

Free Parliaments:

OR, AN

ARGUMENT

ON THEIR

CONSTITUTION;

PROVING

Some of their Powers to be *Independent*.

To which is added, An

APPENDIX,

CONTAINING

Several Original LETTERS and PAPERS,  
which passed between the Court of *Hanover*,  
and a Gentleman at *London*, in the Years  
1713 and 1714, touching the Right of the  
DUKE OF CAMBRIDGE to Reside in *England*,  
and Sit in Parliament.

By the AUTHOR of the

BRITANNIC CONSTITUTION.

L O N D O N :

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X To Her GRACE,  
The Dutches-Dowager of  
*MARLBOROUGH.*

*May it please your GRACE,*



HE Relation You bear  
to the Duke of MARL-  
BOROUGH, engages me  
to pray Your Grace's  
Patronage of the TREATISE here  
Inscribed.

THE Military Atchievements of  
His Grace, can never fail to impart  
Honour to all his Descendants, and  
Pleasure to all such Patriots, as value  
their Religion, or the Liberties of  
their Country. For when it is re-  
member'd, That His Grace, who, of  
a Subject, was, undoubtedly, the

DEDICATION.

Greatest Hero this Nation ever produced, had, by his Victories, Disabled the Dangerous Enemy, from Assisting Those who endeavoured to Disappoint the *Hanover* Succession, at the very time when that Enemy's Assistance would have been most Effectual; Those Patriots must, in that Contemplation, think of his Victories, with the highest and most pleasing Estimation. This Fruit, therefore, of our Hero's Efforts, will be a Laurel to crown his Successes, that can never fade, so long as *Britons* retain Vertue, to admire the glorious Enterprizes of the Incomparable MARLBOROUGH. I am,

*May it please Your GRACE,*

YOUR GRACE'S

Most Faithful and

*Inner-  
Temple.*


Most Obedient Servant,

*Roger Acherley.*

(8)

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Free

III A.1



Free Parliaments :

OR, THE

HISTORY

OF THEIR

CONSTITUTION, &c.



THE Parliament consisting of the Three Estates of King, Lords and Commons ; I have confined this Discourse to Matters only concerning the Two Estates of Lords and Commons : Because, as to the First and most Excellent Estate, the aptest Similitude of its Power and Extent is the Ocean, where a Man in the midst can see nothing but Sea ; and therefore his greatest Difficulty is, to find out, and sail to its Bounds. But as to the Two

B

Estates



2     *Free Parliaments, &c.*

Eftates of Lords and Commons, I fhall confider,

1. The Election and Appointment of the Lords, or Second Eftate, and their Privileges.
2. The Election of the Third Eftate, or Houfe of Commons, and their Freedom, Independency, and Privileges.
3. The Violations of Free Parliaments before the *Revolution*; and the many Laws made, fince that time, to Reftore and Secure a Free Houfe of Commons.
4. The Reafons why a further Law is yet neceffary, to fupply the Defect of Evidence, and to make Effectual the Laws already made, in order to render Free the Houfe of Commons.

1. *As to the First Consideration*, touching the Election and Creation of the Second Eftate, there can be no doubt but that in the Firft Formation or Origination of the *Britannic* Conftitution, the Election of the Second Eftate, or Lords, was appropriated to, and vefted in the Supreme Governor, the King: But that when the King had fo elected and appointed the Lords, they were  
to

to derive their *Authority* from the Constitution, and be Trustees in General for the People and Nation, and to act concurrently with (but as freely as) the other two Estates, according to their Privileges, which are fundamental.

2. *And, as to the Election* of the Third Estate, or House of Commons, there can be no Doubt, but that the Election of Members to serve in the House of Commons, should be, and was vested in the People, in the several Parts of the Nation, from whom they were, in, and by, their Election, to derive all their *Power, Authority, and Independency*, to act concurrently with (but as freely as) the other Two Estates, according to their Privileges, which are also fundamental.

*And as to the Powers and Privileges* which were to be, and were appropriated in Common to both those Two Estates, I think I may wave them, and first assert, That because the House of Commons was (in Conjunction with the Lords) to have the whole Power of the first Devising Laws; and since the Commons were to be trusted with the Power of giving and granting Aids and Taxes, so as such Gifts be consented to, by the Lords in Parliament assembled, and were also to be trusted with

#### 4 • *Free<sup>d</sup> Parliaments, &c.*

the Power and Authority to expose the Peoples Grievances, and to Prosecute, for proper Remedies, *They* were therefore to be the Refuge of the People, and to be *Judges* of their State and Condition : And since the Redress of National Grievances, *was* to take, or hath, in most Cases, taken its *first Rise* and Commencement in the House of Commons ; and since, for those Reasons, the Elections of the Commoners were to be *Free*, and the Crown totally *Excluded* ; and since, for the better excluding all Influences on Members, after their Elections, They were to have and take Wages from their Electors, as Masters, from whom They derive their Power and Authority, and from them only, and from none other : Therefore, from these Premises, it may be argued, That the Exclusion of all Influences, either on the Electors or Elected, ought to be *Total*. Because *Wages* implies the Capacities of Master and Servant ; for the *Servant* must serve Those, from whom he accepts the Hire. However, this Provision restrains not Members from accepting Publick Rewards for eminent Services done out of Parliament : But for Services done in Parliament, They may not, in any sort, take *Rewards*, and above all, *not Private ones* ; for Whoever takes Rewards, submits to the Service the Giver imposes.

All

• All which Properties of the Commons, and their Shares in the Government concurrently with the other Two Estates, are distinctly stated in the *Britannic Constitution*.

• It must therefore be observed, That the Original Constituents of Parliament omitted to provide any Remedy, or Means; for the Electors, to require from their Representatives any *Account* of their Demeanor. All that the Constitution provided and reserved to the Electors, was, *frequent New Elections*; in which the Electors might, in their Elections, *treat* Offenders with a public Censure, by rejecting them, and *choosing* better in their Room; and by that Means only, to express their *Resentment*.

*But in this Place*, and before I proceed, I may observe, That in the Original Writs of Summons, (a) there appears a fuller *Expression* of the Constitution of the House of Commons, than is to be found in any other Evidence: For the King therein Declares, “ That He, considering the in-  
“ superable and urgent Businesses, concern-  
“ ing his Government, and the State of the  
“ Nation, had ordered a Parliament to be  
“ holden (at such a Time and Place) to

---

(a) : *Influence*, 10.

## 6. *Free Parliaments, &c.*

“ Confer and Treat about the same, with  
 “ his People ; His Majesty therefore com-  
 “ mands the Sheriff to make Proclamation  
 “ of such his Resolution, and to cause Two  
 “ Knights for the Shire, and Two Citizens  
 “ for each City, and Two Burgessees for  
 “ each Borough within his County, to be  
 “ elected, *Ad faciendum ea*, (i. e. to make,  
 “ and consent to the making ) such Things,  
 “ as by the Common Council of England  
 “ shall be agreed on ; so that, for want of  
 “ *this sort of Power*, the National Business  
 “ may not remain undone.

*From the Words of this Writ, it may be  
 inferr'd ;*

1. *That when* the Government and State of the Nation is embarras'd, the assembling a Parliament, is the assembling of that Power which (only) can overcome the Grievance, and support the King in his Authority and Grandeur.

2. *That the Power* here wanted and called for, is the *Power* of the People ; without which *Power*, the National Business cannot be *done*, but, for want of it, must remain *undone* : Of which Businesses the elected Members are *impartially to judge*, and may freely give or deny their Con-  
 rence

ence to such Things as shall be proposed or required.

*The Inference*, therefore, that this *Power* is deriv'd from the People; and is *independent*, is conclusive: Because the People cannot give to, or invest another, with that Power, which they themselves have not.

3. *That the King*, in his Conferences and Treaty with the Parliament, mention'd in the *Writ of Summons*, seems to be *engaged*, on his Part, to disclose and impart to that Assembly, not only what Things he thinks fit, but also such Things as they shall desire to know: Because it is Part of their Duty to expose their Grievances, and to make Inquisition for the Authors, and to prosecute for proper Remedies. And after that, the King seems to be also *engaged*, to give the Royal Assent, to such Remedies as the Assembly shall judge and chuse to be good and proper to redress the Grievance: Because their Resolutions, are the Reasons of the Kingdom. And if so, then how *free* and *independent* ought to be such an *Assembly*?

4. *That the Words* and Form of these *Writs of Summons*, are the strongest Evidence to demonstrate and prove, what that *Share* is, and what that *Power* is, which

## 8. Free Parliaments, &c.

the Commons in Parliament assembled have in the Government.

Now the Rights and Powers which the Third Estate, or House of Commons, have anciently exercised, seem to prove them to be a Free, *Independent*, and Essential Estate or Part of the Government; as may appear from these two old Instances, *viz.*

(a) *In the Year 1258* — 43 *Hen. 3.* this King receiv'd a Letter from Pope *Alexander the Fourth*, by which that Bishop of *Rome* expostulated with the King about the Sentence, or Act of Parliament, which His Majesty had, jointly with the Lords and Commons, given and past, to banish *Adomar*, the proud and insolent Bishop of *Winchester*, for numerous Misdemeanors, and especially for misleading (and patronizing others to mislead) this King into many provoking Acts of Misgovernment; the Bishop of *Rome*, by this Letter, required, That the Sentence (or Statute) should be repealed, and *Adomar* recall'd, for this Romish Reason; Because, forsooth, that Bishop of *Winchester* was a Clergy-man, and not subject (as he pretended) to Lay Censures, in Disobedience to the Church Canons made by the

- Bishop of Rome. And in order to Answer this Letter, King Henry laid it before the Parliament, to consider of this Usurpation of Church Dominion. Upon which the Commons came to a Resolution, which they reduced into a Letter, in Answer to the Pope's; in which they, as a Free and Independent Estate, expressed their Sense, in these Words, *Si Dominus Rex & Regni majores hoc vellent; Communitas tamen, ipsius (Adomar) Ingressum, in Angliam jam nullatenus sustineret.* In English thus; "If the King and the Lords would do this Thing, (meaning, if they would revoke the Banishment), yet the Commons would not suffer or bear Adomar's Residence in England." And the Commons caused their Speaker, *Petrus de Montford (Vice totius Communitatis)* to sign, and he did sign, this Answer. And afterwards, in a Conference with the Upper House, the Lords also under-signed it. And the same was sent to the Bishop of Rome, who being so rebuked and abashed, all his Pretences were at that time silenced. This Act of Government therefore sufficiently proves, that the House of Commons was at that time a Free and Independent Estate, or Part of the Constitution of the Kingdom, to act concurrently with (but as freely as) the other Two Estates.



2. *And another* most exemplary Effort or Act of the Two Estates of Lords Temporal, and Commons (exclusive as well of the Prelates, as of the King) merits a *glorious Remembrance*, which happened upon this Occasion, viz.

*It was discovered*, in the Year 1295, 23 Ed. I. that *John Baliol* King of Scots (who, by King *Edward's* Sentence or Arbitration, had been placed in that Throne, preferable to *Robert Bruce* his Opponent) had secretly conspired with *France* to invade and attack *England* on one Side, whilst *France* did so on the other. Which Conspiracy so incensed King *Edward* and the Nation too, that this King invaded and made terrible War in *Scotland*, and moreover claimed the Sovereignty of that Kingdom, and treated the *Scotish* King and his People as Rebels.

*During this War*, *Robert Winchelsey* Archbishop of *Canterbury*, in much Haste and Concern, arrived in the King's Camp near the Abbey of *Dunfermling* in *Scotland*, and in Quality of the Pope's Legate, deliver'd to His Majesty a Letter of Summons from Pope *Boniface* the Eighth, dated at *Anagnina* the 27th of *June* 1300, whereby the Bishop of *Rome* signify'd, That the *Scots* complained

plained to him, That altho' King *Edward* had (as they pretended) no Sovereignty over their Country, yet he had invaded, and made War, and tyrannized over them, contrary to all Right and Equity: And that altho' King *Edward* had assumed to be Arbitrator between some Claimants of their Crown; and altho' the *Scots* had submitted to his Arbitration; yet that Submission was made for no other Reason, but because they were not able to resist his Will: The Bishop of *Rome* therefore, at the Instance of the *Scots* (who prayed his Judgment and Assistance) claimed the Cognizance and the Jurisdiction to hear and determine all Questions touching the Sovereignty of *Scotland*, and required King *Edward* to cease his Wars, and restore to the *Scots* their Liberties; and directed, That if He, King *Edward*, pretended to have a Sovereignty or Dominion over *Scotland*, His Majesty should send Commissioners fully instructed, to Answer before him (the Bishop of *Rome*) to the *Scots* Complaints, promising to do King *Edward* Justice, and inviolably to observe his Right, if any he had (that is, to hear and determine the Sovereign Right) to the *Scottish* Government.

*The King* was enough surprized at the Message; and yet he declined, at present,

to.

to treat the Arch-Bishop with such Usage as is usually inflicted on Subjects who bring Messages so presumptuous and treasonable. But His Majesty, with Mildness, told the Arch-Bishop, That, according to the Custom of *England*, he would advise with his Parliament, and send the Bishop of *Rome* an Answer by Messengers of his own.

