

5th of this Month the King and Queen going to the *Pardo* to hunt, put into the Hands of Don *Miguel Duran*, his Secretary of State, a Decree, written by the King's own Hand, forbidding Cardinal *Alberoni* to meddle in the Affairs of the Government, to come to the Palace, or any other Place where their Catholick Majesties or any Prince of the Royal Family are present, and order'd him to quit *Madrid* in eight Days, and the Dominions of *Spain* in three Weeks. This Order was intimated to him before the King and Queen return'd from Hunting, and his Catholick Majesty took Care to insert in his Decree, that he enter'd into the said Resolution to remove that Obstacle to the Peace.

As soon as his Royal Highness was inform'd of this, he order'd me to send your Lordship an Express of it, that a Moment might not be lost in acquainting the King of *Great Britain* with that Event, which is the Continuation of the Success of those Measures which his Majesty has taken, in Concert with his Allies, for the Re-establishment of the publick Tranquillity, and for the Security of *England* in particular.

'Tis impossible to hear this, my Lord, without reflecting on the Justice due to your Excellency, for having propos'd such vast Projects, and such just Measures for bringing them to pass, and for preventing, by Care and easy Expence, the infinite Calamities which might ensue upon a general War. His Royal Highness is full of the Acknowledgment due to you, and none can be more sensible of the Glory which the King, your Master, and your whole Nation acquire in Circumstances, which decide the Happiness of all *Europe*.

These are the real Sentiments of his Royal Highness, who is as much concern'd for the Honour of his *British* Majesty, as his own, and who looks upon all Events that may contribute to re-establish the publick Tranquillity, as the happy Fruits of the Treaties which he has made with *England*. And he is willing to omit or neglect nothing whatsoever that may knit the Bands thereof by a perfect Correspondence, and by all the Regards that Friendship is capable of Inspiring. He will punctually inform the King of *Great Britain* of whatever he hears may be the Consequence

sequence of the Resolution which the King of Spain has now taken, and as he is, notwithstanding, not to make any the least Step but in Concert with his *Britannick* Majesty, he desires that your Lordship would inform him of his Intentions, upon all the Measures proper to be taken in the present Juncture, for the common Interest and Advantage.

His Royal Highness is so impatient that the King of *Great Britain* may be inform'd immediately of this Event, that I shall now forbear to mention several other Things which it would be proper to give you an Account of at another Time; therefore to this News I shall only add the Assurances of the Continuance of that most sincere Attachment with which I am, &c.

P. S. Cardinal Alberoni, having a Mind to go from *Girona* to *Antibes*, and from thence to *Genoa*, or some other Part of *Italy*, has demanded a Passpart of *France* and all the other Allies, for his Person, Domestic, and Baggage.

On the Receipt of this Letter his *Britannick* Majesty thought fit to send *Earl Stanhope* to *Paris*, where he arriv'd on the 9th of *January*, and had been there but few Days, when new Overtures of Peace were made on the Part of *Spain*, at *Paris*, by the *Abbot Landi*, Minister of *Parma*; and at the *Hague*, by the *Marquis Beretti Landi*, Ambassador of *Spain*.

These Conditions or Overtures, made to the Regent, were communicated to the Ministers of the respective Powers concern'd in the *Quadruple Alliance*, who, on the 19th, came to the following Resolutions.

WE the underwritten Ministers of his Imperial Majesty, of his *Britannick* Majesty, of his Most Christian Majesty, and of his Majesty the King of *Sardinia*, declare, in the Name and on the Part of our Masters, that we have seen, with extreme Grief, the Propositions sent from *Madrid* the 5th of this Month, because, instead of drawing towards Peace, as might have been hoped, they tend to overthrow entirely the Conditions of the Treaty made at *London*, which ought to serve for the unalterable Basis of

the Peace. We also declare, That the abovesaid Powers cannot admit any Conditions which may be contrary to those of the Treaty of *London*, and that they will persist in their Engagements, and in Concert till they be executed: So that they will proceed also by Virtue of the same Treaty, and of the Convention newly made in *Holland*, to nominate forthwith the Princes which are to succeed in the Dominions of *Tuscany* and *Parma*, to the Exclusion of the Prince of *Spain*, in Case the Catholick King should desist, beyond the Term stipulated, to accept the Conditions of the Treaty of *London*.

In Witness whereof we have sign'd this present Declaration. Done at Paris, the 19th of January, 1720.

This Declaration was sign'd by Baron *Bentenrieder*, by the Earl *Stanhope*, and the Earl of *Stair*, by the Abbot *du Bois*, and by *M. de Vernon*.

The same Day the Abbot *du Bois* wrote the following Letter to the Abbot *Lanli*, Minister of *Parma*.

S I R,

I Did not fail to make Report to his Royal Highness of what you were pleas'd to communicate to me of the King of *Spain's* Intentions touching the Means of attaining Peace. His Royal Highness was of Opinion, That in this Circumstance, that the Powers concern'd having distinguish'd Ministers here, and particularly at the Time when my Lord *Stanhope*, who has the chief Confidence of the King of *Great Britain*, is at *Paris*, he ought to invite them together, to deliberate with them on the Catholick King's Propositions, which had been communicated to him, and to examine whether it might be possible to make them serve to forward a Peace; but how great soever his Royal Highness's Desire is to contribute to so desirable a Good, he finds he must yet be without that Satisfaction; and orders me, Sir, to acquaint you, that he sees, with extreme Grief, that the King of *Spain's* Propositions, far from facilitating the Means towards it, as he could have hoped, tend to overthrow entirely the Conditions of the Treaty of *London*, which ought to serve for the Basis of the Peace, and from which

which he cannot possibly depart: That the Ministers of the Emperor, of the King of *Great Britain*, and of the King of *Sardinia*, have explain'd to his Royal Highness their Sentiments to the same Effect, and have declar'd, That they cannot admit of any Modification about the fulfilling of the Treaty of *London*. His Royal Highness cannot refuse to concur with the said Powers for obtaining it, and to proceed, by Virtue of the same Treaty, and the Convention made in *Holland*, immediately to nominate the Princes who shall succeed in the Dominions of *Tuscany* and *Parma*, to the Exclusion of the Prince of *Spain*, in Case the Catholick King defers, beyond the Term stipulated, to accept the Conditions of the Treaty of *London*.

It would be a melancholy Thing, Sir, if that Engagement should create a new Obstacle to the Re-establishment of the Peace; but this Misfortune will be inevitable, if the King of *Spain* does not prevent it by a Resolution worthy his Piety, and conformable to his true Interest. And as his Royal Highness will never be wanting to give to a Prince, whose Virtues he respects, and to whom he is strictly united by the Ties of Blood, new Marks of his Attachment, he has order'd me to give you to understand, that you cannot too strongly represent all that I have the Honour to write to you on his Part, nor make too lively Instances to engage the King of *Spain* not to lose one Moment more, to take and declare his Resolutions; because the Advantages reserv'd to the Princes, his Children, Sons to the Queen, absolutely depend thereon, and would be lost for ever if he should make the least Delay in accepting the Conditions of the Treaty of *London*; and to give to the Marquis *Scotti*, and to the Catholick King's Ministry, all the Lights they can wish for, touching the Sentiments of the ally'd Powers, his Royal Highness has judg'd, that he could do nothing more useful in the present Conjunction, than to send to them M. *Schaub*, who is in the King of *Great Britain*'s Service, and has a perfect Knowledge of all that relates to the Treaty of *London*, and of the present Disposition of the Allies, and in whom they have an equal good Confidence. I desire you to acquaint the Marquis *Scotti* with the good Motives that have put his Royal Highness upon this Aim, and to desire him to make Use of them on so important and pressing an Occasion as this is; and I

desire you to be be perswaded, Sir, that I am entirely yours, &c.

