, wholly confined to one particular Point. The Objection made to them was, that they would shew our Enemies where we intended to hurt them, and thereby put them upon their Guard; but what does this do? It can only shew this Nation how we have been served by our

B b b 2

own

Anno, 13 Geo.
II. 1739.

Anno 13, Geo.
II. 1739.



own Ministers, and put is upon our Guard against them, if they have not served us so well as they ought.

‘ Sir, I always thought it very necessary we should go into a War against Spain, but I am much confirmed in my Opinion, from what has happened to Day in this House; for what a Condition should we have been in, if we had still continued those Negotiations, which, tho’ they are now quite over, are thought by those who favoured them most, to be of such a Nature as will not bear seeing the Light? And therefore, I really think, we are obliged to the Insolence of Spain, who, encouraged by our long Insensibility, refused to give us the Mefs of Pottage, for which we were so near selling our Birth-right. For what a dreadful Situation should we have been in, if she had not? The South-Sea Company must either have lost all the Rights of their Trade, or have been obliged to comply with the most monstrous Demand, that ever was made upon any Body of Men under the Protection of the King of Great Britain. Gentlemen talk of a Right in the King of Spain, to suspend the Assiento Contract; Yes, he had such a Right, if the Company had fail’d in their Part of the Contract; but not for their refusing to pay the 68,000l. And yet, to this Injustice, this Violence, the Company must have submitted, with the reciprocal Accord of their own Agent, and his Majesty’s Minister.

‘ Sir, the two most astonishing Propositions I ever heard in my Life, are, that the Address we carried last Week to the King was, in reality, a Part of the Convention, and that the Protest of Mr. La Quadra, was not a Part of it. It was the *sine qua non* of the Agreement, under which the Convention was signed, and we should have found it so to our Cost, if the Spirit of the Nation had not exerted itself; but because we escaped the Danger, must we lose the Sense of it too? I hope we shall act so in this War, as to make all Europe forget, how we acted before; but let us not forget it ourselves: Let us keep it always in our Thoughts, to be a Warning to us, not to relapse any more into that Itch for Negotiation, that Love of little shuffling Expedients, that mean submissive Policy, we are so happily rid of at last. Let us remember the Risk we run, and let us enquire to whom it was owing.

‘ Sir, I think we ought to demand these Instructions upon the same Principle of Equity, by which an innocent Man, who has been tried for his Life, and escapes, is allowed a Copy of the Indictment, that if he has a Mind to prosecute those who brought him into that Danger, he may. I will add but two or three Words more to the
Trouble

Trouble I have given you. The People of England are not so ignorant as some Persons suppose : They know the Convention from the Excise : They know what they should think of it : They would be glad to know whom they owe it to ; and they will understand perfectly well, if a Negative be given to this Motion, what that Negative means.

Anno 13, Geo.
II 1739.

Sir John Barnard.

S I R,

As I have often heard a certain Set of Gentlemen insist upon it, both here and in other Places, that the Declaration or Protest in Question, had no Manner of Relation to the Convention, I should be glad those Gentlemen would inform us what it had Relation to, or for what Purpose it was made, and so formally accepted of. I am very certain, the Court of Spain meant something by making it ; I am convinced they supposed we meant something by receiving it. If they had meant, or intended to mean nothing, I am sure, they would not have made it ; and if we did not mean to accept it in the Terms in which it was conceived, and for the Purpose which, we knew, they meant by it, I am sure our Minister, at least, meant to deceive them. Therefore, if we received it as the Spaniards meant it ; if we received it as the Condition on which the Signing of the Convention was to be proceeded on ; I am very sure, the Conduct of our Minister ought not only to be enquired into, but censured. And, if we meant to deceive the Court of Spain, by receiving that Declaration ; if we thereby meant to draw the Court of Spain in to sign a Convention, under the false Hopes, that we would look upon that Declaration in the same Light they did, the Conduct of our Minister, in my Opinion, deserves as much to be censured in this Case, as in the other.

Openness of Heart, Sincerity, and Plain-dealing, have always been a distinguishing Characteristic of this Nation. It is generally the Characteristic of a brave People. By continuing our Negotiations under so many Insults, I am afraid, we gave the Spaniards some room to suspect our Courage : I hope we have not, in our Method of Treating, given them room to suspect also our Sincerity. Sir, this Nation had never yet an Occasion to make use of Quirks or Subterfuges, or of any sort of Deceit, for obtaining Justice. A Convention of some kind or other might, at that Time, be necessary for some amongst us here at Home, as an Expedient for excusing themselves to the ensuing Session of Parliament, but it was not necessary for the Nation ; and therefore, if deceitful Means were used for obtaining the Con-
currence

Anno 13, Geo
II. 1739.

currence of the Court of Spain, in furnishing out such an Expedient, I will affirm, that those who did so were guilty of sacrificing the Honour and Interest of their Country to some selfish Ends of their own.

‘ For this Reason, Sir, I am for the Motion made by my Honourable Friend; for if it does not, upon an Enquiry, appear, that our Minister at the Court of Spain declared in the most open and plain Terms, that he would not accept of that Declaration, as the Condition upon which the Treaty was to be signed; that this Court would not receive it as such, nor ever admit of his Catholic Majesty’s suspending the Assiento Contract, on account of the Non-payment of the 68,000l. then claimed by Spain: I say, Sir, if this does not appear, I shall be for censuring the Conduct, at least of our Ministers Abroad, and, perhaps, of some of those at Home. From the Papers already upon our Table it does not appear, that he accepted of that Declaration, that he accepted of it in the most solemn manner; but, it does not appear from any of the Papers yet before us, that he made such a Counter-declaration as I have mentioned. Therefore, in Justice to him, I desire to be informed, because by the Papers before us, he now stands condemned, and therefore I desire to see those that may be pleaded in his Justification, if there are any such: In Justice to my Country I desire to be informed, because, as a Member of this House, I am obliged to censure him, if, by his Conduct, his Country had forfeited that Character which it has long preserved, and which it is both our Honour and Interest still to preserve.