*King Edward* therefore immediately called a Parliament, which met at *Lincoln* about the 20th of *January* 1300, and laid before them the Pope's Letters, and required their Counsel and Resolution. Which was the same thing as to say, To you, Gentlemen, it belongs, to give an Answer to a Message so imperious, which claimed over them such a Church Dominion. Upon Consideration whereof, the Two Estates of Lords Temporal, and Commons, (without the Prelates) exercised, in their Judicial Capacity, their Original and Fundamental Rights and Powers, and came to several Resolutions, which they reduced into the Form of a Letter, or Answer: And to several Duplicates thereof, the whole House of Temporal Lords (being in Number 104) did, for Themselves, and for the Commons of *England*, put their Hands and Seals; all of them dated the 12th Day of *February* 1300; one of which Duplicates was sent to the Pope, as the Sense and

and Judgment of the Nation : And one other of those Duplicates hath escaped the Injuries of Time, and is now extant in the Library of *Corpus Christi* College in Oxford, and was, by the Authority of that University, in the Year 1678, printed both in *Latin* and *English*; the Whole whereof being long, I chuse rather to abstract the material Parts : It was directed to the Pope, and the Words were ;

“ Sane Convocato nuper per Dominum  
 “ nostrum Edwardum Regem Angliæ Par-  
 “ liamento, apud Lincoln’, idem Dominus  
 “ quasdam Literas Apostolicas quas ex  
 “ parte vestra receperat, in medio exhiberi  
 “ fecit. Quibus Auditis & Intellectis, scimus  
 “ enim Pater sanctissime quod à *prima*  
 “ Institutione Regni Angliæ, Reges ejus-  
 “ dem, super juribus suis Temporalibus,  
 “ coram aliquo Judice Ecclesiastico, vel Se-  
 “ culari, non responderunt aut respondere  
 “ debebant : Unde habitâ deliberatione,  
 “ unanimis omnium nostrorum consensus  
 “ fuit, est, ac erit inconcussè, quod præ-  
 “ fatus Dominus Rex, super juribus suis  
 “ Temporalibus, nullatenus judicialiter re-  
 “ spondeat, coram vobis, nec Judicium  
 “ subeat quoquomodo, aut jura sua in du-  
 “ bium quæstionis deducat, nec ad præsen-  
 “ tiam vestram, Procuratores aut Nuncios  
 “ mittat. Cum premissa in subversionem  
 “ status

“ status Regni ac Libertatum & Legum Pa-  
 “ ternarum cederent, ad quarum defension’  
 “ astringimur, & quæ manu tenebimus toto  
 “ posse, totisque viribus defendemus; Nec  
 “ etiam permitimus, aut aliquatenus per-  
 “ mitemus, præmissa tam insolita & inde-  
 “ bita, Dominum nostrum Regem (etiam  
 “ si vellet) facere seu quomodolibet at-  
 “ temptare.”

*In cuius rei Testimonium Sigilla nostra,  
 tam pro nobis, quam pro tota Com-  
 munitate prædicti Regni Angliæ præ-  
 sentibus sunt appensa.*

*Datum apud Lincoln’, 12<sup>8</sup> Die Fe-  
 bruarii, Anno Dom. 1300.*

*In English thus :*

*A full Parliament being called by our Lord  
 Edward King of England, at Lincoln ;  
 He, our said Sovereign, did cause to be pub-  
 lickly produced certain Apostolical Letters  
 received from you the Bishop of Rome :  
 Which We having considered, do declare,  
 That from the First Institution of the King-  
 dom of England, the Kings thereof have not  
 Answered, nor ought to Answer, of or con-  
 cerning their Temporal Rights, before any  
 Judge Ecclesiastical or Secular : Wherefore,  
 after serious Consideration, the unanimous  
 Consent*

Consent of us All, was, is, and shall immoveably for ever be, That our King ought not, nor shall, in anywise, Answer judicially before you the Bishop of Rome, of or concerning any of his Temporal Rights, nor shall submit to your Judgment, nor shall bring any of his said Rights in Question before you, nor shall send any Proctor or Messenger to appear before you: For that such a Proceeding would tend to subvert the Sovereignty of the Kingdom, and the Liberties and Laws of this Nation, which we are bound to defend, and will defend and maintain, with all our Force and Power. And moreover (altho' our Lord the King should of himself be willing; yet) we do not, nor will permit or suffer him to do, or attempt to do, the unlawful Things you require; [ meaning, That the People of England were not, nor would be in any sort, subject to Church Dominion ].

In Witness whereof, we have to these Presents, as well for our Selves, as for the whole Commonalty of the Kingdom of England, set our Seals.

Dated at Lincoln, the 12th Day of February, in the Year 1300.

*This Transaction* is an unquestionable Proof, that the Two Estates of Lords and Commons, (being in a Free Parliament assembled) have exercised *some of the highest Acts of Government*, and have interposed (and seasonably too) to prevent such Proceedings, even of their own Kings, as tended to hurt or lessen the Rights, or Sovereignty, or *Independency*, of England.

3. *As to the 3d Consideration*, concerning the Violations of Free Parliaments, we may observe; That whenever we speak of Free Parliaments, we cannot describe them better, than by describing their Contraries, *viz.* Unfree, or Byassed Parliaments: And therefore it becomes necessary to shew what Attempts have been made, to violate Free Elections, and to Byas the Members when elected; and what Laws have been made to redress those Grievances; and how, and for what Reason, those Laws have proved ineffectual.

*The first Notice* our Records (which escaped Spoliations) have given us of Violations of Free Elections, is the Statute made in the first Parliament of King *Edward the First*, after his Return from the *Holy Land*, and held in the 3d Year of his Reign, 1275, (now 456 Years ago) the  
common

common History informs us, That in the long Reign of his Father King *Henry the Third*, many unfair Elections, by the Influence of that King and his Ministers, had been made, of Members to serve in Parliament: And therefore the Commons in this Parliament devised a Law to redress that Grievance, in these short Words;

*That forasmuch as Elections ought to be Free, the King (i. e. the King, by Authority of Parliament) commands, That no Great Man, nor other, should, by Force of Arms, or by Malice (i. e. by Fraud) or Menaces, disturb the making Free Elections.*

From this Act, it may be presumed, that former Kings, and, perhaps, the Great Lords too, had been the great Disturbers of Free Parliaments; and that therefore the Commons, who devised this Act, penn'd it in this Form; to the End the King might be, above all others, bound and restrained.

*The next Impediment to Free Parliaments, we find in the Statute of the 7th of King Edward the First; wherein the Lords and Commons represented to the King, That to His Majesty it belong'd, of his Royal Prerogative, to protect the Parliament from Force: And therefore, &c. I presume,*



sume, I may infer from this old Law, That in regard our ancient Kings were bound to *protect* Free Parliaments from open Force, they were equally bound and *restrained* from using secret Means to byas them.

*The next Instance* of the Violation of Free Parliaments, was, That this very *King Edward the First* closetted the Members, and treated them, partly with Promises of Rewards, and partly with Menaces, to delay or decline the Confirmation of that important Statute, to restore that most material Clause of *King John's Magna Charta*, (touching the Power to impose Taxes) call'd the Statute *De Tallagio non Contendendo*, which had been fraudulently omitted out of *King Henry's Magna Charta*, viz. That no Taxes could or should be imposed or levied, but by a Grant thereof in Parliament.

But the Vertue and Integrity of the Patriot Lords and Commons of those Times, and their inflexible Resolutions to restore and vindicate the Constitution, was superior to all Temptations, and deaf to all Persuasions.

The next Attempts to violate Free Parliaments, were made in the Reign of *King Richard the Second*, which were so extraordinary,

traordinary, that if all the Pictures of the Enemies to Free Parliaments were lost, they might all again be painted to the Life, out of the Story of this King: For He (or his Ministers for him) rightly judged, That there was no sure or safe Way to subvert the Constitution, or to attain Arbitrary Power, but by governing the Parliament, especially the House of Commons; and for that Purpose, this King and his Ministers laboured and watched nine Years together, in taking Measures to compass that Design, and at last effected it.

But, hard Fate! this daring Attempt compleated the King's Errors, and ended in a sad Catastrophe: For when the Lords and Commons were driven, by Misgovernment, to withdraw their Assistance, this King was taken Prisoner: And a Parliament, or Convention, being assembled, they proceeded judicially, and exhibited the Breaches of the Original Contract, and, amongst others, they insisted strenuously on the Article, for Violating Free Parliaments, (which this King had perpetrated, both by open Force, and secret Fraud) in these Words, *viz.*

“ That altho', by the Constitution and  
 “ Custom of the Kingdom, concerning Par-  
 “ liaments, the People in every Place ought

“ to be *free* to elect and depute Knights  
 “ (or Members) to represent them in Par-  
 “ liament, *and to expose their Grievances,*  
 “ and to *prosecute therein* for proper Re-  
 “ medies; yet this King, to the End he  
 “ might be *free*, to obtain and effect his own  
 “ rash and indiscreet Will, had frequently  
 “ signified his Commands to the Sheriffs,  
 “ requiring them to cause certain Persons  
 “ (by the King himself nominated) to be  
 “ Returned as Knights (or Members)  
 “ to his Parliament; which Members fa-  
 “ vouring this King, His Majesty could (as  
 “ he frequently did) engage them, some-  
 “ times by Terrors and Menaces, and at  
 “ other times by Rewards (meaning Pen-  
 “ sions and Places) to Consent (*i.e.* give  
 “ their Votes) to such Things as were  
 “ hurtful to the Kingdom, and to the  
 “ People excessively burdensome.”

This *Free Parliament* now assembled,  
 argued, That if this King *had a Prerogative*  
 to reward such Services, as he could not  
 obtain without such Rewards, then he had  
 a Prerogative to reward the Nation's *En-  
 mies*: For this Nation cannot have *greater*  
*Enemies* than Byassed Representatives:  
*And these Overt Facts are unquestionable*  
*Proofs, that this King's Ministers did tra-*  
*terously compass and imagine his Ruine and*  
*Misfortune.*

The next Violations of Free Parliaments, were made in the Reign of King *Charles* the First, which differed from all the former: For this King did not go about to Pension or Byas the Members; because such a Proceeding would tacitly admit, that some *Share* of the Government did reside in the People: But His Majesty assuming to himself the whole Government, exclusive of all Intermeddling, did assert and avow, That the *People* (meaning their Representatives in the House of Commons) had no *Share* in the Government, but that the Entire and Sovereign (or Supreme) *Power* resided in His Majesty (as King) only.

And the King therefore, in order to convince the People of the Truth of this *Maxim of State*, treated the Parliament with some Badges that favoured of meer *Vassalage*: For His Majesty, by Messages, prescribed to them, as a meer *Dependant Assembly*, *what they should do, and what not*. For if the Commons in Parliament had been subject to be so prescribed to, they were *Dependant*; if not, they were *Independant*.

His Majesty, by Speeches, declared, That it was in his Power to make them cease to Be: And that was a Notion which

imported, that He, as King, had Power to change the Constitution of the Kingdom; and to make that Estate Dependiant, which in its first Institution was Independant.

His Majesty denied some of the Lords their Seats in Parliament.

He sent armed Forces to break and enter by Force into the House of Commons; which ought to have been as inviolable as his own House.

He menaced, first to punish, and afterwards did actually prosecute, fine, and imprison some Members, *for what they said and did in Parliament.*

His Majesty exercised a *Coercive Power* over the House of Commons: For he conducted, in Person, an armed Force to the House, and enter'd himself into it, to arrest the five Members.

And, above all, he *exercised* a Government for a long time *without Parliaments*; and prohibited the People to *speak* any more of Parliaments.

All which Violations are accurately related in the *Britannic Constitution*; except only, that the Author omitted this King's sending

— sending armed Forces to break open the  
 — Doors of the House of Commons. And  
 as to that Matter, the Fact was thus :

*The Second Session* of this King's 3d Parliament was opened on the 20th of *January* 1628, 4 *Car. I.* in which many rough Proceedings passed, about His Majesty's imposing and levying the Customs on Merchandise without Act of Parliament, &c. But the Parliament being, for that Reason, adjourned 'till *Monday* the 2d of *March* 1628, Sir *John Finch* the Speaker did on that Day deliver a Message from the King, commanding the House to adjourn for eight Days, 'till *Tuesday* the 10th of *March*. But the Members apprehending an abrupt Dissolution, Sir *Miles Hobart* stept to the Door and lock'd it ; and Messieurs *Holles*, *Valentine*, *Hayman*, and Others, held the Speaker *Finch* in the Chair. The King hearing of this Heat in the House, sent for the Serjeant at Arms, commanding him to bring away the Mace : But the Serjeant was lock'd in. The King then sent *Maxwell*, the Usher of the Black Rod, to Dissolve the Parliament : But neither he nor his Message would be admitted. The King then sent his Captains, with their Gentlemen Pensioners, and the Guards, with Orders to force an Entrance. But these Proceedings gained two Hours

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Time ;

Time; in which Space the House passed their Resolutions, "That whoever should advise the taking or levying Tonnage and Poundage, (meaning the Customs) or act therein, or should voluntarily pay those Customs, should be deemed public Enemies": And then hearing the Forces were advancing, to break in, the House broke up suddenly, and escaped.

The grand Question therefore was, Whether the *People* had a Right to have those *Shares* in the Government, or not? The People resolutely claimed them, and the King as obstinately denied them.