Paris, the 19th of
January, 1720.

Sign'd,

The Abbot du Bois.

The Abbot du Bois wrote also, the same Day, a Letter to the Marquis Scotti, Minister of Parma, at Madrid, which is as follows.

HIS Royal Highness wishes as ardently as your self, Sir, to see a perfect Union restor'd betwixt the two Crowns; but there is no attaining it but by a Peace; and you know the Way to it, since you are inform'd of the Engagements of the King with his Allies, from which it is impossible to depart in any Case whatever. If his Catholick Majesty will but take Notice of this Circumstance, all the rest will become easy. It is not possible to procure a Suspension of Arms betwixt France and Spain, to the Exclusion of the other Powers engag'd in the War; and it would be useless to propose it to them, because it would be contrary to the Resolution which they have taken, not to lay down their Arms till the Treaty of London be accomplish'd; and also because it would be impossible to cause the said Suspension to be executed at the same Time in all the different Countries whither the War has been carry'd. You know, by this Time, that as soon as his Royal Highness was inform'd of the Dispositions of his Catholick Majesty to Peace, by the Express you sent me, and that it was his Majesty's Desire, that the Orders given for the demolishing of the Fortifications of Fontarabia should be suspended, he sent positive Orders to Fontarabia by the same Courier, and certainly all Things will remain there in the same Condition as they were at the Time of his Arrival there; but if the Forces of his Catholick Majesty go upon any Enterprize, I cannot promise you, that the Demolishing of the Works of Fontarabia, and likewise of St. Sebastian, shall not be carry'd on. I give you this Notice of it by Way of Precaution, that his Catholick Majesty may not say, that the Promises made to him on that Point, have not been perform'd; for it is no less agreeable to the Laws of War to destroy conquer'd Fortresses, than to commit any other Kind of Hostilities; and it would not be reasonable to expect forbearances from one Side, whilst no Measures are kept on

on the other: But I hope that a speedy and generous Resolution of the King of *Spain* for Peace, will put an End to all those Inconveniencies: It is with that only View his Royal Highness has desir'd that Mr. *Schaub* should go to *Madrid*, to give you a plain and genuine Account of the State of Affairs, thereby to give you an Opportunity of forming a right Judgment of the true and pressing Interests of his Catholick Majesty. Mr. *Schaub* is a Gentleman of great Sincerity, very well affected, and likewise very well inform'd of all that has been transacted, and, consequently, has a perfect Knowledge of the Intentions of all the Allies. I hope, Sir, that you will make a good Use of all he shall impart to you, to bring to a speedy Conclusion, an Affair, which, if longer deferr'd, must prove very prejudicial to his Catholick Majesty. I must own, that I should be no less concern'd and sorry than your self, to see those precious Moments lost, which may preserve the Advantages granted to the King of *Spain*. I desire you may believe that I am most perfectly, &c.

Paris, the 19th of

Sign'd,

January, 1720.

The Abbot du Bois.

Having given an Account of what was done at *Paris* about these new Conditions of Peace, we shall bring under the same Article what was done at the *Hague*; where, on the 18th of *January*, the States-General receiv'd the following Answer to the Letter which their High-Mightinesses wrote to the King of *Spain* inserted above, Page 68.

Most dear and great Friends,

M. Colster, your Embassador, has deliver'd to me the Letter of the 10th of *December*, wherein you acquaint me, That the Interest which you take in maintaining Friendship and good Correspondence with me, and the Desire you have to stop the fatal Consequences of the present War, had induc'd you to employ your good Offices with the Princes Contractors in the Quadruple Alliance, for obtaining a new Term, in order to leave me at Liberty to accept the Conditions which are therein propos'd to me, because the first Term that was settled was already expir'd; but that you hoped to negotiate another of Three Months, to be reckon'd from the Day of the Date of your Letter: And as on this Occasion you
exhort

exhort me to agree within that Time to the Conditions of Peace which are declar'd in the said Alliance, I cannot but assure you, that it is with Esteem and Acknowledgement that I receive this new Proof of your Friendship and good Intentions; and that as I have equal Concern for the Peace and Tranquillity of *Europe*, notwithstanding the great Sacrifice I must make to succeed therein, and being desirous also to condescend to your Persuasions and repeated Instances, I have consented to adhere to the Substance of the said Treaty of Quadruple Alliance, with some Additions and Conditions, of which you will be inform'd by my Ambassador, the Marquis *Beretti Landi*, who is order'd to give you the Particulars of them, to the End you may communicate them to the Allies interest'd in that Treaty. I have Ground to hope from your Friendship, and from the Sincerity of your Desires for the publick Quiet, that you will give a favourable Ear to my Propositions; that you will consider them, and make those Reflections on them which they deserve; and that you will continue to employ your good Offices, to the End they may be accepted and approv'd; not only because they are just and equitable, but likewise because they tend to render more solid and firm the Tranquillity which is about to be establish'd, and for which I am the only Person who sacrifices his Interests and his Rights. And so we pray God to have you, most dear and great Friends, in his holy Keeping.

Madrid, the 4th

Sign'd,

of January, in

the Year 1720.

Your very good Friend, *PHILIP*.

Counter-sign'd *Joseph de Grimaldo*.

On the 22d of *January* the Marquis *Beretti Landi*, Ambassador of *Spain*, presented to the States the Propositions of Peace which he had receiv'd from *Madrid*; but they being drawn up in *Spanish*, he was desir'd, for preventing all Mistakes, to give them in *French*; which having done, the States invited the Imperial, *British*, and *French* Ministers to a Conference on the 24th in the Morning, and acquainted them, that having receiv'd from that Ambassador certain Propositions, which had been transmitted to him from his Court, they would only do the common Office of communicating them to them; which they did accordingly in the following Terms.

THE

THE Resolution of the King of *Spain*, is to accept in Substance the Treaty of Quadruple Alliance, with the Expressions, Circumstances, and Additions, contain'd in the following XI Articles.

I. The Restitution of all the Places which have been taken in this War, either in *Europe*, or in the *West Indies*.

II. All the Troops that are actually in *Sicily*, to be safely transported to *Spain*, with the Artillery, Arms, and Ammunition.

III. The Restitution of all the Gallies and Men of War taken, and especially those in the Fight of the 11th of *August* 1718, in the Sea of *Sicily*; and also the Restitution of a Ship of *Martinet's* Squadron, which, against all good Faith, has been stopp'd at *Brest*, where she went into Port coming from the *West Indies*, with the Money and Cargo which belong'd to the King.