‘ Thus, Sir, the very Argument that has been made use of in this Debate for not calling for Mr. Keene’s Instructions, is, with me, an unanswerable Argument for our doing so. If by accepting the Declaration of the Court of Spain, we did not mean what the Court of Spain meant in delivering it, we ought to have told them so. Let us see, whether we did or no. And if by accepting it, we meant the same thing they meant in delivering it, we then meant to accept of a Treaty or Convention under the Condition expressed in that Declaration. By so doing, we acknowledged the 68,000l. to be justly due to them by our South Sea Company: We acknowledged, that this Sum ought to be immediately paid, without any Regard to the large Claims our Company had upon the Crown of Spain; and we acknowledged, that unless that Company paid that Sum, within a short Term, the King of Spain had a Right to suspend the Assiento of Negroes. Will any Gentleman say, it was right in our Minister to make such Acknowledgments? Will any Gentleman say, he ought not to be censured if he did? Sir,
there

there was no Dispute between the Court of Spain and our South-Sea Company, when the Convention first began to be thought of. They had come to a final Agreement, and that Agreement would have stood, if our Negotiations about the Convention had not unhinged it. The Demand of this 68,000l. which the Court of Spain made upon our South-Sea Company, was, perhaps, an unjust Demand; but the Company had agreed to allow it, unjust as it was, provided the King of Spain would do them Justice as to the many Demands they had upon him, and insist only upon this Sum's being brought in to the Creditor's Side of his Account. This was the only Confession our Company had ever made of this Debt. This was what the Court of Spain had agreed to accept of; and this was what Mr. Keene, as he was Agent for the Company, could not but know. Was it then right in him to accept, or admit of a Declaration, in which it was insisted, that our Company had confessed this Sum to be owing, without so much as one Word of the Terms upon which they had agreed to allow it? Among Politicians, Sir, whose Maxims, I confess, I do not understand, this may be justified in the Envoy; but among Merchants, I am sure, it will never be justified in the Agent.

‘ From what I have said, Sir, it must appear, that our Minister's accepting, or even admitting of this Declaration, was wrong: and I desire to know, the whole Nation desires to know, whether there was any such Counter-declaration, and in what Method it was made or delivered. If we are refused this Satisfaction, by a Negative's being put upon this Motion, I shall presume, the whole Nation will presume, there was no such Counter-declaration made or delivered by our Minister; and consequently I shall, the whole Nation will, condemn his Conduct, let his Fate in this House be what it will. This, Sir, is a bad Consequence, with regard to the Character of the Honourable Gentleman concerned; but with regard to the Character of this House, it is a most terrible one; for if Parliaments should begin to refuse giving Satisfaction to the People, the People will begin to refuse putting any Confidence in Parliaments; and, if this should ever come to be the Case, they not only may, but they ought to be laid aside. I do not know that the Character of Parliament ever received a greater Stab, than it did by the seeming Approbation of the Convention in last Session of Parliament; and if we should, in this, so far screen the Contrivers of that Convention, as to refuse to let the People know, whether they were to blame or not: I say, if we should do this, now that the chief Argument advanced last Year

Anno 13, Geo. II. 1739. Year in favour of that Convention appears to have been without Foundation, it will, I fear, be a mortal Blow.

‘ This, Sir, is a Danger that threatens our Constitution in its most tender Part; and shall we expose ourselves to this Danger, for the sake of avoiding the chimerical Danger of letting Spain see what Concession we were willing to make for the sake of Peace? It is very plain, I think, Sir, that some amongst us were willing to have made most extraordinary Concessions for the sake of Peace; and, for this very Reason, I am for having them enquired into; for if they should appear to be such as I suspect, I hope it will be put out of the Power of those that were willing to make them, ever to make any such for the future, either to Spain, or to any other Nation we may hereafter have a Dispute with. No Man can have Reason to dread letting Spain know what those Concessions were, because, I believe, she was long since fully informed of them; and this Information was, I am convinced, the Cause of the War; for her Dependence upon the Concessions she was made to hope for, was the true Cause of her Obstinacy, and those who had flattered her with such Hopes, at last found, they had promised her more than they durst venture to perform. But suppose she were, as yet, ignorant of the Concessions some amongst us were willing to make for the sake of Peace, her being now informed of them may give her new Cause to repent of her former Obstinacy, but it can give her no Hopes for expecting such at the End of the War, if we carry it on, as I hope we shall, with Vigour and Success. The Dread of letting Spain know what Concessions we were willing to make for the sake of Peace, can therefore be no Argument with any Man in the Kingdom for opposing this Motion; but the Dread of letting this Nation see what Concessions some amongst us seemed willing to make for the sake of a precarious and dishonourable Peace, is, I believe, an Argument of great Weight with some Gentlemen, for opposing this and every such Motion; and because it is an Argument with them for opposing, it is, with me, a most powerful Argument for approving this Motion, and every Motion of the same nature; for if any dishonourable Concessions were so much as proposed to have been made, they ought to be exposed, they ought to be censured, in order to prevent the like in Time to come.’

Sir Robert Walpole.

S I R,

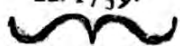
Sir Robert
Walpole.

‘ It has generally been reckoned a little unfair, to take notice of what has been said in any former Debate; but we have

have now so far deviated from this Rule, that not only what has been said in former Debates, but in former Sessions, is repeated seldom exactly as it was spoke, and made use of against Gentlemen in future Debates, or future Sessions. I remember, when it was last Year insisted on, that the King of Spain's Protest was an Article of the Convention; I made use of the Expression, that it was no more an Article of the Convention than of the grand Alliance. I then thought so, I think so still: Nothing can be looked on as an Article of any Treaty, unless it be ratified as well as signed, by both Parties concerned; or unless it be expressly mentioned and referred to in some of the Articles that have been signed and ratified by both Parties. Is this the Case of the Protest in Question? Was it either signed or ratified by both Parties, or was it mentioned in any one of the Articles of the Treaty? Sir, if it had been made by way of a separate Article, and even signed by our Minister, yet, till it was ratified by his Majesty, it could not be looked on as an Article of any Treaty between the two Nations. Therefore I still think I spoke justly when I said, that his Catholic Majesty's Protest was no more an Article of the Convention, than of the grand Alliance.