If therefore the Case is rightly stated, then the *last Speech* of this King is a *full Proof*, that His Majesty's Ministers were fierce Enemies to the *Peoples* Parliamentary Rights and Powers; and that that Enmity was incurable: For His Majesty's last Words were these;

(a) *As for the People, truly, I desire their Liberty and Freedom as much as any Body whomsoever: But I must tell you, That their Liberty and Freedom doth not consist in having a Share in the Government; That*

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(a) Baker. Rushworth.

is nothing pertaining to Them : A Subject and a Sovereign are clear different Things : And therefore, 'till you do That, I mean, that you put the People into that Liberty, as I say, they will never enjoy themselves. Sirs, It was for This I am come Hither : And therefore I tell you, That I am a Martyr of the People : I have deliver'd my Conscience.

This Speech, spoken in such a Place, and at such a Time, seems to disclose, That the *Maxim of State*, which His Majesty adhered to, was, That Parliaments had no Share in the Government. And if that was really his *Maxim*, then I think I shall stand justified, by making these short Queries, *viz.*

1. Whether the People or Commons of England ever did claim, or pretend to claim, any Share in the Government, except their Parliamentary Shares, to act as a Free and Independant Estate, according to the Constitution ?

2. Whether this Speech did not open the very Secrets of His Majesty's Mind and Conscience, touching the Facts and Causes for which he was martyr'd ?

3. Whe-



3. Whether the Words, [ *put the People into that Liberty, as I say,* ] do not mean, to put the People out of their Parliamentary Shares ?

4. Whether the Meaning of the Word *This*, [ *Sirs, It was for This I am come Hither, and am a Martyr* ] did, or did not mean, That His Majesty, for endeavouring to put the People out of their Parliamentary Shares in the Government, (*viz.* out of their Independancy, to act as a Free Estate, according to the Constitution, ) was a *Martyr* ?

5. If the Word [ *This* ] did mean, That His Majesty's Endeavour to put the People out of their said *Parliamentary Shares*, was the true *Cause* of his *Martyrdom* ; Then, What sort of Behaviour must that Be, of Freeholders, when they give Thanks to God, for enabling this King to Suffer, and to Resist unto Blood ; and to pray, that his Memory may, for that Endeavour, be blessed among us ?

But to these melancholy Contemplations, I apprehend I may (without Offence) make a short Enquiry into the necessary Connection between Causes and Effects. We all know, that this King's most dismal Circumstances,

cumstances, were the Effects; and that his Treatment of Free Parliaments, were the Causes of those Effects: And therefore it may be made a Query, Whether the Ministers, Arch-Bishop *Laud*, Earl *Strasford*, and others of their Party, did not compass and imagine this King's Misfortunes? And whether Overt Facts to prove that Treason, may not be assigned, first, in their *Infusing* those mistaken Notions of Government into this King's Mind, which His Majesty, often in his Life-time, and, last of all, at his Death, asserted and expressed? And, secondly, in their *Advising* this King to do and execute those provoking Acts to Free Parliaments, which tended to *subvert the fundamental Form* of this Government; and which His Majesty, pursuant to their evil Advice, and according to those Notions, did unhappily give into? For those Ministers Advice did make the *first Link* of the Chain of those Causes, and those Causes did, by Steps, draw and involve His Majesty into the fatal Mischief: And those Overt Facts do therefore prove the Treasons of those Counsels; and in that Light, Men may be led to see and know the *first* and real Malefactors.

For if those Ministers had insisted, That they had no Intentions to hurt, but to serve His Majesty, whom they passionately  
reverd;

rever'd; yet that Pretence would have made a poor Evasion: Because when Consequences of illegal Acts extend beyond Intentions, the Effects and the Causes cannot be divided: For the Invasions on the Rights of the Commons, were the *Causa Efficiens*; and the *Subversion* of the fundamental Form of Government, was the *Causa Causata*, or *Causa sine qua non*, that finished the Treason.

I think I shall stand justified, in asserting, That if any Prelate shall hereafter aspire to be (like Arch-Bishop *Laud*) a Minister of State, and should (like him) *infuse and propagate* Notions, That the House of Commons are and ought to be treated as a Dependant Estate, and consequently, rewarded, and prescribed to (for he that rewards, may prescribe); and if those Notions should be imbibed and *pursued*, and the House of Commons treated as Vassals and Dependants; That, in such a Case, the like Causes would produce the like Effects; and then, such a Prelate would, in so doing, commit the Crime of Compassing and Imagining the unhappy Consequences.

*The next Attempts to violate Free Parliaments, were made in the Reign of King Charles the Second.*

His

His Majesty being in Exile, was pleased, in order to gain Admission to the Throne, to put on a pleasing Dress, and to contradict his Royal Father's Assertions, and to say, *Upon the Word of a King*, That he believ'd that the Two Estates of Lords and Commons in Parliament, were a *Vital Part* of the Constitution, (*i. e.* had a *Vital Share* in the Government); and that he equally desired the People should enjoy their Rights, in Free Parliaments, (meaning their *Share* in the Government, as Free and Independant Estates) as that He (the King) should enjoy his own Rights. \*

*And yet this King*, so early as within Twelve Months after his making that specious Protestation, *on the Word of a King*, retracted, and enter'd into secret Measures with *France*, to enable him to deprive the Electors of their Elections, and to *extirpate Free Parliaments*. For (a) Mr. Echard writes, That Mr. Popham, Proprietor of a great Estate in Land, and a Man of great Intrigue and Sagacity, privately offer'd this King, That he and his (*Popham's*) Party in Parliament, wou'd procure for His Majesty and his Successors, for ever, an

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(a) Echard, p. 783. D'Orleans, p. 126. Burnet, p. 160.

*Hereditary Revenue of above Two Millions a Year*, to be payable and raised by way of *Land Tax*, besides the Revenue of *Excise*, *Hearth Money*, and other Duties, which He [the King] had already obtained. Upon which this King, *in Breach* of his own Royal Word, and solemn Declaration, gave in to this Proposal, and consulted the Lord Chancellor *Clarendon* about this Overture.

*If this dangerous Offer* had taken Place, *Britons* might have bid Adieu to Free Parliaments: But Heaven did, as at other times, interpose and save *England* from her own imprudent Children, who at that time would have *thrown up her Liberties*, and the Peoples *Share* in the Government, into the Hands of a pretended Friend, but, in Masquerade, a *real Enemy*. For the Chancellor *Hyde*, to his perpetual Honour, diverted the Mischiefe, by advising this King to depend on his Peoples Affections, as the greatest and surest Revenue; and, by that honest and sound Advice, *Free Parliaments* did at this time escape.

*The next Attempt* against Free Parliaments, was occasioned by the Act of Parliament, passed in the Winter Session of 1667, for taking an Account of Seven or Eight Millions, which had been given for carrying

carrying on the War against the *States General*, but had been so miserably misapplied, that the *Dutch* were suffered to insult us in the *Thames* Mouth, and to burn our Ships of War under our very Noses at *Chatam*. The Commissioners were nine Gentlemen (not Members of Parliament) who gave King *Charles* the Second, by their Enquiries and Examinations, great Uneasiness, lest a Discovery of the Truth should bring on some untoward Events.

*The King*, therefore, by the Treasurer of his Household, Sir *Thomas Clifford*, found Means to *Take off*, (as the Phrase then was); meaning, He Byassed most of the Leading Members with Pensions, or Rewards: Which caused the great Expectations from those Accounts to evaporate. And yet Mr. *Echard* (a) was pleased to write, That twelve Years afterwards, in the Year 1679, when a strict Inquisition was made for the Names of those Pensioners, and what Pensions they had accepted, they were found to be but 32 in Number, whom he names; and their Pensions were (as he says) not considerable: But he is pleased to say, there were found a few Patriots (naming no more than four) who

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(a) *Echard*, p. 964, 978.

were, in those corrupted Times, superior to all Temptations.

*The next Scheme to Remove or Enervate Free Parliaments, was thus contrived: Sir Thomas Clifford having successfully applied the Pensions, and thereby turned the Public Accounts into Mockery, he was, in a convenient time, viz. in November 1672, not only made Lord Treasurer, but one of the Cabal of five Lords, (to wit) Clifford, Arlington, Buckingham, Ashley Cooper (afterwards Lord Shaftsbury), and Lauderdale; the initial Letters of whose Names form'd the Word Cabal; who framed such Conspiracies to subvert the Constitution, and to extinguish Free Parliaments, as exceeded all Description. Their Pretences were, That frequent new Elections, in the Room of such as died, introduced into the House of Commons Patriots who adhered to the Constitution; and those they stigmatiz'd with the sarcastical Name of *Republicans*.*

*But the principal Effort at Home, join'd with a secret League with France, was, to establish such a perpetual and extensive Fund, or Revenue, to advance the Prerogative, as would render Parliaments useless. And Lord Clifford, having engaged his Pensioners, undertook and did, in a studied Speech, open, in the House of Lords, the*  
treasonable





contrary Method, rightly judging, that the gaining the major Number, was the surer Game; and it was reckon'd, that Ten ordinary Men might be gained, cheaper than one of the high-priced Leaders; and the Ministers proceeded accordingly. But it was found, at present, that many of this new-gained Party, who were willing to vote in all Obedience, yet retaining some Modesty, they at this time proved squeamish, and voted on the other Side, being ashamed to vote on the Side, which was baffled and manifestly run down in the Debate.

*In these Times*, about the Year 1674, many Glimmerings and Sparks of Fear arose in the Ministers Minds, touching the Election of a new Parliament, the People making a great Outcry against the then standing Parliament; but, above all, the Duke of York began to smell the bitter Savour of a Bill of *Exclusion*: The prime Minister therefore projected, and contrived a new Scheme to secure new Elections, and to train a new Parliament to move and act as he directed. The Project was, to introduce a Law to answer all Purposes; it was to be such a Test, as should discriminate and shut out from being Electors, and from being elected, to serve in Parliament, all Dissenters. It was to be such a Law as would sufficiently renounce and  
abjure

abjure the Lawfulness of Resistance, in any Case whatsoever; and restrain Men from taking up Arms, in any Case whatsoever; and as should make the Subjects Obedience to the Crown *unconditional*. It was to be such a Law, as should *effectually restrain* Men (and especially Members of Parliament) from endeavouring to make any *Alteration* in the Government, either in Church or State, covertly, meaning to exclude any Bill of Exclusion of a Popish Successor. And, lastly, it was to be a Law *imposing Oaths*, both Assertory and Promissory, concerning all the Terms of this new Scheme. And the Ministers possessed the King and the Duke with a Notion, That such a Law would establish their Government against all Events, and make the House of Commons perfectly and intirely dependant, and subject to the Regal Directions, and, consequently, would exclude all Exclusions.

Bishop *Burnet* writes, (a) That a Law of this Nature was contrived and framed by the Lord Treasurer *Danby*, and some of the Bishops: And that Lord *Danby* having made sure of a Majority of the Commons, the Bill was brought into the

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(a) *Burnet*, p. 383.

House of Lords, in the Winter Session 1675, under a Pretence to settle in Mens Minds, their Principles of Government: And that as no Man was to be forced to take these Engagements, so every Man was to be contented, with being excluded from what he might enjoy, if he would conform and equip himself with these Qualifications.

*But never* was any Bill opposed with such a Spirit of Liberty; for the Debates lasted nineteen Days; in which the Bill was divided into these transcendent Questions of State, *viz.*

1. Whether Resistance could be lawful, in any Case, against the King? and, Whether the Subjects Obedience to the Crown is Unconditional?

2. Whether the Authority and the Person of the King can be understood to be in any Case Divided?

3. Whether a Commission given by the King, to do any Acts of State, can be in any Case Unlawful?

4. Whether Free Elections of Members of Parliament, can be, by any Law now made, impaired? or the Members, when elected, made Dependant, or Restrained,  
from

from propounding the Alteration of Old Laws, or introducing New ones, or from Arguing or Debating upon the Fitness or Unfitness of their Motions in Parliament?

*I shall state*, in short, the memorable Arguments against this monstrous Attempt, and begin with the last Part, touching Free Elections, and Free Parliaments.

And as to that, it was argued, That the Bill, instead of preventing Alterations in the Government, was an Endeavour to change its very Fundamentals: That the great Privilege of *Englishmen* was, to pay such Taxes only as their Representatives should give; and obey such Laws only, as those Representatives should devise and consent to: And why therefore should they be disinherited of their Birthrights, or shut out, by preliminary Conditions, from the tenderest Part of their hereditary Privileges? To which no good Answer was or could be given.

*And as to binding* the Members from propounding Alterations, either to amend, strengthen, or repeal old Laws, or introduce new ones; that Matter was exposed, as inconsistent with the Essence or Independancy of Parliament: For no Parlia-

ment can restrain the Power of a succeeding Parliament; but every Parliament, when assembled, if Free, hath an unlimited Power over all the Laws made by former Parliaments.

*And as to the former Part of this Bill, touching Resistance, Taking up Arms, &c.*

Those who argued against the Bill, urged, That Resistance, and Taking up Arms, are indifferent Acts, and are to be distinguish'd by the Adjectives, lawful or unlawful: And therefore there must be some Law to measure by; to shew whether the Act done, agrees or disagrees with that Law. That the Words [*Not in any Case whatsoever*] are extensive enough to repeal or enervate even *Magna Charta* itself: For *Magna Charta* hath pointed out, enumerated, and declared many Cases, which the King cannot lawfully do; viz. *He cannot, nor shall cause, any Man to be Arrested or Imprisoned, or Disseized of his Freehold, &c.* but by the Law of the Land.