IV. That the Cession of the Kingdom of *Sicily*, in Favour of the House of *Austria*, shall be couch'd in the same Terms, and with the same Conditions, as that which was made at *Utrecht*, in Favour of the Duke of *Savoy*; that is to say, the Right of Reversion shall be stipulated in Favour of *Spain*, in Default of the Male Line.

V. That the Place of *Gibraltar*, and that of *Port-Mahon*, with the whole Island of *Minorca*, shall be restor'd to *Spain*.

VI. That the Kingdom of *Sardinia* shall remain to *Spain*.

VII. That the Places of *Orbitello* and *Porto Hercole* shall be restor'd to *Spain*.

VIII. That the Successions of the Dominions of *Tuscany* and *Parma*, in Favour of the Prince Don *Carlos*, and other Children of the Queen of *Spain*, shall be free from all Imperial Investiture; and that the Children, both Male and Female, shall be comprehended therein; and that no other Garrisons shall be put into the Places of the said Dominions, than *Spanish* Troops, it being propos'd, at the same Time, that the Prince Don *Carlos* shall go over to *Florence*, for the greater Satisfaction of those People.

IX. That Restitution shall be solicited of the Territories of *Castro* and *Roncellone*, which the Pope now possesses in Prejudice of the Duke of *Parma* and

and all his Family; seeing that in the Investiture which Pope *Paul III.* gave at the Erection of the said Dutchy, the Females are nominated after the Males, and even the natural Children of the House of *Farnese*.

X. That the Dominion and Commerce of the *West Indies* be regulated according to the Treaties which were made at *Utrecht*.

XI. His Catholick Majesty reserves to himself the exhibiting, by his Ministers in the Congress, other Affairs which concern his Subjects, and all other Matters usually done in a like Congress.

His Catholick Majesty will nominate the Plenipotentiaries, as soon as the Place of Congress shall be nam'd.

On the 24th the States-General pass'd the following Resolution, which they communicated Yesterday to the Marquis *Beretti Landi*, as well as to the Imperial, British, and French Ministers.

Resolution of the High and Mighty Lords the States-General of the United Provinces of the Netherlands, the 24th of January 1720, copy'd from their Register.

THE Report of M. *Kan Weldeven*, and the other Deputies of their High Mightinesses for foreign Affairs, was heard, importing, That pursuant to their Commissorial Resolutions of the 19th and 23^d Instant, and in Discharge of their Trust, they had examin'd his Majesty the King of *Spain's* Letter, dated the 4th Instant, written in Answer to that of their High Mightinesses of the 16th of *December* last, concerning the Re-establishing of the publick Tranquillity; which Letter from his Majesty referr'd to what the Marquis *Beretti Landi*, his Ambassador, should represent to their High Mightinesses on that Subject; and that they had also, at the same Time, examin'd a Memorial of the said Ambassador, with the Plan annex'd to it, containing the Conditions on which his Majesty, the King of *Spain*, is dispos'd to accept the Project contain'd in the Quadruple Alliance.

Whereupon the Matter being taken into Deliberation, it was thought fit and resolv'd, That it should be

be given for Answer to the said Memorial of the Marquis *Beretti Landi*, that their High Mightinesses see, with Pleasure, by the said Letter, and by the said Memorial, that his Majesty does them the Justice to believe, that the Instances which they have made for perswading his Majesty to accept the Project of Peace inserted in the Quadruple Alliance, proceed wholly from pure Zeal, and have no other Aim than the procuring and accelerating of the Re-establishment of the publick Quiet, and the continuing to live in Friendship with his said Majesty: That their High Mightinesses were not wanting to communicate the Plan given by the said Marquis *Beretti Landi*, to the Ministers of the Allies who are in War against Spain; but that they cannot conceal, that the said Ministers declar'd themselves surpriz'd at such Propositions in the Situation Affairs now are, judging them to be so wide from the Project contain'd in the Quadruple Alliance, that they cannot in any Manner be accepted, nor be made the Ground of any Negotiation: That their High Mightinesses think fit to notify this to him, the said Marquis *Beretti Landi*; and as before, by the Letter which they wrote to his Majesty, the King of Spain, they did represent, that in their Judgment in the present State and Conjunction, the shortest and only Means for attaining Peace, was for his Majesty to be pleas'd to accept the Plan of the Quadruple Alliance, and did desire his Majesty to prevail with himself so to do within the Time of the three Months, which they hop'd still to obtain, reckoning from the 16th of December last; so they do again, in the most pressing and most friendly Manner, intreat his said Majesty to accept the said Plan, and hope the said Marquis *Beretti Landi* will employ his good Offices for that Purpose. And the said M. *Van Weterden*, and the other Deputies of their High Mightinesses for foreign Affairs, are requir'd and charg'd, by these Presents, to represent what is above to the said Marquis *Beretti Landi*.

The King of Spain had soon Notice of this Disposition and Resolution of the Allies, and therefore did not think fit to stay for the Arrival of Mr. *Schub*, but acceded to the Quadruple Alliance by the following Act or Instrument of his

Acceptance of the Terms stipulated by the said Treaty.

Don PHILIP, *by the Grace of God, King of Castille, &c.*

WHEREAS the most Serene Prince, my Nephew, Lewis the Fifteenth, King of *France and Navarre*, and the most Serene Prince George, King of *Great Britain*, have form'd a Project of a Treaty to establish a lasting Tranquillity in *Europe*, and in order thereunto, to procure a good Peace and a sincere Reconciliation between the Powers now engag'd in War; and the said two most Serene Kings having to this End authoriz'd, as their Plenipotentiaries, the Marquis d'Huxelles, Marshal of *France*, and M. de Cleimont, Count of Cheverney, on the Part of *France*, and the Earl of *Stair*, and the Earl Stanhope, on the Part of *England*; those Ministers proceeded to form a Treaty, which they sign'd at *Paris* the 18th Day of *July*, 1718; wherein, among other Articles, are set forth the Conditions of Peace to be establish'd between the Princes that were carrying on the War; and the said Lords, Kings of *France and England*, having propos'd to me to adhere thereunto, although I have hitherto delay'd to accept them, for just Causes me thereunto moving, being now willing to comply, on my Part, with the Desires of their said two Majesties, the most Serene Kings of *France and England*, and to confer upon *Europe* the Benefit of a Peace at the Expence of my own Interest, and of the Possessions and Rights which I am thereby to give up, I have resolv'd to accept the said Treaty, sign'd at *Paris*, as is said above, the 18th Day of *July*, 1718, by the four Plenipotentiaries before-mention'd of their Most Christian and *British* Majesties. Therefore I do, by these Presents, accept and admit the same, in all the Parts and Contents thereof, more particularly so far as it has relation and does appertain unto the Eight Articles therein contain'd, which do directly concern the Peace between the two Courts of *Madrid and Vienna*, and between the two Sovereigns of their Dominions. In Witness whereof, I have commanded these Presents to be dispatch'd, sign'd with my Hand, seal'd with my private Seal, and countersign'd by my underwritten Chief

Chief Secretary of State and of my Dispatches,
Given at Madrid the 26th of January, 1720.

(L. S.)

I the King.

Joseph de Grimaldo.