This Protest, Sir, was so far from being an Article, or a Part of the Treaty, that it was not so much as signed by our Minister: He did not so much as accept it, he only received it. Gentlemen may smile at this Distinction; but it is not a Distinction without a Difference. There is a very great Difference between accepting and receiving. When we accept of any thing, we accept of it as the Giver intends we should, either as a Payment, or as a Reward, Favour or Gratitude; and then our accepting implies a Release, or an Obligation of Gratitude. But when we receive only, we receive in what Terms we please, and may declare them then, or at any Time afterwards. This was the Case of our Minister, with regard to his Catholic Majesty's Protest. He received it only; and to shew his Candour, as well as to prevent the Court of Spain's being led into any Mistake, he then upon the Spot declared, that he did not accept of it as any Article or Condition of the Treaty, and that he received it, only in order to transmit a Copy of it to his Court, and another to the South-Sea Company. If the Court of Spain, therefore, were deceived, they deceived themselves: They were deceived neither by the Expressions, nor by the Silence of our Minister. But whatever they may now pretend, I believe, they neither deceived themselves, nor were deceived by our Minister. I believe, they did not so much as expect, that we should shew any Regard to their Protest. It related

Anno 11, Geo
II. 1739.



to an Affair of a particular and perplexed nature, which could not be brought into a general Treaty between the two Nations. The Accounts between the King of Spain and our South-Sea Company, was an Affair that no way related to either of the Nations in general; and, it was an Affair of such a perplexed nature, that it could not be brought into the Negotiation for a general Treaty. Like the Dispute about the Limits between Florida and Carolina, it was absolutely necessary to refer it to Plenipotentiaries, to be examined into, and determined by them, after the Conclusion of the general Treaty, as is customary in all such Cases; and therefore it came properly under the first Article of the Treaty, by which, Ministers Plenipotentiaries were to be appointed, for regulating finally the Pretensions of the two Crowns, remaining to be adjusted; the whole, according to the Treaties therein mentioned, of which that of the Assiento of Negroes is particularly one.

If we consider the Affair in this Light, and this is the only Light in which it can properly be considered, we may easily see, what the Court of Spain meant by this Protest. As the Assiento of Negroes was a mutual Contract between the two Nations, the King of Spain thought he had a Right to suspend the Performance of his Part of it, in case we refused the Performance of ours; and this he certainly has. No Gentleman has said, he has a Right to suspend the Assiento of Negroes upon any pretended Failure in our South-Sea Company, and without applying to our Court for Redress. But, if our South-Sea Company should be guilty of a real, and not a pretended Failure; and if, upon Application to our Court, we should refuse, or unreasonably delay compelling our South-Sea Company to do him Justice, he would certainly then have a Right to suspend the Assiento Treaty upon his Part; and this Right he was afraid might be injured, or derogated from, by that Treaty's being particularly mentioned in the first Article of the Convention; for which Reason he thought it necessary to reserve that Right by an express Declaration. This was all that even the Court of Spain meant by that Protest. It could not give them any new Right, nor confirm any Right they wrongfully pretended to. It was intended only to shew, that his Catholic Majesty did not, by the first Article of the Convention, give up any Right he might have to suspend the Assiento Treaty, upon a Failure of Performance on the Part of this Nation; and as the Plenipotentiaries appointed by both Nations, and not the Court of Spain alone, were to determine, whether the Non payment of the 68.000^l was a Failure on the Part of this Nation, it would have been a
Piece

Piece of perfect Don-Quixotism in us, to have refused admitting the Court of Spain to make such a Declaration or Protest; because, if our Plenipotentiaries had determined, that this Sum was due to the King of Spain, and that it ought to be immediately paid by our South-Sea Company, we certainly ought, and, I believe, we should have compelled that Company to have paid it; and if our Plenipotentiaries had determined, that it was not due, or that the King of Spain ought to allow it in Whole or in Part of what was due by him to the Company, his Protest would then have been of no Manner of Signification.

In my Opinion, Sir, it is evident from the very nature of the Thing, as well as from the Papers already on your Table, that Mr. Keene neither received this Protest as any Article, Condition, or Part of the Treaty, nor did he either by his Expressions, or his Silence, endeavour to deceive the Court of Spain; and therefore, neither of the Arguments made use of by the Hon. Gentleman that spoke last, can be of any Weight in the present Question; nor will our refusing to distress the Government by discovering its Secrets, or to take up our own Time with Enquiries, when there does not so much as seem to have been any Fault committed: I say, our refusing to do so, can be look'd upon by no impartial Man in the Kingdom, as a refusing to let the People know, whether those who negotiated and concluded the Convention were to blame in what they did. There are, indeed, some Men in the Nation, and perhaps some Gentlemen in this House, so much prejudiced against the Convention, that without Enquiry, they think every Man blameable who had any Hand either in negotiating or advising it; but I am sure, I may at least say, that the Majority of both Houses of Parliament thought otherwise last Session, and I can see no Reason for their thinking otherwise now. The Hopes that the Convention would, at last, produce an honourable and advantageous Peace, without War or Bloodshed, was a good Reason for concluding it, and a good Reason for approving it; and, if this was then a good Argument, can what has happened since, can the Spaniards having since committed a most notorious Breach of public Faith, any way derogate from the Strength of that Argument? Can it throw any Blame upon those who put a Trust in Hopes founded upon a most solemn Treaty? At this Rate, Sir, no Minister must ever conclude, or advise agreeing to any Treaty; for the most full, the most explicit the most definitive Treaty may be broke thro' as well as that Preliminary was; and if a Minister must answer for the Breaches of Faith committed

Annō 13, Geo
II. 1739.


by the Nation he treats with, I am sure, he ought never, in Prudence, to treat with any. The Breach of Faith committed by Spaniards, can therefore now be no more an Argument for condemning that Treaty, than the Fear of their doing so, could be an Argument for condemning it, when it was under the Consideration of this House.