That this *Magna Charta* was made, upon a Supposition, That the King may, in Fact, do, or commission others to do, those unlawful Things: For, *Omnis privatio præsupponit habitum*. And therefore, if the King commissions others to do any of those unlawful

unlawful Things, the Commission is void; because the King has no Authority to do the Thing required, much less to grant such a Commission to others to do it; and therefore the Person commissioned may be resisted, as a Trespasser, Invader, and Wrong-doer.

*Cases* were also put, touching making this Nation subordinate or tributary to *France*, or endeavouring with a *French* Army to subdue it.

*And Questions* were demanded, Whether the King was, in such a Case, to be resisted, or permitted to proceed in such an unlawful Undertaking?

*Many such bold* and legal Arguments were made use of, and urged, in the House of Lords, before the Faces of King *Charles* the Second, and his Brother the Duke of *York*, who attended in Person, to influence and encourage one Side, and intimidate the other; and they so far succeeded, that, the *whole Bench of Bishops* being on their Side, the Lord Treasurer *Danby* and his Party carried every Question, and the Bill was in a fair Way to have Passed that House; which, if it had, it was very probable, it would at that time have Passed, that Pensioned House of Commons.

*But* an unlook'd-for Accident, occasion'd by Dr. *Shirley's* Appeal from a Decree in Chancery, made in favour of Sir *John Fagg* a Member of the House of Commons, caus'd a Rupture between the Two Houses; and the Session was, for that Reason, abruptly broken up and prorogued, whereby Free and Independant Parliaments did at this time *Escape*.

*The next Attempts* to violate Free Parliaments, were made in the short Reign of King *James* the Second, and were equal to any of the former, and, in some Points, more dangerous: For this King, whilst he was Duke of *York*, had, in the Reign of his Elder Brother and Predecessor, King *Charles* the Second, pushed on the *Quo Warranto's* against the Cities and Boroughs which sent Members to the Parliament; by which Means, many Surrenders of Charters had been unduly obtained.

These Methods, partly by Surrenders, and partly by *Quo Warranto's*, acquir'd an Opportunity to grant new Charters; in which King *Charles* had, by the Instigation of the Duke of *York*, exercised a most dangerous Power, by inserting, in each Charter, two Clauses, which *struck at the Root* of Free Parliaments; one of which reserved

reserved to the Crown, a Power to *Appoint* and *Alter*, at Pleasure, the principal Men in the Corporations: *And* the other Clause, took from the Inhabitants, or Populace, the Privilege of Elections, and restrained that *Privilege* to the Corporation-men only: Which was an Endeavour to subvert the Constitution, by assuming a Power to deprive many People of their Birthrights; I mean, their Privilege to elect the Members; and placing those Elections under the Power of the Crown: For the Crown elected the Corporation-men, and They the Members, which resolved the Election, virtually, into the Crown. Which Wound, so given to Free Parliaments, had been *mortal*, if it had not been cured by the *Revolution*.

*For according* to this new-acquired Power, King *James* caused such Members of his first Parliament, as he nominated, to be, with Violence and Injustice, elected, and returned. Which made Petitions against undue Elections, to such Judges, to be look'd on as vain Attempts.

*But* the Duke of *Monmouth's* Invasion (tho' fatal to himself) proved an effectual Means, at that time, to save Free Parliaments, by diverting the King to oppose the Duke; and that seasonable Diversion prevented the Passing some Enslaving Laws,  
that



42. *Free Parliaments, &c.*

that were prepared, and ready, and would, in all probability, at that time, have passed; amongst which, one was, to make *Words* Treason, viz. That any Words, said to Disparage the King's Person, or his Government, should be High Treason. Which, by Construction, would have been extended to Disparagements of the King's Religion, as well as his Person.

But *Monmouth's* Invasion shorten'd the Session, and caused this and other insidious Bills ( which this Parliament were, at first, willing enough to Pass ) to be laid aside.

For after the Defeat of *Monmouth*, this King's Proceedings, towards Arbitrary Power and Popery, were so dangerous and impetuous, that his own pack'd Parliament recoil'd, and became refractory. After which, the Difficulty, which this King found, in executing his new Power over Elections, was, That he could not find a sufficient Number of Gentlemen to nominate, who wou'd be Dependant, and submit to pass such Laws as he devised and dictated; altho' this King added to his other Measures, that of Closetting, and did himself propose the usual secret Means to byass 'em; but he found 'em superiour to his Temptations.

*At which* unsuccessful Proceedings this King was so enraged, that he took some desperate Resolutions: But those cou'd never be discover'd, otherwise than what could be collected, from his giving out, That He would Carry his Point. Which every One knew he could not now do, without using his own, and, probably, *French* Troops, to force either the Elections, or the House of Commons, when elected.

*But these* open Proceedings were made an Article, to prove, That King *James* had endeavour'd to subvert the Laws and Liberties of *England*, by violating Free Elections of Members to serve in Parliament.

*The grand Violation* of Free Parliaments, which happened in the Reign of Queen *Anne*, was of a different Nature from any that was ever before openly or avowedly attempted; in regard that Violation was exercised on the *Second Estate*, or House of Lords, and not readily apprehended by common Understandings: Because the Elections of the Lords, were, by a fundamental Article of our Constitution, vested in the Crown: For the Lords receive their Elections from the Crown; but their Authority, as Trustees  
for

for the Nation, from the Constitution. This Violation was therefore the more dangerous, because it commenced a Precedent to Influence and Alter the Second Negative.

*This Violation center'd in the Queen's Menacing the Electoral Prince of Hanover (whom she herself had created Duke of Cambridge) to oppose him with all her Power, if he presumed (as a Peer) to come into her Dominions, and take his Seat in Parliament.*

*But the Way to that Violation was opened, by the extraordinary Exercise of the Royal Prerogative, in two Particulars; viz. 1<sup>st</sup>, in the Election and Creation of Lords; and, 2<sup>dly</sup>, in making Peace.*

*To illustrate therefore the Violation above-mentioned, it will be necessary to step back and take a View of that State and Condition, into which, the then Ministers Conduct had brought the Nation; and of that evil Case, out of which they could not extricate themselves, without attempting to violate Free Parliaments.*

*And that State of the Nation was thus:*

*The Power of France had, in the single Reign of Lewis the Fourteenth, grown up to*

to a Height that terrified all *Europe*, and had been increased by clandestine Leagues with *England*.

*The French King*, partly by his Wars, and partly by the Treaties of the *Pyrenees*, *Aix la Chapelle*, *Nimeguen*, and *Ryswick*, which he had, in effect, imposed, had acquired large Dominions, and numerous fortified Towns, in *Flanders*, *Luxemburgh*, *Burgundy*, and *Alsatia*, and also *Strasburg*, *Brisac*, &c. and on the *Rhine*: And by breaking the *Treaty of Partition*, he had placed his Grandson on the Throne of *Spain*; by which Means, he had got under his Direction, not only *Spain*, and the *West-Indies* (where was the Fountain of Treasure, and consequently of Trade and Commerce) but also *Naples*, *Milan*, *Sicily*, and *Sardinia*, and, above all, *Flanders*, by which, he became Master of the Frontiers of *Holland*; and, as an Addition to this immense Power, the two Electors (of *Bavaria* and *Cologne*) and also the Duke of *Savoy*, had enter'd into his Friendship and Alliance: All which made, that *Lewis* the Fourteenth was at that time, in his highest Exaltation, Grandeur, and Power; and in this Exaltation, he caused the *Pretender* to be openly acknowledged and treated as King of *England*, which was, in effect, to declare openly and avowedly that he dis-  
owned

owned King *William*, and his Successor Queen *Anne*, and that he resolv'd (if he could) to dethrone Him first, and Her afterwards.

*In these dismal Circumstances a Treaty was commenced between England, the States General, and the Emperor, for their Common Defence and Safety, and to preserve each One's Independency; at the Commencement whereof, it was laid down as a Principle, That England singly, or the States General singly, or the Emperor singly, could not contend with the Purse and Power of France and Spain: And that it was a Maxim of State, That when many separate States, do, with much Disadvantage, contend against one, that is equal to them all, and where the Help and Assistance of each Confederate State is necessary; there, any one of the Sociates, may first treat separately, and make his own Peace, and then join with the Enemy to force the rest, and enslave Himself, as well as Them: And therefore a strict Union of Councils and Forces was all that the Parties had to depend on; for which End, the greatest Care was taken to restrain and provide, that no one of the Sociates should first treat with the Enemy separately, without previously consulting the rest; after the following manner, viz.*

1. That Satisfaction should be procured to the *Emperor*, for his Pretensions upon *Spain*; (meaning, that *Spain* should be recovered from the House of *Bourbon*).

2. That Security should be given for *England* and *Holland*, in relation to their Trade and Commerce; and that each Party should join and exert, all his Power to execute what was then agreed on; (*i. e.* That they should not disunite, separate, or desert the one from the other).

3. That they should endeavour to conquer the *Spanish Netherlands*, for a Barrier to secure the *Dutch Dominions*.

4. That they should endeavour to conquer *Milan*, *Naples*, *Sicily*, and the *Spanish Places* on the Coast of *Tuscany*, for the *Emperor* and *Empire*.

5. That *England* and the *Dutch* should for ever enjoy such Places in the *West-Indies*, as they could take from the *Spaniards*.

6. *Neutri Partium fas sit, de Pace cum Hoste Tractare, Nisi Conjunctim & Communicatis Consiliis, &c.* In *English* thus; That it shall not be lawful for any one of the

the [Contracting] Parties to Treat with the Common Enemy concerning Peace, (except jointly, and first imparting to each other all the Terms of the intended Negotiation).

*Note* the great Care and Caution of this Article : For it is not said, in this Article, That neither of the Parties should *Conclude* a Peace with the Enemy ; but, That *neither* of them should *Treat* with the Enemy ; ( *i. e.* That no one of them should make one Step or Preliminary towards Peace, without *first Imparting* to the rest, and Consulting with them the whole Design ) : For this was the Master-Branch of all the Engagements on which, each Party placed their Confidence, and was a Restriction, imposed by joint-Consent, on the *Prerogative* of each Potentate. And yet this Article was the *easiest* of them all to be performed ; because no Accident or Difficulty could bring any one of the Parties under a *Necessity* to depart from it ; because it was the easiest thing in the World, first to impart the Design to, and consult, with the rest.

7. That no one of the Contracting Parties should *Conclude* a Peace with the Enemy, before they had procured the following Preliminaries, *viz.*

1. *Satisfaction* to the *Emperor*, for his Pretensions on *Spain*.

2. *Security* for the Dominions, and for the Trade of the *English* and *Dutch*.

3. *Security* that the Crowns or Kingdoms of *France* and *Spain* should never be United under or upon the same Prince, (meaning, by the Word *Prince*, the Family of *Bourbon*) : For no Prince cou'd ever pretend to the Kingdom of *France*, but some Prince of that House, or else this Article meant nothing.

4. That the *French* should never Trade to the *Spanish West-Indies*.

From the Frame of this Alliance, it is abundantly clear, That the *chief Inducement* to begin the War, was, to recover *Spain* and the *West-Indies* from every Branch of the House of *Bourbon*. For the two Kingdoms, might be united, and were now united, under, and governed by, the Councils of one Family : And moreover, that the *Bourbon* Family, might be reduced to one Branch, or Prince ; and in that Case, both the Kingdoms would be united, under one Prince of the House of *Bourbon*.



*The Queen* also, at her Accession, did, as Representative of the Nation, ratify this grand Engagement, and give and engage the National Faith to perform it; and particularly, to perform and observe that *principal Branch*, whereby she engaged, never to treat with the Enemy separately, without first imparting her Design, and the Terms of it, to the rest of the Allies, and Consulting them thereupon.

*This Alliance* obtained the Name, of the *Grand Alliance*; because many other Princes and States came in, to be equal Parties.

*This Treaty* was therefore an Association, and a Publick Trust, which the Contracting Parties agreed to make, the Fund or Common Stock of Power, into which, each Party was to deliver and join his Forces, in Fellowship.

*In this Confederacy*, the Boundaries were fixed, over which, none of the Contracting Parties, should make one Step singly, towards Treating, with the Enemy, without first imparting, his intended Negotiation to the rest. And therefore the Contracting Parties, placed in this Engagement, a *Sovereignty*, over them All, from which no one of them, should depart;

depart; and a Restriction, That no one Potentate should use, or pretend to use, his Prerogative, to depart from such his solemn Engagement, with the rest.

Upon this Foundation it was, that the Emperor and the States General, trusting and depending on Queen Anne's Performance, of her Part of the Engagement, and particularly on her strict Justice, to perform the principal Branch of them, raised Forces, joined as Sociates with the English, and hazarded their People and Countries, in the Event, of a dangerous and bloody War, in which Holland once, and, after that, the Emperor, fell into the utmost Danger.