The Convention made at *Paris* the 18th of *July*, 1718, mention'd in the foregoing Act of Acceptance, contains *verbatim* the very same Terms of Peace that are stipulated in the Quadruple Alliance, and is inserted in the *Register*, N^o XIII, Page 81.

We will conclude this *Register* with the following Account of the Seizing of Cardinal *Alberoni*.

Genoa, Feb. 27. On the 24th Instant arriv'd here a Friar in four Days from *Rome*, with a Letter written by the Pope's own Hand to this Republick, which he deliver'd to the Doge, who immediately assembled both the Colleges of Senators, but gave private Directions, that the Senator Signior *Francisco Grimaldi*, who was lately Envoy of this State in *Spain*, and is very intimate with Cardinal *Alberoni*, should not be summon'd. The Senate having heard the Letter read, determin'd, That pursuant to the Pope's earnest Desire therein, the Cardinal should be seiz'd with all Secrecy and Expedition. Accordingly a Colonel, a Captain, and four other Officers, were instantly order'd to repair to the Gate, which is to the Eastward of this City, where they found a Person attending with 6 Horses ready for them, and Instructions from the Senate for the Colonel: In Obedience to which, they forthwith proceeded to *Sestri di Levante*, about 30 Miles from hence, where Cardinal *Alberoni* had resided since he came from *Spain*, and where they seiz'd him and his Secretary, keeping them under a strong Guard, 'till they receiv'd farther from the Senate.

Moneys advanc'd and paid off in the *Exchequer*, on the following Funds, to *March 25, 1720.*

<i>Int.</i>	<i>Exchequer.</i>	<i>Advanc'd.</i>	<i>Paid off.</i>	<i>Numb.</i>
4	7th 3 Shilling Aid	1410000	660725	968
6	Hops	180000	173778	681
4	Malt 1717	700000	563259	1042
3½	Malt 1718	700000	582000	938
4	Malt 1719		95335	263
4	Lottery 1713, Civ. List	633000	63320	6th Pay. 75
4	Dit. 1714, Benefers	1876400	168390	13th Pay. 42
5	Dit. 1714, Blanks			
4	Coals	164000	162133	589
5	Sale of Tin	1214080	1214840	3580

<i>Annuities for 99 Years.</i>	<i>Years Purchase.</i>
1693, 14 l. per Cent. Excise	26 a ½
1705, 3700 l. per Week Excise	26 a 27
1706, ½ additional Customs and Excise	26 a 27
1707, Low Wines, Sweets, Pedlars, and Customs	26 a 27
1708, 80000 l. 1 Moiety of old Ton. & Pound.	26 a 27
1708, 40000 l. Surplusses	26 a ½
9 l. per C. 22 ½ Years Excise, Raisins, Spices, Snuff	15

Prizes 1710, for 25 Years, Coals and Windows 16
Blanks 1710, of 14 s. per Ann. for 25 Years, 11 l. 9 s.

Bank Transfer-Books open the 8th of *April* next.

South Sea Dividend-Warrants are now deliver'd out, and no Transfers will be made but on Mondays, Wednesdays, and Fridays, the 6th of *April*.

Bank and 4 per Cent. Annuity Transfer-Books open the 29th of *April*.

Lottery Annuity Transfer-Books open the 6th of *May*.

India Transfer-Books open the 10th of *April*.

F I N I S.

THE
Historical Register.

NUMBER XVIII.

GREAT BRITAIN.

The Proceedings of the Parliament of Great Britain, continu'd from Page 45 of the preceding Register.



ON the first of *March* the Commons read, the first Time, a *Bill for the Relief of Insolvent Debtors*; and then *Robert Hales, Esq;* one of the Clerks of the Privy-Council, presented to the House several Petitions, and other Papers, for and against granting Charters of Incorporation to insure Ships and Mercandizes at Sea, which were referr'd to the Committee appointed to enquire and examine into several Projects carry'd on by Subscriptions. After this a *Bill for the Preserving and Encouraging the Woollen and Silk Manufactures of this Kingdom, and for the more effectual Employing the Poor, by prohibiting the Use and Wearing of Printed, Painted, Stained, or Dyed Callicoes and Linens, except such as are of the Growth and Manufacture of Great Britain or Ireland,* was read the first, and order'd to be read a second Time. And then a new Writ was order'd, for electing a Burgess for *Tregony* in *Cornwall*, in the Room of *Sir Edmund Prideaux, Bart.* deceas'd.

March 2. Upon the Report made by *Mr. Hampden*, from the Committee of Privileges and Elections, it was resolv'd, That *Richard Ellys, Esq;* was duly elected a Burgess for the Borough of *Boston* in the County of *Lincoln*. Then on a Complaint, made by *Mr. Hungerford*, Chairman of the Committee about the new
M Projects,

Projects, commonly call'd Bubbles, against Mr. *William Taylor*, an Attorney, for Insulting and Threatening, in the Speaker's Chamber, Mr. *John Walker*, who was summon'd to attend that Committee; it was resolv'd, That the said *Taylor* was guilty of a Breach of the Privilege of the House; for which he was order'd into the Custody of the Serjeant at Arms. And then it was resolv'd to address the King, for all Petitions presented to his Majesty for three Years last past; for Charters of Incorporations; for establishing Fisheries, or Annuities for Lives, with all the Proceedings relating to the same.

March 3. An Officer of the Custom-House laid before the Commons several Accounts of Raw Silk imported and exported; and of foreign and *English* Wrought Silks exported from *Christmas 1712*, to *Christmas 1719*: And then, in a Committee of the whole House, some Progress was made in the *Bill for Regulating the Nightly Watch*.

March 4. A Bill was order'd to be brought in For preventing of Frauds and Abuses in the Allowances on damag'd Wines, and for lengthening the Time for the Drawbacks on the Exportation of Wines. Then the engros'd Bill from the Lords, entitled, *An Act for the better securing the Dependency of the Kingdom of Ireland upon the Crown of Great Britain*, was read a second Time; and a Motion being made for committing it to a Committee of the whole House, it occasion'd a Debate. Mr. *Pitt* first spoke against the Bill, saying, it seem'd calculated for no other Purpose than to increase the Power of the *British* House of Peers, which, in his Opinion, was already but too great. He was seconded by Mr. *Plummer*, who excepted against the Preamble of the Bill, as incoherent with the enacting Part: Which was partly own'd by Sir *Joseph Jekyll*, who, in the main, spoke for the Bill. Mr. *Hungerford*, on the contrary Side, endeavour'd to shew, That *Ireland* was ever independent, with Respect to Courts of Judicature: And he was supported by the Lord *Molesworth*, the Lord *Tyrconnel*, (two *Irish* Peers) and some other Members: But *Philip Yorke*, Esq; having back'd the Master of the Rolls; the Question being put upon the Motion, was carry'd in the Affirmative, by a Majority of 140 Votes against 83, and so the Bill was committed to the grand Committee of the whole House: But this Bill being an Affair of great Importance, both in
it self

it self and the Consequences that may attend it, we will endeavour to set it in a true Light, and to that End deduce it from its Original.