‘ This, Sir, is, I believe, the Way of thinking with all the unprejudiced and impartial Men in the Kingdom, which, I hope, will always be, by far, the greatest Part; and surely, we are not to take up our Time in this House, which may be otherwise so well employed, with Enquiries, in order to remove the Prejudices of a few; and much less ought we to do so, when that Enquiry may probably be attended with great Danger to the Public, which is the Case of the Enquiry now moved for. I shall grant, that Spain has now no Reason to expect those Concessions we were willing to make for the sake of avoiding a War; but Nations, as well as private Men, often expect without the least Shadow of Reason. If Spain should be informed of all the Concessions we were willing to make, it will shew her the Value we put upon her Friendship, and this will make her persist more obstinately in the War. Her Obstinacy, it is true, may be attended with her Ruin, but this, I am sure, is what must be allowed not to be our Interest to pursue. We ought to insist upon her doing us Justice, and, I hope, we shall soon obtain it, if we do not encourage her to persist obstinately in the War; but we ought to aim at it by weakening that Nation as little as possible, because she may, probably, hereafter become our Friend and Ally, and we may have Occasion for her Assistance. I am far from thinking, that any dishonourable Concessions were proposed to be made, and yet, I am convinced, the Spaniards know very little of the Concessions we were willing to make. I hope they never shall; but, if they should be fully apprized of the Concessions we were willing to make for the sake of avoiding a War, they will expect, tho’ without Reason, that we should make the same for the sake of getting of a War; and this Expectation will prevent their suing for Peace, till they are reduced to the last Extremity, which is an Effect we ought, if possible, to prevent.

‘ But this, Sir, is far from being the only fatal Consequence that may ensue from our calling for the Letters and Instructions now moved for. I could mention several others, but shall confine myself to one. We have, it is true, the Misfortune of being engaged in a War, but it is, as yet, against Spain alone, and while it continues to be so, we
have

have no great Reason to doubt, or to be afraid of the Event; nor are we under any Necessity of seeking Allies or Assistance in the War. But there are other Powers that are, perhaps, willing to join with Spain against us, if they could but find a tolerable Excuse for so doing, and, in that case, we may be under a Necessity of endeavouring to get some of the Powers of Europe to join with us. We know how freely Ministers of the same Sovereign correspond with one another, when there is no Jealousy between them, nor any Apprehension that the Correspondence will be unseasonably divulged. This was probably the Case of our Ministers at Home and Abroad, who were concerned in negotiating and concluding the Convention, and therefore there may be some Reflections or Expressions in the Letters or Instructions now called for, that may be of dangerous Consequence in both these Respects. They may not only be such as will furnish those that incline to be our Enemies, with a plausible Pretence for joining against us, but they may be such as will render those that incline to be our Friends, less willing to assist us. These may be the Consequences of having the Papers called for laid before so numerous an Assembly; and as these Consequences may be fatal to us in our present Situation, I must therefore give my Negative to the Motion.

Anno 13, Geo
II. 1739.



Lord Polwarth.

S I R,

‘ I do not remember to have heard it insisted on in this, or any former Debate, that the King of Spain’s Declaration was an Article of the Convention, and therefore it was unnecessary for the Honourable Gentleman who spoke last, to point out to us, so exactly, what was to be deemed, and what was not to be deemed an Article of any Treaty; but a Declaration or Protest may relate to a Treaty, tho’ it be not signed by both Parties, and tho’ it be neither made an Article, nor mentioned in any Article of the Treaty; and when such a Declaration or Protest is signed by one of the contracting Parties, and solemnly intimated to, and accepted by the other, it has, by the Law of Nations, the same Effect, as if it had been made an Article of the Treaty.

‘ As for the Honourable Gentleman’s Distinction between Accepting and Receiving, it is, like some of the other ingenious Distinctions I have heard come from the same Quarter, a little beyond my Comprehension. There may be a Difference, but, I protest, it is such a one as I cannot well comprehend; and what is still worse, it is a Distinction that, even as he has explained it, will not serve his Turn in the present

ANNO 13, GEO
II 1739



present Case. If he should give me any thing, which I do not expect he will, and I should receive it, I should think that I had not only accepted it, but that I had accepted it upon the Conditions on which, I supposed, he gave it; and, I believe, the World would think in the same way. But if he should give me any thing, and at the Time of giving should express the Terms on which he gave it, in such a case, if I received his Present without declaring, that I neither did, nor would receive it upon his Terms, the whole World would conclude, that I had accepted it upon the Terms he expressed. Suppose a Man were actually owing me a Sum of Money, and should come and offer me a Sum equal to what he owed, but at the same time should declare, that he did not acknowledge himself indebted to me in a Farthing, nor would give me that Money unless I received it as a Gratuity; and suppose I did receive the Money without saying a Word, ought not my receiving it in that way, to be looked on as receiving it by way of Gratuity? I am sure, in Point of Honour, it ought; for no Man would receive the Money in that way, unless he either thought there was nothing really due to him, or that he had not Power to compel the Payment of it.

I have made these Suppositions, Sir, in order to shew, that he who receives must always be supposed to accept upon the Terms on which the Thing is, or is supposed to be given. And now to apply this to the Protest or Declaration in Question. If it had been drawn up and signed without the Knowledge or Participation of Mr. Keene, and a Copy of it sent to him after the Signing of the Convention, I shall grant, that his receiving or accepting it in this manner, would have been of no great Moment; He might, in Complaisance, have told them, that he would send a Copy of it to his Court, or to the South-Sea Company. But this was far from being the Case, as appears from the Papers already upon our Table. Before the Convention was signed, there was an Agreement between Mr. Keene and Mr. La Quadra, that such a Declaration should be made in Writing, and signed by the latter, in the Name of the King of Spain: Nay, farther, before the King of Spain's Ministers would sign the Convention, Mr. Keene agreed not only by Word of Mouth, but under his Hand in Writing, that he would receive or accept of this Declaration, and transmit Copies of it to his Court, and to the South-Sea Company. Must not we then suppose, that when he received this Paper, he accepted it upon the Terms which were expressed in the Body of it; and that consequently our leaving our South-Sea Company to the Mercy of the King of Spain, was the Condition

dition upon which Mr. Keene agreed the Signing of the Treaty was to proceed on.

Anno 13, Geo.
II. 1739.

‘ I was surprized, Sir, to hear the Honourable Gentleman say, that Mr. Keene, to shew his Candour, declared upon the Spot, that he did not accept of this Declaration as any Article or Condition of the Treaty, but that he received it, only in order to transmit a Copy of it to his Court, and another to the South-Sea Company. I do not know what private Information the Hon. Gentleman may have about this Affair, but the very contrary appears manifest from the Papers now on our Table, and from them only we can judge. (Here he reads Paragraphs from several Letters, &c.) From these Papers it is, I think, manifest, that Mr. Keene, by an Agreement previous to the Signing of the Convention, agreed to accept of this Declaration, and that he did accept of it without making any such Counter-declaration, either by Word of Mouth or in Writing; and by his doing so, it certainly became a Part of the Convention: No Civilian will, I am sure, say otherwise. I say, no Civilian, Sir; for I have, this Day, heard some Gentlemen of this House say otherwise; but they do not, I think, pretend to be Civilians; and therefore, I hope, they will not pretend to Infallibility, or even to great Authority, in a Point that depends upon the Laws of Nature and Nations.