It is in this Place to be remember'd, That altho' there is in the World such a Law, as the *Law of Nations*; yet that Law hath not provided any Remedy, to restrain Sovereign and Independant Potentates, from using their Prerogative to depart from, and breaking their Engagements; except Publick Faith, and Publick Trust, i. e. that *Law of Nature*, implanted in every Man's Mind, that restrains him from doing that Thing, to another Man, or Nation, that he would not be willing, that other Man should do to Himself, or to his Nation.

But before any Thing could be put in Execution, King *William*, who formed this cautious and wise Confederacy, died. And tho' Queen *Anne* found herself in Possession of a Nation universally apprehensive, that they and their Sociates, should never be able, to contend with the Purse and Power of *France* and *Spain*; yet she found Herself also in Possession, of such Men for Ministers, (and amongst them, Lord *Godolphin*, and others) who excell'd in Politicks, and of such a Man (Duke of *Marlborough*) for a Captain-General, as surpass'd in Military Vertue, and whom *France* could not equal; and being supported with such Servants, and with a vigorous, and wise, and Free Parliament, she solemnly entred into the Grand Engagement, in Execution of her Part; And in Conjunction with her Sociates, she, magnanimously and couragiously, stepp'd forth, and declared Defiance and War, against that formidable Enemy, who had presumptuously declared, he would (if he could) dethrone her; and, in him, against that fictitious King, whom *France* had encouraged to claim her Crown.

*The War commenced in 1702, upon the Foot of united Councils and Forces, and continued with unparallel'd Efforts for nine Years; and in the very first Campaign,*  
*France*

*France* sensibly found, she had now to deal with a Conduct and Courage, she had never before grappled with: For the *French* Army could effect no more, than to stand by and see the Duke of *Malborough*, at the Head of the Confederate Armies, save *Nimeguen*, and wrest *Keyserwart*, *Venlo*, *Ruremond*, *Stevenswarth* and *Liege* out of their Hands, in one Campaign; which gave *France* a Specimen, of what they were to expect, from a General at the Head of such an Army, and supported by such a Free Parliament, in the succeeding Campaigns.

*It is material*, just to mention the glorious Victories of *Donawert*, *Schellenberg* and *Blenheim* in *Germany*; and those of *Rameilles*, *Oudenard* and *Tanieres*; and the famous Sieges and forcing the strong Towns of *Menin*, *Lisle*, *Tournay*, *Ypres*, *Mons*, *Douay*, *Bouchain*, &c. in *Flanders*, whereby the Enemy's Armies, which, by the Defection of the Elector of *Bavaria*, had been invited and led into the Heart of the Empire, were beaten and driven out of it, and their other Armies were push'd back, from the Frontiers of *Holland*.

After which, the Victorious *Marlborough* meditated the Way to pierce into the Heart of *France*: His first Resolution was, to enter thorow the weakest Side; viz. by the Way

of the *Moselle, Lorrain, &c.* on the Side of *Germany*: But the Attempt proved impracticable, for two Reasons; first, by the Backwardness and Ill-will, of the Imperial General Prince *Lewis* of *Baden*, and by the Slowness of the *German* Troops, secondly, because the great Distance of that Rout, from the *Dutch* Frontiers, gave the Enemy the Advantage, to make Impressions on the Side of *Holland*, and to convey, into the People of that Country, Fear and Consternation: And thereupon *Marlborough* laid aside that Attempt, and resolved to attack, and did attack the Enemy, at his Horns, and pull'd them out of his Forts, to enter *France*, and to march up to *Paris*, the shortest Way; for which End, he oftentimes Beat the *French* Army, in many general Battles, and took the Towns before-mentioned in *Flanders*, and had little more to do, but to march up to *Paris*, for the Enemy was reduced to a Truckling Inferiority, and so wounded and humbled, that he was forced to submit, and did (by his Minister *Torcy*) submit, to such Terms of Peace, as the Confederates, according to the Terms of the Grand Alliance, demanded and prescribed.

These Successes proved this Truth to be invincible; that as a strict Union with the Confederates, did raise this Nation to a Superiority, so a Dissension would sink it into an Inferiority.

*Inferiority*, because each Confederate singly was *Inferior*; but all joined together, were found to be *Superior*, to the common Enemy.

And here Notice must be taken, that General Stanhope did on the tenth of June, 1707, take Advantage of the favourable Juncture, and concluded a Treaty of Commerce with *Charles* King of *Spain* (now Emperor); whereby *Britain*, in Consideration of the Assistance, given to that King, to recover *Spain* and the *Indies*, from the House of *Bourbon*, was to have Settlements and a Commerce in the *West-Indies*, much like, what they have in the *East-Indies*, for ever excluding the *French*; by which the Expences of the War, would have been soon reimbursed.

But at this Period we must stop in Confusion, and deal in Speculations, to find out why, and for what Reasons, it came to pass, that the *English* People, came to be surfeited with *Victory*, and to nauseate the Means they had in their Hands; first, to reduce that Power, they had for a long Time dreaded; and next, to gain and secure to themselves as much of the *Trade* and *Commerce* in the *West-Indies*, as they desired: And on the other hand, to entertain such an intense Affection for the Common Enemy, as to account all such Men Enemies to the Queen,

th. their Country, as delighted in Victories  
Over him.

These Questions are hard to be answered; but notwithstanding the Difficulty, I think it not impossible to give some tolerable Account: But before I enter upon that Matter, I would offer some Reasons, why the *State of the Nation*, into which the Ministers of the late Queen, brought and left it, is represented (contrary to my Inclination) in such a murmuring Method, as will herein after appear. My Reasons are these:

The Constitution may be call'd in, for my Justification: Forasmuch as when every Parliament is opened, our Kings (by the *Speeches* which their Ministers advise and prepare for them) do usually open to the Parliament, the *Causes* of their being assembled.

The Addresses of the Lords and Commons, are the *Peoples Speeches* to the King; and because *Treaties* for War and Peace, are material *Parts* of Government, they are likewise published to the People, for their Satisfaction.

All these Speeches, Addresses, and National Treaties, and even *Memorials* of Confederate Potentates, delivered to our Ministers, may be resembled to *Accounts* of  
Government,

Government, because they are printed and published, for every Man's Perusal and Consideration.

We know that every Man is bound to fight for his Country, and its Trade; or else to give part of his Substance, to pay and maintain, *Those* that do fight: And therefore every Man is interested, in the *Superior Power* of his Country, because *Superiority* is attended with Riches and Glory; and he must be equally afflicted, at its *Inferiority*, because a weak Condition, is attended with Losses and Contempt: Now since Royal Speeches, Parliamentary Addresses, and National Treaties, and the Memorials of Confederate Potentates, are to be laid, as *Books of Account* of Government, before the People, then every Man has a Privilege, to marshal those *Accounts*, and to place them under proper Heads; viz. The *Items* of the Ministers *good Conduct*, on the Credit Side, and the *Items* of their *ill Conduct*, on the Debit Side; and then cast them up, and see on which Side, the *Balance* will be found, and whether the common Stock of Power and Reputation, stands increased or decreased.

*This Privilege* gives a Right to represent, the Grand Transactions of any Nation, for the Instructions of those that come after, or else



*False* all *History* must stand condemn'd: For which Cause, this Right to make Observations on *Accounts*, may serve as a Reason, for what is after written.

And therefore it must be remember'd, That Prince *George of Denmark* dy'd on the 28th of *October*, 1708; and that he, during his Life, had kept the Queen steady in the *Interest of England*, and sincere in the *Performance* of the National Engagements: But after his Death, if we may judge of Causes by their Effects, or of a Tree by its Fruits, we may conclude, that the Enemies Friends, gain'd Access to, and possess'd her (the Good Queen) with Untrue, and Erroneous ~~Exercises~~ of Prerogative; viz. That her Prerogative to make Peace, and War, was Undoubted and Unbounded; That in those Cases, she might depart from Engagements, if Power were at hand, to execute what should be agreed. These Friends of the Enemy, also possess'd the Good Queen with Evil Notions of her best Servants, and endeavour'd to form in her Majesty's Mind, a Thirst after Power to model the Succession: And for this End they labour'd to insinuate an Opinion, That the Efforts to beat down the French Power, and to wrest Spain and the West-Indies from the House of Bourbon, would raise other Potentates, to cross some new Intentions.

The Soil, in which these Tares were sown, being productive, the Good Queen was bended, to give into those Sentiments, and was by them induced, to lay aside those Measures, which had produced Effects, glorious and prosperous, and to suffer others to be taken, that led to their Contraries: But no Man can think of, or contemplate, without Astonishment, the *Scene of Inconsistencies* that ensued.

In this Place it is to be observ'd, that there was in *England*, One Gentleman, qualified (almost to a Miracle) to bring to pass these Undertakings: He was descended of an Ancient, and Honourable Family; he had quick Parts, good Reading, and an aspiring Genius; he had gain'd an extensive Interest, by his plain familiar Behaviour, Flexibility and unaffected Dexterity: But the grand Ability he had acquired, was an Art to deal in Obscurity, and speak and write in such plausible, but inconclusive Terms, that the Reader might from them, infer and believe, with Pleasure, his own Wishes, and yet be disappointed.

This was the accomplish'd Statesman, who had the incomparable Faculty, *not to do great Things, but to undo*: He therefore engaged, that if the Queen would delegate  
into

Into his Hands her Regal Power, he would compass all, She desired or aimed at; and She comply'd, and committed the whole Power to his Conduct: And now by the Names, Manager, Prime Minister and Cardinal, this Person, and his Assistant are to be distinguished.

There was, at this time, no Person in the World, so fit and proper for the Manager's Purposes, as Count *Tallard* a Prisoner of State, taken and led by Duke *Marlborough* into, and kept in the Heart of *England* (at *Nottingham*), and his Agent the *Sieur Gualtier*, a *French* Priest in *London*, thro' whose Hands passed, all *Tallard's* Letters, to and from *France*. This concealed Manager, by the Means and Assistance of the Count and the Priest, did, in a short time, after the Prince's Death, and in Breach of the *grand Branch* of the National Engagements, Treat with the Enemy separately, and made with him a *Secret (but Fatal) Agreement*; which, if Causes are to be known by their Effects, consisted (as appeared by the Sequel) of four particular Measures, (as they were called) to this Effect:

1. *That the Prize* contended for, viz. *Spain* and the *West-Indies*, should remain to the House of *Bourbon*. The Iniquity whereof appear'd the more shocking, because it imported

imported a Conspiracy to dispossess, our own Ally, *Charles of Austria* King of *Spain*, as well as from our own Danger, accruing from such an Increase of Power, in the House of *Bourbon*.

2. *That a Disunion of the British Forces, from the Confederates, should be the only Means, to prevent the Recovering Spain and the Indies, from the House of Bourbon; and that for that End, the Unparallel'd Marlborough, and the other Sagacious and Inflexible Ministers, should be displac'd; but the Disunion itself was, for the present, to be kept inviolably secret, and, if Occasion required, denied.*

3. *That in Return for these unexampled Advantages, the Enemy should do some grand Service, for the British Ministers, which should be a Coup d'Eclat, that could not be executed, without Power at Hand to effect it; but the Secrecy of it was to be kept inviolably.*

*But tho' that Effort was brought to the Point of Execution, it failed, and so hath not as yet been fully detected: However, if Substance, may be collected from Circumstances, there is Reason to believe, that the Coup d'Eclat was, that the Enemy should furnish a Sponge to wipe out the Publick Debts,*

Debts, and yet continue on the Funds, as a *Revenue*, to render Free Parliaments useless; for it may be remembred, how the *Landed Interest* was, in those Times cried up, and the *Mony'd Interest* decried: Which inferr'd that the *mony'd People* might, for their Readiness, to advance Money to carry on such a War, and such Victories, be treated as Offenders; and that, by a *Spunge*, a proper Chastizement might, without offending the Landed Interest, be inflicted; for the Notion of a *Spunge*, was in those Times plentifully whisper'd; and some fear'd, that if it should be the Fruit, of a *French Assistance*, it might prove *irretrievable*.

*It may be also* remembred, that the Enemy, by Letters dated in or about *March, 1702*, signified to all the Neutral Potentates, That by his Assisting, and Placing the *Pretender*, on the Thrones of *England* and *Scotland*, all his Wishes would be *intirely accomplish'd*: And who can say, that the *British*, and the *French* Wishes, did not soon after concur and conspire, in this, as well as in other Proceedings.

4. *That since* these Transactions, according to the then furious Temper of the People, would be (in all Probability) at first disliked and condemned, and, perhaps, punished; the Manager was to have Time  
for

for *Negotiation*; in which he undertook, to *change* the whole Sense of the Nation; and to disarm and subdue, Those who *delighted in Victory and Trade*; and to arm the contrary Party; and, for that End, to *change* the Ministers, dissolve the resolute Parliament, and gain such a new one, as would be well inclined, to leave *Spain* and the *West-Indies*, to the House of *Bourbon*; notwithstanding the Danger of such an *Union*, and notwithstanding the Breach of the *principal Branch* of the National Engagements; and the Enemy was, in the mean time, to act on the Defensive, and ward off Duke *Marlborough's* Pulse.

*Whoever* considers these Terms, may apparently perceive, That the private *Principle*, laid down by the new Contracting Parties, at the *Commencement* of this separate Treaty, was, a *Division* of the Confederates, in order to leave to the Enemy, *Spain*, and the *Indies*.