On the 6th of *February*, 17¹⁵/₂, the *British* House of Peers, upon a Report from a Committee of the whole House, to whom it had been reterr'd to consider by what Methods the Order of the House, for restoring Possession to *Maurice Annesley*, Esq; of an Estate in *Ireland*, of which he had been disposs'd, pending his Appeal in the House of Peers here, (which Appeal the said House receiv'd the 8th of *June*, 17¹⁷/₇) might most properly be enforc'd and executed; order'd, That the Barons of the Court of *Exchequer*, in *Ireland*, should cause the said *Maurice Annesley*, Esq; to be forthwith restor'd to the Possession of the Lands of which he was disposs'd. This Order was, by the Lord Chancellor of *Great Britain*, transmitted to the Lord Chief Baron in *Ireland*, to be, by him, communicated to the rest of the Barons, who, on the 15th of *March*, 17¹⁷/₇, caus'd an Injunction to be issu'd out, directed to *Alexander Buvrower*, Esq; Sheriff of the County of *Kildare*, pursuant to an Order of the said Court of *Exchequer*, of the 10th of *February*, requiring him to restore *Maurice Annesley*, Esq; to the Possession of the Lands in that County whereof *Hester Sherlock* was then actually possess'd, by Virtue of an Order of the House of Lords of *Ireland*, dated the 3d of *October*, 17¹⁷/₇. The High Sheriff having refus'd to execute the said Injunction, conceiving it to be a Breach of the Order, and of the Rights and Privileges of the *Irish* House of Peers, had several Fines set upon him by the Barons of the *Exchequer*; and on the other Hand, the House of Peers of *Great Britain*, upon Report from the Lords Committees, appointed to enquire into the Reason of the Delay, in not obeying the Orders of this House, relating to the Appeal of *Maurice Annesley*, Esq; and how the same might more properly be enforc'd; Order'd, *January*, the 23d, 17²⁰/₂, That the Barons of the Court of *Exchequer*, in *Ireland*, be directed to proceed by the most speedy and effectual Methods, to cause Possession of the Estate of the said *Maurice Annesley*, as requir'd by Order of this House of the 6th of *February* last, to be restor'd to him. At the same Time their Lordships order'd, That the Barons of the *Exchequer*, in *Ireland*, should cause the Respondent, *Hester Sherlock*, to account before them,

upon Oath, for the Rents and Profits of the Estate in Question, which she had made or receiv'd, since her gaining the Possession thereof, by the Orders of the House of Lords in *Ireland*, and to answer and pay the same to the Appellant, *Maurice Annesley*, Esq; but without Prejudice to the Right, in Case of an Appeal to be brought by either Party, from the Decree of the Court of *Exchequer*, in *Ireland*. These two Orders having, by the Lord Chancellor of *Great Britain*, been transmitted to the Barons of *Exchequer*, in *Ireland*, commanding them to return, as soon as they could, an Account of what should be done therein; the said Barons thereupon order'd, *February* the 4th, 1717, That the Injunction of that Court should forthwith issue, directed to the said *Hester Sherlock*, and to the several and respective Tenants of the Lands in Question; requiring them quietly to restore, to the said *Maurice Annesley*, the Possession of the Town and Lands of *Little Rath*, *Bodinstown*, *Dar*, and *Mullenafooky*, lying in the County of *Kildare*. By Virtue of this Order or Injunction, Mrs. *Hester Sherlock* was dispossest'd of these Lands: And, on the other Hand, upon the Petition of *Alexander Burrowes*, Esq; to the House of Lords of *Ireland*, their Lordships appointed a Committee to enquire into that Matter. Their Report being read and agreed to, on the 28th of *July*, 1719, their Lordships thereupon came to the following Resolutions, viz.

I. That *Alexander Burrowes*, Esq; late High Sheriff of the County of *Kildare*, has fully prov'd the Allegations of his Petition, to the Satisfaction of this House.

II. That the said *Alexander Burrowes*, Esq; in not obeying the Injunction issu'd forth out of his Majesty's Court of *Exchequer*, dated the 22d of *February*, 1717, in the Cause between *Sherlock* and *Annesley*, has behav'd himself with Integrity and Courage, and with due Respect to the Orders and Resolutions of this House.

III. That the Fines impos'd upon *Alexander Burrowes*, Esq; by the Court of *Exchequer*, amounting to Seventy seven Pounds, for not Returning the Writ of Injunction, in the Cause between *Sherlock* and *Annesley*, be taken off without Fees.

IV. That

IV. That the Fines impos'd upon *Alexander Burrowes*, Esq; by the Court of *Exchequer*, for not Entering on his Accounts, amounting to Twelve Hundred Pounds, and upwards, be taken off, when he shall have made a just Account, without other Fees than such as are usual on Passing Sheriffs Accounts.

V. That the Lord Chief Baron, and the other Barons of the Court of *Exchequer*, had due Notice of the Resolutions of this House, made the 17th of February, 1701, in the Cause of the Earl of *Meath* and Lord *Ward*, before they made an Order for an Injunction, to put *Maurice Annesley* into Possession.

VI. That the Lord Chief Baron, and the other Barons of the Court of *Exchequer*, had due Notice of the Order of this House of the 3d of October, 1717, in the Cause of *Sherlock* and *Annesley*.

VII. That *Jeffery Gilbert*, Esq; Lord Chief Baron of his Majesty's Court of *Exchequer*, in the Proceedings in the Cause between *Sherlock* and *Annesley*, as also against *Alexander Burrowes*, Esq; late High Sheriff of the County of *Kildare*, has acted in direct Violation of the Orders and Resolutions of this House.

VIII. That *Jeffery Gilbert*, Esq; Lord Chief Baron of his Majesty's Court of *Exchequer*, in the Proceedings in the Cause between *Sherlock* and *Annesley*, as also against *Alexander Burrowes*, Esq; has acted in manifest Derogation to, and Diminution of, the King's Prerogative of finally Judging in his High Court of Parliament, in *Ireland*, as also of the Rights and Privileges of this Kingdom, and of the Parliament thereof.

IX, X, XI, XII. The like Resolutions, *mutatis mutandis*, in relation to *John Pocklington*, Esq; and Sir *John St. Leger*, Kt. the other Barons of the *Exchequer*, in *Ireland*.

XIII. Resolv'd, *Nemine Contradicente*, That it is the Duty of the Barons of the *Exchequer*, where there is any Wrong or Prejudice done to the King, in Matters lying before them, to inform the King, or the Chief Governor or Governors of this Kingdom, or the Council.

XIV. Resolv'd, That the Case of *Sherlock* and *Annesley*, as it lately lay before the Barons of the *Exchequer*, being Matter not only of Law, but of State, ought to have been laid before the King, the Chief Governor

Governor or Governors of this Kingdom, or the Council of the same: It so nearly concerning his Majesty's Prerogative, and the Interest of the whole Kingdom.

XV. Resolv'd, That *Jeffery Gilbert*, Esq; Lord Chief Baron of the Court of *Exchequer*, *John Pocklington*, Esq; and Sir *John St. Leger*, Kt. Barons of the same, in their Proceedings in the Cause between *Sherlock* and *Annesley*, and against *Alexander Burrowes*, Esq; late Sheriff of the County of *Kildare*, have acted contrary to Law, and to the establish'd Practice of the King's Courts.