‘ I shall grant, Sir, that Matters of a particular and perplexed nature are seldom settled by general Treaties. When Matters of a general and national Concern are adjusted, those of a particular or perplexed nature, such as Limits, Damages, and the like, are usually referred to be adjusted by Plenipotentiaries, Commissaries, or some such Ministers, after the general Treaty has been concluded; but our late Convention with Spain was of an extraordinary kind; for all the general Rights and Pretensions in Dispute between the two Nations, such as the Freedom of our Trade and Navigation in the American Seas, our Right to cut Logwood in the Bay of Campeachy, and all such, were left to be regulated by Plenipotentiaries; and that Affair which was the most perplexed, and required the most particular Discussion, I mean the Damages sustained by our Merchants, was the only Affair that was finally adjusted by the general Treaty. I beg Pardon for saying finally adjusted; for, in my Opinion, it was, on our Part, absolutely given up. I therefore do not at all wonder that the great Claims our South Sea Company had upon the Crown of Spain, on account of Seizures, were left to be regulated by Plenipotentiaries; but I was surprized to hear the Honourable Gentleman say, that the Accounts between the King of Spain and

Anno 13, Geo
II. 1739.

our South-Sea Company were all referred to the Plenipotentiaries. No, Sir; the King of Spain's Claim upon them was not referred: We positively and expressly allowed it, by our Minister's accepting this Protest as the Basis of that Treaty.

The Court of Spain, Sir, were well apprized of the Necessity our Negotiators were under towards the End of last Year, for having a Treaty of some kind or other. The Ministers of Spain knew, that our Ministers had spent four or 500,000*l.* of the Nation's Money, in fitting out Squadrons of which they have made no manner of Use. From thence they knew that our Ministers were under a Necessity of having something to shew, some Excuse to make, to Parliament; and they would grant them nothing. they would give us nothing that looked like a Treaty, unless our Minister would abandon the South-Sea Company. That Company must be entirely left to their Mercy: The Sum pretended to be due to them by the Company, must not only be acknowledged, but paid within a short Term, otherwise they were to be left at Liberty to suspend the Assiento of Negroes; whereas, the large Sum due by them to the Company, were to be left to a tedious Discussion, and not to be paid till their Plenipotentiaries should agree to it, which, I am convinced, they never would have done. All this they insisted on, before they would vouchsafe to give us any thing that looked like a Treaty, and for this, they would not trust to our Minister's Word; they would have it in Writing; and this Form of a Protest, which he was to accept of in a solemn manner, was the Method agreed on: Nay, even for this Acceptance, they would not trust to his Word: This too, they insisted upon having, by way of Letter, under his Hand. Does not this shew that our Ministers, so far as they durst venture, were willing to agree to every thing proposed by the Ministers of Spain? Suppose, Sir, the King of Spain has a Right to suspend the Assiento of Negroes, in case of any Failure on our Part, yet this cannot justify Mr. Keene's accepting of that Protest in the manner he did. By that Acceptance, he not only acknowledged the Right in the King of Spain, but he acknowledged, that the South-Sea Company would be guilty of a Failure on their Part, unless they paid the 68,000*l.* within a short Term; and this he did, tho' he perfectly knew, that, in Justice, they owed no such Sum, nor had ever acknowledged, or promised to pay such a Sum, but upon Condition of the King of Spain's settling all Accounts with them, and paying what might appear to be due upon the Balance.

What

What I have said, Sir, I have spoke from the Papers now upon our Table. From them our Negotiations, especially those that relate to his Catholic Majesty's Protest, must stand condemned with every Man that peruses them, and them only. If there be any other Papers which may justify those Negotiations: If the Honourable Gentleman knows of any such: If he knows of any Letters, Instructions, or other Papers, from whence it may appear, that Mr. Keene declared, when he received this Protest, that he did not receive it as any Article or Condition of the Treaty, that he received it only to transmit it to his Court, and to the South-Sea Company: I say, if the Honourable Gentleman knows of any such as, from what he has said, he would seem to insinuate, I am sure he ought, as a Friend to Mr. Keene, to agree to their being laid before us. The Objections he has been pleased to make, the Dangers he has been pleased to frighten us with, are, in my Opinion, mere Bugbears. The Danger of shewing to Spain what Concessions we were willing to make for the sake of Peace, is an Objection that operated as strongly against laying before us the Letters and Instructions to our Commissaries, as it can do against laying before us the Letters and Instructions to Mr. Keene; and yet, the former were laid before us without any Difficulty, and without producing any bad Effect. And as no Power in Europe had the least Concern in the Negotiations carried on between Spain and us: As no Power in Europe had any immediate Concern in the Disputes between the two Nations, I cannot conceive, what Occasion our Ministers could have to mention any other Power in Europe, in their Letters or Instructions to Mr. Keene; and therefore, from their great Wisdom, I must suppose, that no other Power in Europe is so much as mentioned in any of those Letters or Instructions. For this Reason, if they were all printed and published, as well as laid before this House, I cannot suppose, that those who are willing to join with Spain against us, could, from thence, be furnished with any Pretence for so doing; or that those who are willing to assist us in the War, in case we should have Occasion for it, could, from any Reflections or Expressions in those Letters or Instructions, be rendered less willing than they are at present to assist us.

This, Sir, is a Danger that none of our Ministers have, I am convinced, the least Cause to apprehend. But there is another Danger which some of them may, perhaps, have Cause to apprehend. There may be Expressions in some of those Letters or Instructions, that might disoblige many here at Home, and raise such a Spirit in the Nation,

Anno 13, Geo. II. 1739. as would be of dangerous Consequence to our Ministers. If our Negotiations were carried on, not so much with a View to procure Satisfaction to the Nation, as to procure temporary Expedients for our Ministers, this might appear from some of those Letters or Instructions, if they should all be laid before us; and this, if there be any such thing, is, I shall grant, a Danger which our Ministers have great Reason to apprehend; but this is a Danger which, I am sure, ought to have no Weight with this House. If it has any, it must be in favour of the Motion; and, for this Reason, I am the more sanguine for the Motion; because I find it opposed by some who may, perhaps, think themselves exposed to this Danger.