*But then*, another Inference, is equally apparent, *viz.* That the Enemy was apprized, that the Queen was under a solemn Engagement, not to Treat separately, without first Imparting to her Allies, and Consulting them, about her Intentions. And yet this Enemy advised, and perswaded the Ministers, to Treat separately, in Breach of  
that

that Engagement : Which may for ever, be made use of, as a full Estoppel to the *French* Court, to find Fault, if any, in Alliance with her, should ever do the same Thing, by her, as she herself advised, and persuaded to be done, to her Neighbours.

I know, that Court will evade that Estoppel, by saying, The Reason of that Advice, was, to save themselves, in the last Danger. And it must be owned, That whenever that Reason is true, the Excuse will appear substantial.

And as to the *Truth* of these Particulars, they are proved, by the Sequel : For every Thing, that was to be done, to secure *Spain* and the *Indies*, to the House of *Bourbon*, and to hasten the *Disunion*, for that End, was done. And, consequently, we may conclude, That every other Thing, that was to be done, by the Enemy, to gratify the then Ministry, would be also done.

But, by this secret Agreement, the Ministers were brought under this miserable *Dilemma*, either to submit to, and pursue the Enemies Directions ; or else the Enemy had Power, by exposing to the other Confederates, the Ministers secret Measures, to make his own Advantage ; which put the Ministers, under the Enemy's Direction :

And

And under this *Dilemma*, the Enemy, with an Air of Sincerity, but under a Sense of his own Disability to act otherwise, sent his Prime Minister, *Torcy*, to the *Hague*, in the Latter-end of *April 1709*, to Treat on Preliminaries, and to go with the Allies Hand in Hand, the whole Length of their Aims, and to agree verbally; but, at the last Pinch, to refuse to sign: Which *Torcy* dexterously performed; depending on the secret Concessions at *London*, to find Means to compass the promised *Disunion*.

For the Enemy accounted of the new secret Manager, and his Partizans, as his Property, or as Captives and Instruments in his Hands, to restore him to the State of a Conqueror.

The Enemy continually call'd upon the Manager to procure (according to his Promise) *Marlbrough* to be disgraced, as the principal Article on which he depended.

The Manager, on his Part, was not Remiss; for he, and, by his Instigation, his Emissaries, first began to Disparage the Buildings at *Blenheim-House*; and rightly judged, That when the Reward of Victory was vilified, Victory itself would be disliked: And He (in Imitation of *Hanno* the *Carthaginian*, who, in the Senate, F  
aspersed



asperſed the *Victorious Hannibal*) procured it to be whiſper'd, that a *Peace* with the Enemy was neceſſary, becauſe the *Duke of Marlborough delighted in War*, and to be incompaſſed with Legions, and might probably make uſe of thoſe very Forces, that were raiſed to *reſcue Spain* and the *Weſt-Indies* from the Houſe of *Bourbon*, to ſerve for ſome dangerous Purpoſes.

But the grand Engines, which the Manager projected to carry on his Deſign, were to revive and maintain thoſe Principles that are *inconfiſtent* with the Eſtabliſhment of the Succeſſion in the Proteſtant Line.

It is therefore admirable to ſee, how dexterouſly the Manager carry'd on his Scheme, and found for every Purpoſe numerous Inſtruments. His Project, to embroil the Nation with Diſputes, about the Juſtice of the *Revolution*, ſucceeded to his Wiſhes; for he inſtructed certain Gentlemen to revive and maintain, by Writing and Preaching, the Spirit of blind Obedience, and to couch it in the inſinuating Doctrines;

1. Of *Paſſive Obedience*, and *Non-Resistance*, in all Caſes, without Exception.

2. The

2. The Notions of *Indefeazable Hereditary Right*.

Which two Doctrines would prove Batteries lovell'd Point-blank at the *Revolution*, and at all the Structures built upon it; and consequently, against the *Queen* herself, but that they should be secure against her taking Offence.

3. To insinuate, that the Church of *England* was in Danger, from Men of *Revolution* Principles; as if those Principles were incompatible with the *Church's* Interest and Constitution.

The Manager was very well apprized, that great Numbers of the Laity, and the far greater Number of the Bishops and Clergy, had *opposed* with all their Power, the *Votes of Abdication, and Vacancy of the Throne*, and were for returning under the Government of a *Popish Successor*; and therefore he rightly judged, that some of the Clergy, if he could make them believe the Queen was, in Masquerade, on their Side, would soon raise a general Combustion, and that would irritate the Ministers of State. And (as he projected) so it came to pass; for the Ministers, with too much Precipitation, caused Dr. *Sacheverell* to be

*Impeached* for High Crimes and Misdemeanors, for preaching, That that Resistance, which effected the *Revolution*, was as *Black and Odious as Rebellion*.

The *Doctor* was, indeed, Tried, and Condemned; but so tenderly *Punished*, that his Party look'd upon it, as a *Deliverance*; because the Impeachment ought to have been for *High Treason*; forasmuch as he preached, That the grand Security of the Government, and the very Pillar, on which it stands, is founded on the steady Belief of the Subjects Obligation to an *Absolute and Unconditional Obedience*, to the Supreme Power, (meaning, the Power of the King, as Supreme Governor, for we have no other Supreme Governor) and of the utter Illegality of *Resistance*, for any Reason, or for any Pretence of Reason, whatsoever.

For this Doctrine removed all the Boundaries in Government, that had been fixed between the Governor and Governed, and was the *very Treason*, for which *Tresilian* and *Blake* were, in the Reign of King *Richard the Second*, Condemned, and Hang'd at *Tyburn*, and for which the *Doctor* ought to have been Impeached: And in that Case, the Remedy would have cured the Malady.

*But the Doctor* having thus *Escaped*, he made a Triumphant Progress through several Counties, where he was attended with Multitudes, who spared no Pains, to testify their Belief and Adherence to his Doctrines. Which was amazing; because, if what Lord Chief Justice *Fortescue* writes, is true, *viz.* That *Liberty* is by God Himself ingrafted in Human Nature, and that *Slavery* was introduced by odious Crimes; Then what must we say of this Preacher, and his Patrons, but that they were the Introducers of Slavish Measures; and that his Profelytes were Accessories? And therefore this *Doctor* could be no Gospel-Preacher.

These surprizing Proceedings enabled the Manager to give the Enemy *vast Comfort*. But as to Disgracing the Great *Marlborough*, that Effort was too hazardous to be at present attempted. However, this Manager persuaded, That, by his Conduct, sufficient Power was now acquired, to perform to the Enemy his secret Engagement; but the *Parliament* must be first *changed*; and that could not be effected, without a *Change* first made in the *Ministry*: And for that End, and to make the first Step, he framed, for the Queen, a Letter, which Her Majesty wrote with her own Hand, dated 13th of

*April 1710*, and sent it to Lord Treasurer Godolphin, then at *New Market*, wherein the Queen, with unkind Words, vexed her Able and Industrious Minister, who, with the utmost Fidelity and Zeal, had done his Part, to raise her *Glory* above all her Predecessors, and to bring her haughtiest Enemy to be her Footstool.

The Letter was to the Effect following,  
*viz.*

“ I am sorry to find you are so much in  
“ the Spleen, as to think you cannot contribute any thing to My Service, but  
“ your good Wishes: However, I will still  
“ hope you will use your Endeavours. I  
“ have resolved to part with the *Chamberlain* (Duke of *Kent*), and hope this  
“ Change will meet with your Approbation, which, I wish, I may have  
“ in all My Actions. I have not yet declared my Intentions, that the Duke of  
“ *Shrewsbury* shall succeed; because I  
“ won'd be the first, that should acquaint  
“ you with it.”

No Treatment could carry with it more Indifference or Weariness on one Side, nor be better Understood on the other; and, doubtless, the true Meaning of it was, That the Duke of *Marlborough*, then in *Flanders*,  
shou'd

thou'd immediately have one Copy : But who was to have another, is not difficult to imagine.

In *Answer*, the Lord Godolphin return'd a Letter, dated 15th of *April* 1710, in such becoming and strong Expressions, testifying such a Firmness to Her Majesty's *Glory*, and the true *Interest* of his Country, as surpassed all former Examples ; and may be, in some sort, resembled, to what *Joab* said to his Master *David*, in a Case not unlike. The Letter was to this Effect ;

“ That, what Her Majesty was pleased  
 “ to call *Spleen*, was only the true Impulse  
 “ and Conviction of his Mind, That Her  
 “ Majesty was suffering Herself *to be guided*  
 “ *to her own Ruin and Destruction, as fast*  
 “ *as it was possible for them, to whom she*  
 “ *so much bearkened, to compass it.*

“ That he was not so much Surprized,  
 “ as Concerned, at the Bringing-in the  
 “ Duke of *Shrewsbury* : For when it was  
 “ found too difficult to think of *Dissolving*  
 “ the Parliament, which had, (in View of  
 “ a speedy End ) redoubled their Efforts,  
 “ to support and *finish this War*, upon  
 “ which Her Majesty's *Crown depended*,  
 “ they had the Cunning to contrive this  
 “ *Change*, which would put Her Majesty

“ under a Necessity to break that Parlia-  
 “ ment ; ( meaning, that the present vi-  
 “ gorous Parliament, and such a new Mi-  
 “ nistry, were inconsistent ).

“ That this *Change*, wou'd make every  
 “ Man, then in' Her Majesty's 'Cabinet,  
 “ Uneasy, and run from it, as from the  
 “ Plague.

“ He desir'd Her Majesty to consider,  
 “ how her Allies would think the War  
 “ would be carry'd on, *by Those who had*  
 “ *all along obstructed it* ; and who would  
 “ like any *Peace* the better, *the more it*  
 “ *should leave France at liberty to impose*  
 “ *the Pretender.*

“ That this *Change*, would make *Hol-*  
 “ *land* run into a Separate Peace ; That it  
 “ would make the Queen *lose* all her Honour  
 “ and Reputation ; That it would make  
 “ the Nation *lose* all the Fruit of their vast  
 “ Expences, and all the Advantage ( mean-  
 “ ing *Security, Trade, and Commerce* ) they  
 “ had so fair a Prospect of obtaining.”

*But it is observable,* That the Prime  
 Minister became at this time fond of the  
 ambiguous Word *Measures* ; for it appears  
 by the Sequel, that he kept *divers Mea-*  
*sures.* The *first Sort*, were Pretences to  
 pursue

pursue the National Engagements, and to be used on all Publick Occasions, and may be termed *Uniting Measures*: But the *latter* were to be the *real* (I mean, *Disuniting*) Measures, inconsistent with those Engagements, and contrary to those Pretences, and were to be strictly concealed, 'till Affairs wou'd make it *safe* to own them; and for this End, he injuriously added the Epithet (*Queen's*), and caused them to be called, unjustly, (the *Queen's Measures*); to the End, that whatsoever should be found *disreputable*, might pass from him, to Her Majesty's Account.

*Substantial*, therefore, was the Reason, why the *latter* sort of Measures were so carefully secreted: For if the *Disunion*, or the Design of it, had taken Air, that is, if the Intention to Ruin the Allies, and Raise the Enemy to be a Dictator, had been at first known, all Men had started back, at the Sight of such an Abomination, and the fatal Separation had, probably, been prevented.

But the Minister, having obtained the immense Power and Authority he wanted, he proceeded roundly, in *changing* the old Inflexible and Victorious Ministry: His *first* Step was, on the 14th of June 1710, to displace Lord Sanderland from being Secretary



Secretary of State; and to palliate the Disgrace, he caused a Pension to be offered. But that Lord, like an old *Roman*, refused it; saying, *If he could not Serve his Country, he would not Plunder it.* But this Step was apprehended to be but a Step to come at *Godolphin*, Lord Treasurer, in whose Preservation the whole Confederacy was concerned.

The Citizens of *London* feared, That by changing the Ministry, the Power, and (with it) the Trade and Commerce of the World would be transferred and fixed in *France*; They therefore made Application to the Queen, representing those Fears.

To which the Queen gave this Answer,  
 “ That she had, for some time before, re-  
 “ solved to remove the Earl of *Sunderland*,  
 “ for particular *Reasons of State*; but that  
 “ she had not yet determined to make any  
 “ other Changes.

However, the Citizens willingly believed the latter Part, and spread in the City that Report; which proved a gross Disappointment. For the Grand Minister soon corrected the Citizens Mistake, by sending abroad a Whisper, That not only Lord *Godolphin* was to be laid aside, but the Parliament *Dissolved*.

The

The *Emperor* and the *States General*, who had trusted their Powers in Fellowship with the Queen, represented to Her Majesty, in the most respectful Terms, the bad Influence the *changing* her successful Ministry, would have on Affairs Abroad.

To which the Prime Minister, endeavouring to conceal his Scheme for a *Disunion*, prepared for Her Majesty, and advised her to give, and she (as it is printed) did give to the *Imperial* Minister this Answer, "That whatever *Changes* She design'd to make, She had *resolved to Continue* the Duke of *Marlborough* in his Employments; and desired that Prince *Eugene*, and the other *Imperial* Generals and Plenipotentiaries, might act with him in a *strict Union*, and with the same Confidence, as ever."