XVI. Resolv'd, That *Jeffery Gilbert*, Esq; Lord Chief Baron of the Court of *Exchequer*, having taken upon him to put in Execution a pretended Order from another Court, contrary to the final Judgment of this High Court of Parliament, in the Cause between *Sherlock*, and *Annesley*, is a Betrayer of his Majesty's Prerogative, and the undoubted ancient Rights and Privileges of this House, and of the Rights and Liberties of the Subjects of this Kingdom.

XVII, XVIII. The like Resolutions of *John Pocklington*, Esq; second Baron, and Sir *John St. Leger*, Kt. third Baron.

It is order'd, by the Lords Spiritual and Temporal in Parliament assembled, 1st, That the Right Honorable *Jeffery Gilbert*, Esq; Lord Chief Baron of the Court of *Exchequer*, shall, for the said Offences, be taken into the Custody of the Gentleman-Usher of the Black-Rod attending this House.

2^{dly}, 3^{dly}. The like Orders for *John Pocklington*, Esq; and Sir *John St. Leger*.

From these Resolutions and Orders several Lords dissented, and to each of them sign'd their Names as dissentient, viz.

<i>J. Meath,</i>	<i>Fitz-Williams,</i>	<i>Middleton, Canc,</i>
<i>Walpole, Kildare,</i>		<i>Doneraile.</i>
<i>Henry Killalla and Achonry,</i>		<i>Will. Derry.</i>
<i>Timothy Kilmore and Ardagh.</i>		

On the 10th of August, the Lords of Ireland order'd the foregoing Resolutions and Orders to be printed and publish'd; as they did, Nov. 2, 1719, their humble Representation to the King, which was reprinted in London as follows:

Mass

Most gracious Sovereign,

IT is with the greatest Concern, that we, your Majesty's most dutiful and loyal Subjects, the Lords Spiritual and Temporal in Parliament assembled, do find our selves under a Necessity of making this our humble Representation to your Majesty.

It evidently appears, by many ancient Records and sundry Acts of Parliament pass'd in this Kingdom, and particularly by one in the Eleventh of Queen Elizabeth, entitl'd, *An Act for Attainder of Shane O Neil, &c.* That the Kings, with all the Princes and Men of Value of the Land, did, of their own good Wills, and without any War or Chivalry, submit themselves to your Majesty's Royal Ancestor King Henry the Second; took Oaths of Fidelity to him, and became his Liege Subjects; Who (as it is asserted by the Lord Chief Justice * Coke, and others) did ordain and command, at the † Instance of the Irish, That such Laws as he had in England, should be of Force and observ'd in Ireland. By this Agreement, the People of Ireland obtain'd the ‡ Benefit of the English Laws, and many Privileges, particularly that of having a distinct Parliament here, as in England, and of having || weighty and momentous Matters, relating to this Kingdom, treated of, discuss'd, and determin'd in the said PARLIAMENT. This Concession and Compact, thus made, and afterwards, by succeeding Kings, confirm'd to the People of this Land, in Process of Time prov'd a great Encouragement to many of the English to come over and settle themselves in Ireland, where they were to enjoy the same Laws and Liberties, and live under the like Constitution as they had formerly done in the Kingdom of England; which, thro' God's good Providence, has prov'd a Means of Securing this Kingdom to the Crown of England, and we trust will do so to all Futurity. By this happy Constitution, and these Privileges, by us, for so many Years, enjoy'd, the English Subjects of this Kingdom have been enabled faithfully to discharge their Duty to the Crown of England, and vigorously set themselves, upon all Occasions, to assert the Rights thereof against all the Rebellions

* Coke's 4th Instit. Page 349.

† Matth. Paris, Ann. 1172. Page 105.

‡ Coke's 4th Instit. Page 350.

§ Frya on 4th Instit. Page 287. Anno 31. Ed. 3.

bellions which have been rais'd by the *Irish* Enemies. And therefore we your Majesty's loyal Subjects do, with all Submission to your Majesty, insist upon them, and hope, through your Majesty's Goodness, to have them preserv'd inviolable.

And we beg Leave to represent to your Majesty, That though the * *Imperial Crown* of this Realm was formerly inseparably annex'd to the *Imperial Crown* of *England*, and is now to that of *Great Britain*; yet this Kingdom † *being of itself a distinct Dominion, and no Part of the Kingdom of England*, none can determine concerning the Affairs thereof, unless authoriz'd thereto by the known Laws and Customs of this Kingdom, or by the express Consent of the King: And as your Royal Ancestors have always enjoy'd the Right and Power of determining all Matters that related only to this Kingdom, by their Royal Authority in their Parliaments held here; so we humbly hope your Majesty will always look on this Right as a most valuable Jewel of your Crown, which none should presume to touch without your Majesty's Consent. And that your Majesty will graciously allow us to represent it as an Invasion of your Prerogative, and a Grievance to your loyal Subjects in this Kingdom, That any Court of Judicature shou'd take upon them to declare, that your Majesty cannot determine all Controversies between your Subjects of this Kingdom, and about Matters relating wholly to the same, by your Royal Authority in your Parliament summon'd to meet here; or that your Subjects of *Ireland*, appealing to your Majesty in your Parliament in *Ireland*, in Matters wholly relating to this Kingdom, do bring their Cause before an incompetent Judicature.

We have, may it please your sacred Majesty, endeavour'd, with our utmost Care, to enquire into the Grounds of all such Appeals or Removals of Causes from this Kingdom, as have at any Time been made into *England*, and are perswaded, that such Usages have been introduc'd by slow Degrees. At first the Judges here being to determine the Causes that came before them, by the Common Law of *England*, and sometimes not knowing well the Usages there, apply'd to

* *Ann. 2 Eliz. Page 214. C. 5. C. 7. Page 218.*

† *Coke's 4th Instit. Page 349.*

to *Henry* the Third, their then King, for Information; who gave them an * Account what the Common Law and Custom of *England* in like Cases was: And this, undoubtedly, by the Advice of the Justices of the *King's Bench*, who then were oblig'd to attend the King where-ever he † should be: And in Process of Time, when his Successors had settled the Court of *King's Bench* after another Manner, and had forborn to sit there themselves in Person, the Application, which formerly used to be made to the King, who presided in that Court, came of Course to be brought before the Justices of the Court, although the King was not there personally present; and this, as we conceive, gave Rise to that Custom of removing Causes, by Writs of Error, from the *King's Bench* in *Ireland* to the *King's Bench* in *England*. But from hence to infer, That therefore Appeals from the Parliament of *Ireland* may be brought before the House of Peers in *England*, or *Great Britain*, is a Consequence for which there appears to be no manner of Ground.

As for the Practice of appealing from the High Court of Chancery in *Ireland* to the Lords of *Great Britain*, we can find but two Precedents of such Appeals before the late happy Revolution, one in 1670, and the other in 1679; and we can account for them no otherwise, than by observing, that they happen'd at a Juncture when no Opposition could be given them from this Kingdom; because, through the Prevalency of a Popish Interest, no Parliament had been held there for some Years before, nor were we then in any Likelihood of having any call'd here for many Years to come: Nor can we find that any like subsequent Appeals from that Court have any other Foundation than those two Precedents.