Sir John Hind Cotton.

S I R,

Sir John Hind
Cotton.

I shall not enter into the Question, whether our Negotiations stand condemned or acquitted by the Papers now upon our Table; but, I must observe, that tho' several Paragraphs have been read, and from thence several Objections started, by those who find fault with our Negotiations, yet none of those who declare themselves Friends to our Negotiations, have attempted to read, or to draw an Argument from any one of the Papers now before us; from whence it would seem as if they were conscious, that our Negotiations cannot be justified from any of the Papers we have, as yet, upon our Table; and if they put a Negative upon this Motion, the whole World will conclude that they are conscious those Negotiations can as little be justified from any Papers that can be laid before us; therefore, for preventing such an unlucky Inference, I hope they will agree to the Motion.

In this Debate, Sir, we have heard Mr. Keene's Conduct so highly applauded by some Gentlemen, and so loudly blamed by others, that, I confess, it excites a very great Curiosity in me, to see all that can be said, both for and against him; and therefore, as I can see no Danger from our having all those Papers laid before us, if there were no other Reason, I should be for the Motion. But when I consider the Duty we owe to our Country, if the Gentlemen whose Conduct is called in Question, be guilty, and the Justice we owe to him if he be innocent, I think we ought to have the Papers now moved for laid before us, even tho' it should be attended with all the Dangers we have been frightened with; and those who have any Regard for him, must certainly, I think, be for it, because his Character, as a Minister, may, perhaps, be justified by some of the Papers now
called

called for ; and it cannot, I am sure, be rendered worse than it is already in the Eyes of many Gentlemen of this House, and, I believe, of most Men in the Nation.' Anno, 13 Geo. II. 1739.

This Debate likewise ended with a Negative, without a Division.

Lord Gage's Speech against the Augmentation of the Troops.

S I R,

' The Honourable Gentleman that made the Motion for an Augmentation to our present Army, of seven Regiments of Foot, did plainly tell you at the same time, that he did likewise intend to propose the raising also of four Regiments more of Marines : But as I am against every Part of the Motion already made, so I shall be against that intended to be made.

' I am against this Augmentation of Troops, because no one Reason has been given to shew the Necessity of it ; and was it necessary, I should be for the adding of fifteen or twenty Men to the Companies now in being, rather than the raising of new Corps or Regiments, which will be not only the most burdensome and expensive way to the Nation, but may also prove the most dangerous to our Constitution.

' The Honourable Gentleman that opened this Debate, seemed to hint that these additional Troops would, in reality, be no Augmentation to our Army, being only to replace those sent Abroad on the late Expedition to America. But I hope he will forgive me, if I say, that it is a fallacious way of arguing, and not true in Fact.

' It is true, indeed, they are pretty equal in Number to those sent Abroad, but they are so many more than the Parliament last Year ever intended keeping on foot in England ; for those very Troops sent on the Expedition, were raised with no other View than to be sent Abroad, so that, in reality, this is an Addition of so many more Men.

' And I am so far from agreeing to the raising of more Forces, that I would not even consent to the keeping up the present Number of useles Troops, was it not with a View of making them of some Service to their Country, by addressing his Majesty to employ some of the marching Regiments as Marines on board some of the Men of War.

' But now I am talking of Marines, where is the Necessity, supposing it was even requisite Marines should be raised, that it should be done by way of Regiments, to put to unnecessary Charges a Nation already groaning under the heavy Load of Taxes, Duties and Excises ? Why not rather as independent Companies, and so to be sent on board such Ships where there may be a Deficiency of Sailors, by which

Anno 13, Geo.
II. 1739.



means not only the Pay of the Colonels, Lieutenant Colonels, Majors, &c. would be saved, but also there would be more Seamen spared for the Merchants carrying on their Trade?

• But as I do not at present think any additional Marines needful, there being, as I said before, marching Regiments sufficient that may be spared, to be employed that way in case of Necessity, so I never will be for keeping on foot a single Company more than is requisite for the Support of the Government. But when instead of that, I think, the too great Increase of the Army may become its Subversion, by making Slaves of a free People, I shall always oppose it; and to shew the Gentlemen of this House from History, how all free Countries have been enslaved by Armies, would be taking up of their Time to no Purpose, and telling them what they know better than myself.

• I must own, Sir, I can see but one Reason for raising, at this present Juncture, this additional Number of Troops, and that is, to strengthen the Hands of the Minister against the next Elections, by giving him the Power of disposing of Commissions to the Sons, Brothers, Nephews, Cousins, and Friends of such as have Interest in Boroughs, into some of which, perhaps, Troops may be sent to procure the free Election of their Members, in Imitation of the late Czarina sending her Troops into Poland to secure the free Election of a King.

• But still there is one thing more fatal than all I have yet named, that must be the Consequence of so great a Body of Troops being kept on foot in England, and will be the finishing Stroke to all our Liberties. For as the Towns in England will not be able much longer to contain Quarters for them, most of those who keep public Houses being near ruined by Soldiers billeted on them; so on Pretence of the Necessity of it, Barracks will be built for quartering them, which will be as so many Fortresses, with strong Garrisons in them, erected in all Ports of England, which can tend to nothing, but by Degrees to subdue and enslave the Kingdom.

• But if ever this Scheme should be attempted, it will be incumbent on every Englishman to endeavour to prevent it by all Methods; and as it would be the last Stand that could be ever made for our Liberties, rather than suffer it to be put in Execution, it would be our Duty to draw our Swords, and never put them up till our Liberties were secured, and the Authors of our intended Slavery brought to condign Punishment.

! Sir,

‘ Sir, in Answer to what the Honourable Gentleman mentioned, who said, there was not only a Possibility, but a Probability of the French attempting very soon to invade England, I will not dispute that Point with him; tho’ I do not believe it, but will, for Argument Sake, grant it to be true, and therefore will, on that Supposition, beg the General that spoke lately, and said that the raising of Troops in Regiments would be of more Service than by adding a Number of Men to each Company of the Regiments now in being, to answer me this Question.