But to the *Dutch* Minister, She gave (as it is printed) an Imperious Answer; thus: *I am surprized, a Matter of this Kind should come from the States; It is the greatest Insult that was ever offered to the Crown of England: However, it shall not lessen My Esteem of My Allies, nor alter My Resolution in My Own Affairs, (i. e. not stop the Changes).*

Soon after, the Minister doubled his Steps, and, on the 9th of *August* 1710, caused Lord *Godolphin* to be removed from being Lord Treasurer; and, in a few Days, a *thorow Change* to be made in the rest of the Ministry; and the Parliament to be *Dissolved*, and the new Elections to be carry'd on, with all the extraordinary Means that Power and Treasure could furnish; and, by exquisite Arts and Amusements, a Majority of Gentlemen (who, as the Sequel proved, wou'd act with Zeal, to Countenance every Step, that tended to a *Disunion*, and to leave *Spain and the West-Indies* to the House of *Bourbon*) were Returned, to serve in Parliament.

This was the Enemy's *Day of Comfort*: He had, from thenceforth, nothing to fear; for he saw the Power taken out of the *Hands* of his obstinate Enemies, and placed in the *Hands* of such Gentlemen as, he knew, were far from delighting to Beat him, or Wrestling the Prize (of *Spain and the West-Indies*) from the House of *Bourbon*: And the Enemy was neither mistaken, nor disappointed.

The Ministry advised and framed a *Speech*, which the Queen delivered from the Throne on the 27th of *November* 1710, wherein

wherein Her Majesty expressed Herself in general Words ; viz.

*I doubt not but to find such Returns of Duty, as will add new Life to our Friends, and entirely disappoint the Hopes of our Enemies. • The Eyes both of Friends and Enemies are upon you. The Way to give Spirit to the one, and to defeat the restless Malice of the other, is, to Proceed in such a Manner, as becomes a British Parliament. I am resolved to preserve the British Constitution. I shall Employ none but such as are heartily for the Protestant Succession in the House of Hanover.*

The People apprehended, That this Speech meant, by Friends, the Confederates ; and by Enemies, the French : But they misunderstood it ; for the Words *Restless Malice*, were not proper to be applied to the French King ; because he was a known, and open, and a restless Enemy : The Speech therefore meant other Friends, and other Enemies, than the People apprehended.

The Meaning of this Speech was pretty well understood in the House of Lords, where the Motion, To give Thanks to the Duke of Marlborough, for his Victorious Campaign of 1710, was opposed, and dropt.

dropt. But the Duke's *Delight in Victory*, and his Zeal for the Common Cause, and to win the Prize from the Enemy, made, That he Overlook'd and Despis'd the Affronts put on him, and on his Dutcheſs, and other Friends, and hinder'd him Not to act the *Patriot*, who ſacrifices all to the Publick Good ; and therefore he ſuppreſſed his Reſentment, without reſigning his Commiſſion, (as the Miniſter expected). Which Complaiſant Demeanor ſo overcame the Queen's Perſonal Good-Nature, that She, contrary to all Expectation, did forbear, at preſent, to remove the Duke from the Head of the Victorious Army. Which brought the Miniſter and the Common Enemy under no ſmall Perturbation : For the Enemy being Maſter of *Military Affairs*, was fully convinced, that the Heroic and Unparallel'd Virtue of the General (*Great Marlborough*) could not be equal'd with any other Advantage : but, worſt of all, That the *Diſunion* aim'd at, could not, whiſt he Commanded, be accompliſhed.

But ſince ordinary Affronts could not affect the Duke, the Miniſter, therefore, to quiet the Enemy, engaged to rake up *ſo much Calumny*, as would ſufficiently not only Blaſt the Duke, (and his Friends the *Dutch*, and the *Emperor*) but Gratify the Enemy, in *Discovering which of his Subjects*

*Subjects* had taken the Duke's Money for Intelligence.

However, about the Beginning of *May* 1711, the Minister first began to disclose, in dark and ambiguous Terms, the first Article of the *Disuniting* Scheme, whereby *Spain* and the *West-Indies* were to remain to the House of *Bourbon*. And this Discovery was to be, and was couched, in the *Addresses* of both Houses, in these general and ambiguous Words; *viz.*

“ That They (the Party) would support Her Majesty, in all the Measures She should judge proper to procure a Peace:” without *Disclosing* what the Nature of that Peace, or of those Measures, was; or saying one Word about the main Article of *Spain* and the *Indies*, or whether the Measures were *Uniting* or *Disuniting* Measures: For those were Secrets, to be, at present, industriously cover'd.

The *Disappointment*, of Displacing *Marlborough* (the Terror of *France*) caused the Enemy to cast up such formidable Lines in 1711, to stop the Duke's Progress, as were never before erected; insomuch that the *Gascoignading Frenchmen* gave out, That *Villars* would not be forced, by Double such an Army as *Marlborough* commanded: And the

the *Disuniting* Party at *London* gave out,  
That Nothing would be done that Year.

But the Finished Captain ( *Duke Marlborough* ) so disguised his real Intention, by providing a vast Quantity of Fascines, and placing them in View of the Enemy's Army ; and by giving out, He intended to Force the Lines in that Place ; that he skreen'd his real Intention, and in a certain Evening put himself at the Head of his Left Wing, and marching all Night to the Left, and abandoning his Fascines, he, by Five o' Clock next Morning, passed the Lines at a convenient Distance, without the Loss of one Man ; and then marched up directly to attack the Enemy in Flank. But *Villars*, in great Consternation, decamped, and with Precipitation fled, and retired behind *Cambray*, and suffer'd *Bouchain* to be Besieged and Taken, and the Garrison to be made Prisoners of War, under his very Nose. At this time, therefore, the *British Hero* had little more to do, than to march at the Head of the Confederate Army, up to *Paris*, and give Laws to that potent Monarch who had for a long time treated his Neighbours with such an Indifference ( in relation to his Acts of Power ) as signify'd, he cared not whether what he did, pleased or displeased.

The Duke's Conduct, in Passing such Lines, in the Face of the *French* Army, and of such a General, as *Villars* pretended to be, was applauded by all *Europe*, as the greatest Instance of *Military Skill*, that had been performed in this War, either by *Marlborough*, or by any General, in any former War; and therefore this Proceeding denuded the *French* of all Confidence in their General; insomuch, that the *French* People did not think themselves safe in their Beds at *Paris*, so long as *Marlborough* Commanded. The whole Body of the *French* People clamour'd at *Villars*, as if he were a General unequal, and insufficient; but *Villars*, was by the *French* King, who was in the Secret, and knew that this Atchievement was *Marlborough's* last Effort, justified; for that *Villars* had pursued his Instructions: And however, at this time, the Ministers, if they had had any competent Parts of Circumspection, or Wisdom, might, if they had demanded the Silver Mines of *Peru* to be assigned, till the publick Debts of *Britain* should be paid, they might have had them: But, alas! such Notions or Efforts, were no Part of their Qualifications.

In *May*, 1711, the Treaty with the Common Enemy separately, being no longer a



Mystery, tho' the Terms could not be discovered, Count Gallas, the Emperor's Minister, expostulated about it with the prime Minister; who gave him this strange Answer, *That he (Gallas) had no Reason to be alarm'd, for the Queen would never (as he affirm'd) make a Peace derogatory from her Engagements.*

*Yet notwithstanding* all the Speeches, Messages, Answers, and Declarations of the Ministers; and, in Contradiction to them all, and in an avowed Violation of the National Faith, such Preliminaries for a Peace, signed by Monsieur Mesnager, were, on the 13th of October 1711, published, as *France* had imperiously prescribed, and the *British* Ministers had secretly submitted, and agreed to; and Mr. Secretary St. John, condescended to be the Instrument (or Captive) in the Enemies Hand, to communicate the same to the Confederate Ministers.

In these Preliminaries, the first Article of the Secret Agreement was set out obscurely and ambiguously, (*to wit*) That the *French* King would consent, *bona fide*, to the taking all just and reasonable Measures for hindring, *that the Crowns of France and Spain might ever be United on the Head of the same Prince.* These Preliminaries, were so worded, to the End, that the Emperor might,

might, (if he pleased, and as he would be inclined to do) fancy, that some Prince of the House of *Austria* was intended for the Crown of *Spain*, and yet be disappointed : Which is a full Proof, that the Ministers not only delighted in Dealing, but in those who Dealt, in Fallacies. All the rest of the Terms, were conceived, in general, uncertain, and insidious Expressions ; but especially, that about *Dunkirk*, is remarkable ; viz. The *French* King was willing to engage, to Cause, (meaning that he himself would Cause) the Works at *Dunkirk* to be demolish'd, immediately after the Conclusion of the Peace, on Condition that, for the Fortifications of that Place, (but not for the Place itself) a proper Equivalent (that, may content him) should be given him.

*Here* the Demolition is to be made, and perfected by the Enemy, and by no other, and in such manner as an Enemy pleas'd : But first, he is to be made content with an Equivalent, and to be Judge of that Equivalent ; and consequently, to be his own Carver, and to have the Choice of such Towns, lately conquer'd, as *best pleas'd* him, restored, as the Equivalent.

In the Time of this Ferment, on the 28th of *November* 1711, just eight Days before the Opening of the Parliament, *Baron*

*Bothmer*, as Envoy from the Court of *Hanover*, presented a Memorial, compos'd of the *best Language, and soundest Reasoning*, of any that were made, during this Crisis; for in it, he handsomely excused his Master's forbearing to call the *Hanover* Troops out of *Flanders*, in Pursuance of her Majesty's Permission; (apprehending that that Permission meant to draw his Master in, to make the *first Step* towards the fatal *Disunion*, and then load him with the Re-proach).

He modestly censured the Preliminaries, published in *October*, 1711, for offering no positive Declaration, or real Security; and, at the same time, commended, and preferr'd the former Preliminaries; which so provided for *both*, that the *French* Haughtiness and Chicanes, could not encounter, or avoid them.

He press'd the Consideration of this Consequence, that if a *Disunion* happen'd, and if *Spain* and the *West-Indies* were left to any Prince of the House of *Bourbon*, *France* would in a few Years, be sufficiently reinforc'd by *Spain*, and the Riches of the *West-Indies*, to enslave *Great-Britain*, as well as all *Europe*; which he urg'd from the Difficulty to avoid that Slavery, even at this Time, when all their Forces were united.

*The Baron* propos'd, That his Master should procure the new Emperor (*Charles*) to enter into new Engagements, touching the *Disposition* of *Spain* and the *Indies*, to remove all Surmizes against placing those Countries under the Emperor of *Germany*.

He very wisely hinted, That the *South-Sea Trade*, now offer'd, would last no longer, nor be carry'd on in any manner, but as *France* and *Spain* would please to permit.

He argued, That *France* and *Spain*, united under one Family, ought to be consider'd, as one Potentate, and that *Spain* could never resume its Independence, and that no Treaty, no Renunciation, could bind *France* any more, than the Renunciation at the *Pyrenees*, the Treaty of Partition, and the acknowledging King *William* for King of *England* had bound him. He reminded the Queen of the *French King's* unwearied Endeavours, to place his Creature on the Throne of *Great Britain*, (meaning to Dethrone the Queen); and that his Master, the Elector, could not look on these Proceedings with Indifference.

Above all, he argued, That a Cessation of Arms would be most fatal, because it would enable the Indigent, Exhausted, and Vanquish'd

quish'd Enemy, to carry the *Prize*, and to get out of War, by a Peace, Glorious to him; Ruinous to the Victorious Allies, and Destructive of the Liberty of *Europe*, in acquiring Power to give a King to *Spain*, and to impose one on *Great Britain*.

This was a most firm, and wise Memorial, if any Reason would have been regarded: But who can say, the Ministers did not use it to exasperate the Queen, by suggesting, that the Memorial signified, That if They, (the Ministers) proceeded in their separate Treaty, to give up *Spain* and the *Indies* to the House of *Bourbon*, it would subject *Britain* to the superior Power of *France*, and would deprive the Protestant Successors, and infer Queen *Anne's* Ab-dication; for Mr. Secretary *St. John* could not forbear having a warm *Eclaircissement* with Baron *Bothmer*, for its Publication.

*But all was in vain*, for the Ministers being deaf to all Reason and Persuasion, they hector'd the *States-General* to send Plenipotentiaries to the Congress at *Utrecht*, and to treat of a Peace on the Foot of those most pernicious Preliminaries. The Grand Minister at this time, tempted the Earl of *Nottingham* with Rewards, to Truckle, but in vain; for that Earl was superior to all Temptations,

Temptations, and could never be brought to approve the Depravity of the intended Turning the Tide of Victory by a *Cessation*, or a *Disunion* from the Confederates, or the giving up *Spain* and the *West-Indies* to the House of *Bourbon*.