And such Appeals (though they had been of longer Standing, and better founded) yet were never suppos'd to preclude the King's Majesty from his Right of giving Redress to his Subjects of *Ireland*, in his Parliament when assembled here, any more than Writs of Error to the *King's Bench* in *England*, had hinder'd the like Writs from being returnable in the Parliament here.

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And

* 14 Hen. III. Stat. Hibern. made at Westminster.

† 28 Ed. I. Cap. 5.

And accordingly, when by God's Blessing on the late happy Revolution, this Kingdom came to have a Parliament, after Twenty-Six Years Intermiſſion, Complaints were heard, Writs of Error and Appeals were receiv'd, and proper Orders were made thereupon as formerly; nor were they, as far as we can find, ever question'd, or their Validity doubted, till the Year 1699, when two Appeals from the Parliament here, were carry'd before the Lords in *England*, though no Pleadings to the Jurisdiction of the Parliament of *Ireland* had been offer'd or mention'd by either Party on Hearing the said Causes here.

And though the Parliament of *Ireland* could not then interpoſe, or any Ways aſſert their Jurisdiction, becauſe it was not ſitting; yet the Lords of *England* declar'd the ſaid Causes to be *coram non Judice*; and, without hearing the Merits of the Causes, revers'd the Decrees that had been made here.

Upon which Occaſion we cannot but obſerve, That the Parliament of *Ireland* (as the Conſtitution thereof has been for ſome Hundreds of Years) being conven'd by the ſame Authority and Writs of Summons, and conſiſting of like Members, and diſtinct Houſes of PEERS and COMMONS; and the former having the ſame Aſſiſtance and Attendance from the Judges of the ſeveral Courts and Maſters of Chancery, as in *England* or *Great Britain*; either ſome Record, Act of Parliament, or ancient Uſage muſt be ſhewn, whereby to make a Difference (which has never yet been attempted) or elſe from our very Conſtitution it muſt, as we conceive, appear, That whatever Power of Judicature is ſolv'd in the *Engliſh* or *Britiſh* Parliament, with reſpect to that Kingdom, and its inferior Courts, the ſame muſt alſo be allow'd to be in the Parliament of *Ireland*, with like Reſpect to the Kingdom and Courts thereof. And if it be look'd upon as illegal, for any inferior Court in *Great Britain* to aſt in direct Oppoſition to, or Contempt of the Orders and Decrees of the Houſe of Lords in Parliament there aſſembled; the ſame muſt alſo be concluded upon the like Oppoſition given, or Contempt ſhewn to ſuch Parliamentary Orders and Decrees, as are or ſhall be made within this Kingdom.

And therefore, in the Year 1703, when a Parliament of *Ireland* met, on a Complaint of *Edward* Earl of *Meath*, and *Cecilia* Counteſs of *Meath*, his Wife, ſetting

setting forth, That, during the Interval of Parliament, they had, by Order of the Lords in *England*, been dispossess'd of the Lands that had been here decree'd them: The said Parliament unanimously restor'd the said Earl and Countess to the Lands they had been so dispossess'd of, so effectually, that neither they, nor their Heirs, have been disturb'd in the Possession of them.

And we may very justly conclude, from the strong Resolutions in which the Parliament here did, on that Occasion, assert their Jurisdiction, that they would have proceeded as effectually in vindicating the Decree on the other Appeal, if the Removal of the Lord Bishop of *Derry*, the Appellant here, and a Composition made by his Successor with the *Irish* Society of *London-Derry*, the Appellants in *England*, had not prevented it.

After the Time of those two Appeals, several Writs of Error and Appeals were brought into your Parliament in this Kingdom; and among them, an Appeal, wherein *Maurice Annesley*, Esq; was Respondent, which were determin'd; and the Judgment given on them took Effect accordingly. But the same *Maurice Annesley* being Respondent in an Appeal brought lately from the Chancery of the *Exchequer*, before the Parliament of *Ireland*, by *Esther Sherlock*, Appellant; after having appear'd to the Jurisdiction here, appeal'd to the Lords of *Great Britain*, from a Decree made here in Justice to the Appellant *Esther Sherlock*; and found such Countenance there, as has given your loyal Subjects just Reason to complain of much Injury done both to your Majesty's Prerogative and their Privileges.

For it having (after a full and fair Hearing) been decreed in your Majesty's Parliament of *Ireland*, and accordingly order'd, That the Appellant, *Esther Sherlock*, should be put into Possession of certain Lands in the said Order nam'd, until she should receive there-out a certain Sum of Money, to her decreed to be due and chargeable on the said Lands; and the said Decree and Order having accordingly been obey'd and put in Execution by the then High Sheriff of the County of *Kildare*, to whom the said Order was directed; and the said *Esther Sherlock* being accordingly in the actual Possession of the said Lands; the Lord Chief Baron, together with the other Barons of your Majesty's Court of *Exchequer* in this Kingdom, have taken upon them, in an illegal and unprecedented Manner, to cause the said *Esther Sherlock* to be dis-

possess'd of the said Lands, and to lay several great Fines upon the late High Sheriff of the said County of *Kildare*, for refusing to give Obedience unto the Orders of them, the said Barons, in that Case issu'd; although their said Orders were manifestly contrary to the Laws, Customs, and ancient Usages of this your Majesty's Kingdom, as well as to the above-mention'd Resolutions formerly made in the Case of the late Earl of *Mentb*, and continuing upon Record in the Journals of Parliament: Of which Resolutions, as well as of the several Resolutions and Decrees in like Manner made upon the Appeal of the said *Esther Sherbock*, the said Barons had sufficient and timely Notice, before the issuing of any of their above-mention'd illegal Orders, as in a Report of this whole Proceeding, now also enter'd in the Journals of Parliament, (a Copy whereof we herewith humbly lay before your Majesty) may more fully and at large appear.

Hereupon, we humbly crave Leave to represent unto your Majesty, That although Appeals from the Courts of Equity in this Kingdom, to the Lords of *England* or *Great Britain*, are but a very late Practice (as we have already set forth); yet in all such Cases, it has been the constant and receiv'd Practice here, that no Copy of any Order of the said Lords was ever allow'd, or demanded to be allow'd as authentick, in any such Court, except the same were expressly directed unto the Court which was to put the same in Execution, and prov'd by a Witness *Viva voce* upon Oath, to be a true Copy of the original Order: Nor does it appear, that any such Court ever claim'd or pretended to any Authority to supply any Defects suppos'd, at any Time, to be in any such Order; or by Vertue of such Order, in the least, to go beyond what expressly, and in Words, was in such Order contain'd. And yet so it is, that although the only Pretence of the said Barons for these their illegal Proceedings, is grounded upon certain Copies of Orders, or pretended Orders, from the Lords of *Great Britain*; yet neither were the said Orders, or any of them, directed to the Court of Equity, or Chancery-side of the *Exchequer*, (where the Cause originally lay, and from whence the Appeal was) but only to the Lord Chief Baron, and other Barons, which is the Style of the Common Law Side thereof: Nor were the said Copies,

Copies, or any of them, in Manner aforesaid, prov'd to agree with the original Orders. Neither were the Names of any Lands, or so much as of any County, inserted in the said Copies, or any of them. And yet, notwithstanding all these notorious Defects and Nullities of the said pretended Orders, the said Barons have proceeded, not only in their own Names, to whom the said pretended Orders were directed, but also in the Names of the Chancellor and Treasurer of the Court of *Exchequer* (to whom the said Orders were no Way directed) to issue forth several Injunctions and Orders; and therein, without any Warrant for so doing, to insert the Names of Lands, and of the County wherein they are suppos'd to lie, in order to dispossess the said *Esther Sherlock* of the Lands whereof she had been put in Possession; as is herein above-mention'd.