Anno 13, Geo.
II 1739.

‘ Whether, if he was a Prince of a small Territory, and knew he was to be attacked by 8000 Men, and was very poor, and had very little Money to spare, he would not rather chuse for his Defence to raise 10,000 Men, by adding more Men to every Company, than only to raise 5000 in the Method he proposed, since the 5000, with so great a Number of Officers, would cost as much as the 10,000 in the other way? But as I am persuaded, without waiting for the Gentleman’s Answer, that he would chuse the 10,000, so I beg leave to bring it to a Comparison of the present Situation of our Affairs at Home.

‘ England is indebted forty eight Millions; (tho’ after near thirty Years Peace) there is no one thing left that can be taxed, but what has already a heavy Duty laid on it, so that with the Land-Tax, Duties on Salt, Leather, Soap, Candles, and all other Things, every Freeholder of England pays near 14s. in the Pound, and if the War continues, there will be no means left for the raising Money but by the way of Lottery, of which People will soon grow tired, and the last Recourse we can have must be to mortgage the Sinking-Fund, which, perhaps, will not answer, by reason that the Produce thereof, by the Want of our Trade in Time of War, will come but to little, and therefore OEconomy is absolutely necessary, and if it is to be determined that Troops must be raised, it ought, at least, to be done in the cheapest manner.

‘ In answer to what another Honourable Gentleman said, who told the House he had been acquainted by a Person of Rank in the Emperor’s Service, that the great Misfortune that befel the Emperor’s Arms during the last War, was found to be their having too many Men in each Company: I do not in the least doubt but that he had been told so, but shall beg leave to give other Reasons for his having been constantly beat, than those that he has mentioned.

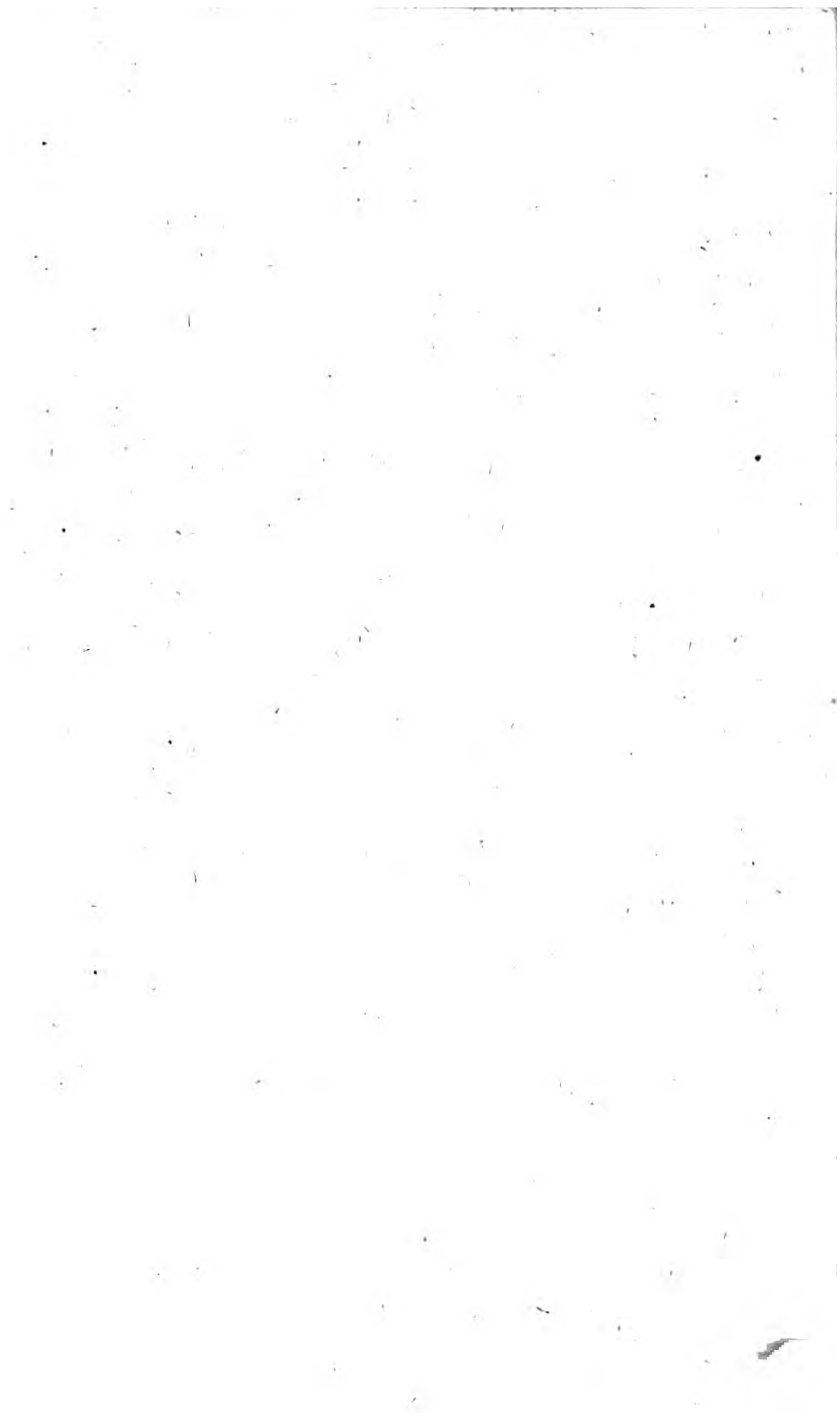
‘ It is well known, Sir, that there were Factions at the Court of Vienna as well as at this, and that there was also there a Prime-Minister who had acted like ours at Home,
and