*At the Opening* the Sessions of Parliament, on the 7th of *December* 1711, the Speech from the Throne disclos'd, who were meant in the former Speech of the 27th of *November*, 1710, to be the *Enemies*, (*i. e.*) those who delighted in War, (meaning the Duke of *Marlborough* and his Adherents, who push'd on the Victories, to win the Prize of *Spain* and the *Indies* from the House of *Bourbon*) and consequently the *Friends* mention'd in that Speech must be the contrary; *viz.* Those who delighted in Turning the Tide, by the *Disunion* of the Confederates, and in giving the Enemy, what of all Things he wanted and most desired, (*i. e.* *Spain* and the *West-Indies*); for the Words are these: *I am glad I can now tell you, that, notwithstanding the Arts of those who delight in War, both Time and Place are appointed for opening a Treaty for a General Peace.*

This Speech, mentioned the Interest of the *States-General* as inseparable from the Queen's; but, *quo Animo?*

*Immediately after the Speech, the Queen came back, and sat in the House of Peers incognito ; where she heard, her Treating with the Common Enemy separately, inveighed against by the Earl of Nottingham, viz. That the Preliminaries, which the Ministers had caused to be published, as agreed to, were not only fallacious, and dangerous, but contrary to the principal Branch of the Engagements Great Britain had enter'd into : Which Engagements (he vehemently urged from the Principles of Honour and common Honesty, and for our common Safety) ought to be made good. And the Earl concluded with a Motion, That in order to explain the Queen's Speech, and those Preliminaries, this Clause ought to be added to the Address ; viz.*

*'That that House was of Opinion, and accordingly advised her Majesty, That no Peace could be safe or honourable to Britain, or Europe, if Spain and the West-Indies were to be allotted to any Branch of the House of Bourbon.*

But this Motion of Lord Nottingham was very much oppos'd ; and amongst others, by a certain Lord, who affirm'd, *That we might have enjoy'd the Blessing of Peace, soon after the Battle of Ramellies, if she same had*  
not

*not been put off, by some Persons, whose Interest it was to prolong the War.*

Thus was the Victorious Hero *Traduc'd and Vilify'd.*

Earl Nottingham's Motion was carry'd by six Votes: And, in Answer to the Addresses, the Queen said to the Lords, *That she should be very -sorry any one could think, she would not do her Utmost to Recover Spain and the West-Indies from the House of Bourbon.*

This Answer was a full Acknowledgment, That the Chief Inducement to begin this War, was, to Recover Spain and the West-Indies from the House of Bourbon, or else nothing can be an Acknowledgment.

And moreover, this Answer seems to be a full Denial of the Fact; viz. That the Ministers had Treated separately; or that any Treaty had been commenc'd, for Giving up Spain or the Indies to the Enemy: And therefore, ordinary Men believed, that the Queen, by her Speech, and by the Preliminaries which Mr. Secretary St. John had published, did mean, that she knew the Enemy would consent *bona fide*, to the parting of Spain and the West-Indies from the House of Bourbon.



The Lords pursued their first Effort, and on the 22d of *December 1711*, Resolved, and presented another Address to the Queen, advising, and praying her Majesty, to give *Instructions* to her Plenipoteniaries to concert Measures with the Allies, (before Opening the Congress) *to preserve a strict Union, and to procure them to be Gaarantees of the Peace in general, and of the Protestant Succession in particular.*

These two Addresses diametrically contradicted the *Disunion*, and the Giving up to the Enemy, *Spain* and the *Indies*: And therefore to this Address, the Queen gave an Answer as dissatisfactory as was her former; viz. *She thought her Speech to both Houses would have given Satisfaction to every Body*: And her Majesty answer'd, That she had already given *such Instructions* to her Plenipoteniaries, to preserve a *strict Union*, as that Address desired.

This Answer amounted to a full Denial of this Fact, That any *Disunion* had been treated of, separately.

But the Party among the Commons, which delighted in Turning the Torrent of Victory, by a *Disunion*, and in Giving up *Spain* and the *Indies* to the House of *Bourbon*, being strong, it was moved, and carry'd

carry'd by 232 against 106, That they, by their Address, should assure her Majesty, that they would *disappoint* the Arts and Designs of those, *who might delight in War*, (meaning the present Victories) or *might vainly entertain Hopes of receiving Advantage from any Division among them* (the Commons). This Address was amazing, for that Party in the House of Commons *could not shew themselves better affected*, or more firmly attached to the separate Measures concerted for a *Disunion*, and for *Giving up Spain and the Indies to the Enemy*, than that Address amounted to.

However, the two Addresses of the Lords put the Great Minister, and his Cabal, into grievous *Agonies*, lest the Lords, at their next Meeting, (which would be in so few Days, as the second of *January 1711.*) should come to more *vigorous Resolutions*, and, perhaps, might treat the Authors, for their Unjust Negotiations, as State-Malefactors.

The Prime Minister therefore, in order to divert the Parliamentary Proceedings, *advised the Queen* to proceed to an extraordinary Exercise of her Prerogative; viz. To Elect (and she did Elect) twelve Great Men, whom that Minister knew, were devoted to his (the Minister's) Measures, and  
to

to grant to them the Dignity of Noblemen, and to pour them altogether, in one Day, into the House of Peers : And Mr. Secretary *St. John* threatned (as *Boyer* writes) That if those twelve were not enough, They (meaning the Cabal) would have given Them (meaning Duke *Marlborough*, and Those who delighted in Victory) another Dozen. But whether this Exercise of the Prerogative was strictly legal, or not, I will not presume to say the least Thing in Disaffirmance.

But this I may adventure to say, That all the Motions and Arguments to Carry on the Victorious War, and to Recover *Spain* and the *West-Indies* from the House of *Bourbon*, and, for that End, to preserve a *strict Union* among the *Confederates*, vanished, and were never more heard of.

*The Description* of this Scene would be defective, without taking Notice, how the Party proceeded in the House of Commons : For the Obsequiousness of that Party, in that House, exceeded the Queen's Speech, and gratify'd the Common Enemy beyond his own Expectations ; and, above all, they were very Officious, to find out, or rather, to create Pretences, to Asperse and Disgrace Great *Marlborough*, of whom the  
Enemy

Enemy could not, without Terror, think, or contemplate ; for they knew, that *Intelligence* was the Handmaid to Victory, and that Money was the Wages to that *Handmaid* : And therefore that Party voted, That, *that very Money*, which was allowed the General (Marlborough) for gaining *Intelligence*, was *Public Money* ; and, as such, ought to be Accounted for ; and that a *Discovery* ought to be required, how, and when, and to whom, that Money was applied ; and accordingly, they *Ordered an Information* to be prosecuted in the Court of *Exchequer*, against the Duke, to compel him to make that *Discovery*. As if He, for being Victorious, and for endeavouring to rescue from the Enemy *Spain*, and the Riches of the *West-Indies*, was, for that Reason, a Malefactor, and an Enemy to the Queen, and to his Country.

This Proceeding, could mean nothing, but, first, to *discover* to the Common Enemy, *which* of his Subjects had taken the Duke's Money for *Intelligence* ; and next, to furnish the Ministers, with a Pretence to do that Thing, which he (the Enemy) above all Things, wanted, and desired ; I mean, their procuring *Marlborough* to be *Disgraced*. And accordingly, the Queen, being present in Council, on *Sunday* the 30th of *December* 1711, it was Declared,

Declared, and Entred in the Books, "That  
" Her Majesty being informed, That an  
" *Information* against the Duke of Marl-  
" *borough* was laid before the House of  
" Commons, by the Commissioners of the  
" *Public Accounts*; Her Majesty, there-  
" fore, thought fit to *Dismiss* him from  
" all Employments, that *that* Matter might  
" take an *Impartial Examination*." And,  
in Execution of this Order, Her Majesty  
sent the Duke a Note, written with her  
own Hand, whereby she resumed all his  
Employments. And thus the Victorious  
*Marlborough*, was (with the Wooden  
Sword of the Commissioners of Accounts,  
after all the *French* Swords had been re-  
bated) *Disarmed*; and, with Him, all  
Hopes, of Recovering from the Enemy  
*Spain* and the *Indies*, vanished.

And in this Manner, the Common  
Enemy, by one Stroke of Lord Oxford's  
Arm, put to Flight that *Victorious Hero*,  
who had defeated his Armies, and forced  
his Towns, and carried into his Countries  
Fear and Consternation: For which Rea-  
sons, the Ministers accounted him their  
greatest Enemy; because his obstinate  
*Delight in Victory*, and his Zeal to Rescue  
from the Enemy *Spain* and the *Indies*, cou'd  
not otherwise be overcome.

*It would therefore be injurious to Britain, if I should omit to say, what I can, of her Incomparable Hero: But I want the Pen of a Plutarch, to compare him with those Admired Captains, Alexander and Julius Cæsar, and to give him his just Precedence. For if that Rule of War be true, viz. That He, that would find the exact Pattern of a Great Commander, must look upon such as have Encountred Worthy Captains, and those better followed than Themselves, and have Over-topt their Enemies Well-Disciplin'd and Well-Armed Troops. For it is a Work of much greater Military Skill, to master the Equal Forces of One Hardy and Well-Ordered State, than to subdue a Multitude of Servile Nations; and therefore such Men as have done Much against Enemies of Equal Abilities, are to be regarded as the most Accomplish'd Captains.*

I say, If that Rule be true, Then Great Marlborough hath discover'd to the World, what was never before known: For the French Generals, and their Armies, had been bred up, for (almost) an Age, in successful Wars, and, by long Experience, and by the Encouragement and Rewards of a most Aspiring and Potent Prince (Lewis the Fourteenth), had Improved the Art of War, and the Discipline of their Troops,

Troops, beyond any Nation that ever preceded; and accordingly, the *French* had made War, and Contended, with all their Neighbouring Potentates, and gained *Much* from every One of them, and, as an Addition to their Advantages, their Armies were united under the Command of one single Potentate; whereas, it is observable, Duke *Marlbrough's* Army was composed of Different and Jarring Nations, whose Principals were *Independant*, and, consequently, their Commands might be (and sometimes were) *contradictory*. It is observable also, That the Great *Roman* (*Cæsar*), to whom *Plutarch* gives the Precedence, was, in his Siege of *Dyrachium* (where He himself Commanded) so Baffled and Beaten off by *Pompey*, and his *Romans*, that *Cæsar* himself confessed, That if *Pompey* had known how to use his Advantage, he had compleated his Victory, and had, at that time, put an End to the War; (meaning, he had intirely subdued *Cæsar*); and however, in Consequence of that Victory, *Cæsar* raised the Siege, and fled towards *Theffaly*, and was for some time pursued.

Whereas the Great *Marlbrough* did, with dismay'd Troops, engage the *French* Armies (who were flush'd with Victory, and better, or, at least, equally Armed and Disciplined, and more Numerous than Himself)

Himself) in many Battles and Sieges, and Vanquish'd them in All: For *Marlborough* never Fought a Battle, or Besieged a Town, or attempted to Raise a Siege, but he Won the Battle, Took the Town, and Raised the Siege: Which cannot be said of Great *Cæsar*; and therefore Great *Marlborough* was, by much, the Greater Captain.

The Ingratitude and Abuse towards the Victorious *Marlborough*, was mixed with the most intense Spight and Envy; for the Ministers endeavoured to *Vilify* the *Hero*, by changing the very *Means*, he had (in Part) used, to obtain *Victory*, into *Criminal Practices*: resembling the State of *Athens*, which had Treated their Ten Victorious Captains with the Vilest and most Abusive Returns:

The Fact whereof was thus; The *Lacedæmonians*, having beaten and reduced the whole Power of *Athens*, they cooped the *Athenians* up in a narrow Place, called *Mytelene*, and besieged them there, both by Land and Sea. Necessity and Distress, therefore, forced the *Athenians* to Man all their Ships; and order'd, that their Annual Governors (being Ten in Number) should issue out, as their last Effort, and put all to Hazard, in a Sea-Fight. The Ten  
\*H
Captains



Captains sailed out of the Haven, and, at a Place called *Arginusæ*, courageously fought, and at last routed the Enemy's Fleet, killing their Admiral *Callicraditas*, and pursuing the rest of the Navy to utter *Destruction*.

Now the Popular State or Senate of *Athens*, unworthily hearkened to certain Wretches, who *accused* the Ten Captains, for *pursuing* the Enemy, without first taking Care to save the disabled Ships, whereby a great Number of the *Athenians*, who had enter'd on Board, and fought to save their Country, were drown'd.

And for that Reason, that Popular State of *Athens*, forgetting and laying aside *all Sense of their late Danger and Distress*, and the Merit of the glorious Victory and Deliverance, seized Six of the Ten Captains, (the other Four escaping the present Fury), and brought them into Judgment, to Answer the Accusation. The Six Captains made a just Defence; That they had, indeed obtained the Victory, but that the Fight was obstinate and bloody; and that when the Enemy was put to Flight, they (the *Athenian* Captains) had appointed a Squadron to take care of, and save the Men in the disabled Ships; and after that, they, in the Heat and Fury of the Engagement, *pursued* the Victory, and, according  
to

to their Duty, had utterly destroyed such Part of the Enemy's Power as was Maritime.

By which Efforts, the *Athenians* Dread and Fear was extinguish'd. And as to the Squadron appointed to take Care of the Broken Ships ; That a *Storm* had arisen in the latter End of the Fight, which had prevented its Performance ; and, consequently, that the *Loss* came, not by any Fault in the Ten Captains, but by a *Misfortune* that was unavoidable.

But the Rage, of the Envious and Sordid Part of the *Athenians*, rejected the *Justice* of the Defence, and most unjustly *Condemned* the Six Victorious Captains, as vile Malefactors, and put 'em to Death. And yet, when the Horror of *this Ingratitude* came afterwards to stare 'em in the Face, they became Ashamed, and Reversed the Judgment, and Condemned and Executed the vile Accusers.

The Difference between the *British Ingratitude*, and that of the *Athenians*, consisted in this ;

That the *Envy and Spight* of the *British* Party, did not arise from any sudden Mistake or Misapprehension ; but from a