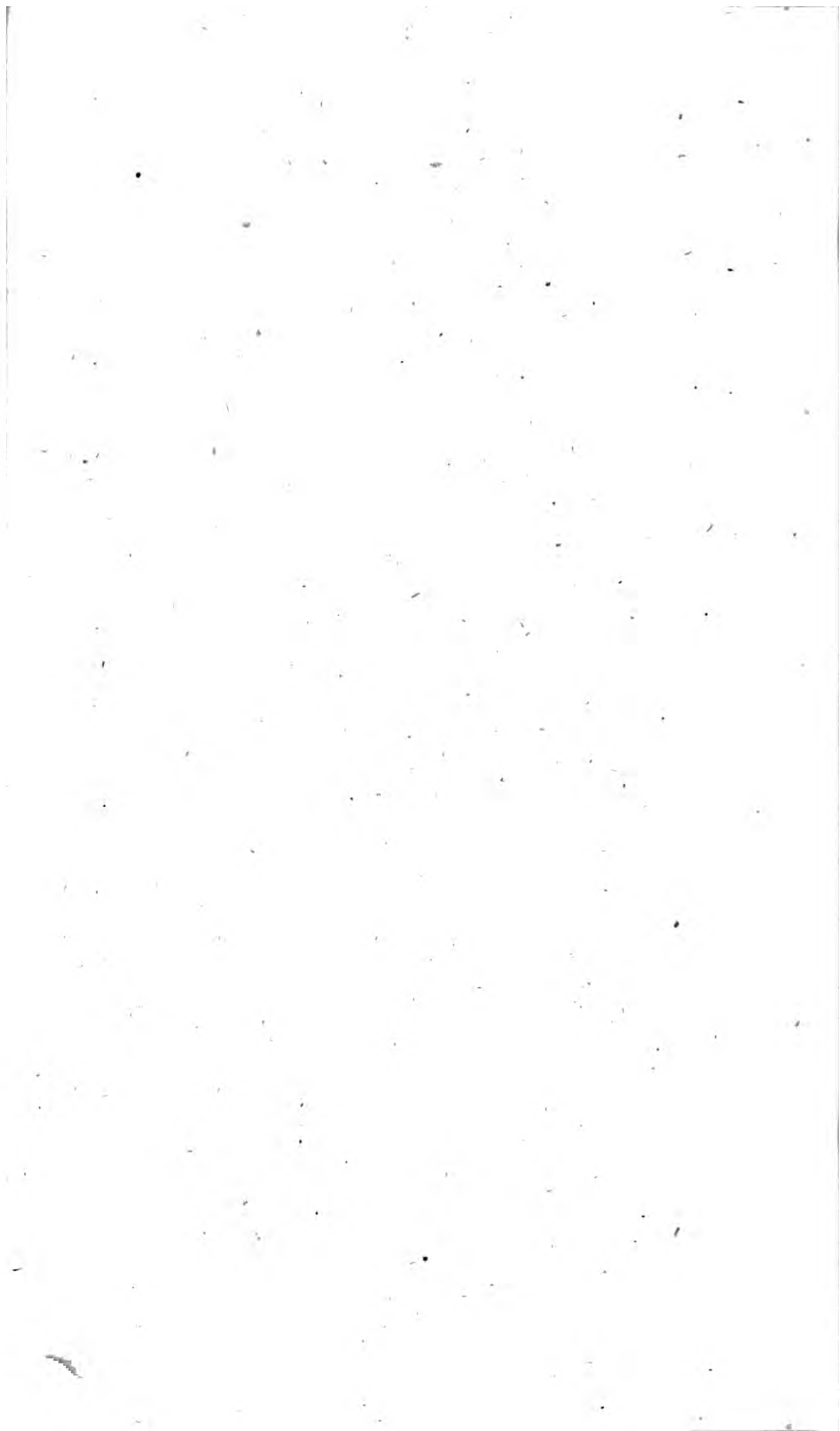
Anno 13, Geo
II. 1739.

and that he had quarrelled with the chief and greatest Men, and in Contradiction to the general Voice of the People, acted in his own despotic way, and had laid aside the best Generals because they would not be his Tools, and employed the bad ones, which I ascribe in great Part to be the late Emperor's Misfortunes in his last Wars; and to prove what I say to be true, I appeal to every body's Memory, whether the Emperor's Troops, when commanded by Prince Eugene, did not behave well, tho' at that Time there was the same Number of Men in every Company as in the last War; so the Fault must be, as I said at first, in the Generals.

' Upon the whole, I am against any Augmentation of Troops whatsoever, unless I hear better Reasons given, (England having already in Pay near 72,000 Men) but more particularly by the way of eleven more Regiments; and, I hope, I shall be forgiven, if during the Debate I shall take the Liberty of speaking again; for I am determined to fight, Inch by Inch, every Proposition that tends, as I think this does, to the enslaving my Country.'

The END of the Sixth Volume.







I N D E X
O F T H E
Names of the several Speakers
I N T H E
S I X T H V O L U M E.

- A.
A R C H E R, —, 91.
B.
Baltimore, Lord Viscount, 117.
Barnard, Sir John, 99, 128, 265, 350, 373.
C.
Campbell, ———, 10.
Corbett, William, 151.
Cotton, Sir John Hind, 386.
D.
Danvers, Joseph, 171.
F.
Fazakerley, Nicholas, 66.
Fox, Henry, 166.
G.
Gage, Lord Viscount, 21, 261, 387.
Gibbon, Philip, 134, 159.
H.
Heathcote, George, 347.
How, John, (*now Lord Chedworth*) 27, 121.
Hooper, Edward, 124.
L.
Lyttleton, George, 35, 164, 208, 259, 312, 371.
M.
Mordaunt, Colonel, 67.
*

Index of the Names of the Speakers.

N.

Norris, Sir John, 269.

O.

Onflow, Arthur, (Speaker) 294.

P.

Pelham, Henry, 64, 103, 218.

Pitt, William, 31.

Polwarth, Lord, (*now Earl of Marchmont*) 381.

Pulteney, William, (*now Earl of Bath*) 61, 92, 103, 138,
150, 174, 223, 246, 288, 282, 287, 298, 329, 363.

S.

Sandys, Samuel, 107, 152, 202, 279, 368.

Saunderson, Sir Thomas, (*Earl of Scarborough*) 12.

Selwyn, John, jun. 204.

Southwell, Edward, 223.

Scrope, John, 287.

T.

Tracy, Robert, 254, 346.

W.

Wager, Sir Charles, 102, 114.

Waller, Edmund, 340, 360.

Walpole, Horatio, 1, 149, 334.

Walpole, Sir Robert, (*now Earl of Orford*) 41, 53, 66,
70, 81, 96, 130, 187, 233, 274, 288, 305, 354, 376.

Willmot, Alderman, 67.

Wyndham, Sir William, 44, 68, 240, 271.

Y.

Yonge, Sir William, 85, 160, 220, 366.

F I N I S.