And that your Majesty may be yet more fully appriz'd of the Arbitrariness, as well as Illegality, of the Proceedings of the said Barons, we farther, in all humble Manner, lay before your Majesty, That whereas, amongst other Rules of Practice in all your Majesty's Courts throughout this your Kingdom, by ancient Law and Custom establish'd, it is universally receiv'd, that every Order, or Rule of Court, ought to be made upon the Motion of some Counsel or Attorney, or other Person by Law or Custom allow'd to make such Motion: That no Injunction or Writ ought to issue out of any of your Majesty's Courts, (except in the Crown's Cause) without the Name of a Six-Clerk or Attorney thereunto subscrib'd, who is to be accountable unto every Person who, through any undue Practice of his, shall be aggriev'd by such Writ or Injunction; and that no Proceedings shall be grounded upon any written Affidavit, which is known to be either false or defective in any material Part thereof, except such Defect be first supply'd, or Falsity expung'd. The said Barons, in these their Proceedings, have acted in open Violation of these, as well as other Rules, which, by the Law, they ought to have observ'd and strictly kept to: The Barons having order'd an Injunction to issue for the dispossessing of the said *Esther Sherlock*, without any Motion for the same, made either by Counsel or Attorney, or by any other Person, except what was offer'd in Court by the said Lord Chief Baron himself: The said Injunction also
having

having no Name of any Attorney thereunto affix'd or subscrib'd; and the Affidavit of *John Annesley* (upon which the said Barons afterwards proceeded to fine the said late High Sheriff) having several notorious Falsities in it; of which, though the said Barons were publickly advertis'd, at the Time when the said Affidavit was read in open Court, yet they took on them to act thereupon, without causing the same to be rectify'd, or the said Falsities to be expung'd or alter'd.

And although the said Orders from the Lords in *Great Britain* expressly requir'd no more, but that *Maurice Annesley* should be restor'd to the Possession of those Lands, of which the said *Maurice* was dispossest'd, pending the Appeal before the said House; yet the said Barons, in their said Injunction, not only order'd Possession of certain lands by Name, to be given to the said *Annesley*, as is already mention'd, but also grounded this their Injunction upon an Affidavit, wherein it is not so much as alledg'd, that the said *Maurice* was at all possest'd or dispossest'd of any Lands whatsoever, pending the said Appeal.

And whereas it is the Duty of the Barons of your Majesty's Court of the *Exchequer* in this Kingdom, and a Part of the Oath by each of them taken at their Entrance upon their said Office, That *where they may know any Wrong or Prejudice to be done to the King, they shall put and do all their Diligence, that so redress; and if they may not do it, that they shall tell it to the King, or them of his Council, or to the King's Majesty's Lieutenant, or other chief Governor or Governors of this Realm for the Time being*: So far have the said Barons, in the present Case, been from doing all their Diligence to redress the Wrong or Prejudice done to your Majesty's Prerogative of finally determining, in your Parliament here, Matters relating wholly to this your Kingdom, that they seem to have acted with great Diligence and Zeal in direct Opposition thereto, and to have taken such Measures, as will, in Effect, establish a Jurisdiction superior to that which your Majesty undoubtedly has in your High Court of Parliament in this Kingdom: Nor does it in the least appear, or is it at all pretended, that the said Barons, or any of them, during all the above-mention'd Proceedings, did ever tell, or make known the same, either to your Majesty's Lieutenant, or other Chief Governor or Gover-

Governors, or to your Majesty's Privy-Council: Who, if they had been timely acquainted therewith, might, according to their Duty, have made the same known to your Majesty, or otherwise have done what was fit and proper for the supporting your Majesty's Royal Prerogative, and defending the just Rights and Privileges of this your Parliament and People.

And here we beg Leave to lay before your Majesty some of the many evil Consequences, which we apprehend must necessarily follow from such exorbitant Practices as these, if a timely and effectual Stop be not put to them.

It is the Right and Happiness of the Subjects of this Kingdom, as well as of those of *Great Britain*, that by their respective Constitutions, the Administration of Justice is near at Hand, and within the Kingdom whereunto they belong; so that if any of your Majesty's Liege People are, at any Time, wrong'd or oppress'd in any of the Courts of Law or Equity, they may, without any great Trouble or Expence, have Recourse to your Majesty in your High Court of Parliament, where they may assure themselves of speedy Redress. But if this your Majesty's Highest Court, within this Kingdom, is depriv'd of the Power of finally determining the Causes which come before them, all such of your Subjects as do not abound in Wealth, and thereby are not able to follow their Causes, or bear the Expence of them in *Great Britain*, will be under a perpetual Necessity of sitting down with the greatest Wrong or Oppression, which, at any Time, under the Colour of Justice, or by the Management of rich and potent Adversaries, may be laid upon them; which (considering the Poverty that every where prevails throughout this Kingdom) must, if not prevented in a short Time, become a most grievous and intolerable Evil. And your Majesty's Royal Predecessor, *Edward the Third*, was so sensible of the Hardships that his loyal Subjects of this Kingdom suffer'd, for want of having a Means of reversing erroneous Judgments within the Kingdom, that by his Charter, dated *August the 30th*, in the 20th Year of his Reign, on the Complaint of his Subjects of *Ireland*, he commanded all his Judges and Ministers, before whom any Processes should be held, at the Prosecution of the Parties aggriev'd, To return the Rolls of the Records and Processes into the Parliaments to be held in the Kingdom

dom of Ireland; and that the Records and Processes should be recited and examin'd, and the Errors (if any should be found in them) duly corrected. *

It is, under God, the great Security of this your Majesty's Kingdom of *Ireland*, that by the Laws and Statutes thereof, the same is annex'd and united to the Imperial Crown of *England*, and declar'd to be depending upon, and for ever belonging to the same: But if all Judgments, Decrees, and Determinations, made in this your Majesty's Highest Court, within this your Kingdom, are subject to be null'd and revers'd by the Lords in *Great Britain*, the Liberties and Properties of all your Subjects of *Ireland* must thereby become finally dependant on the *British* Peers, to the great Diminution of that Dependance, which, by Law, we always ought to have immediately upon the Crown it self.

That your Majesty has, by the Constitution of this your Realm of *Ireland*, the full Power of judging and determining all Causes that belong to it alone *in pleno Parlamento*, is what no Man hitherto has ventur'd openly to deny or doubt of.

But if in all Cases that relate to this Kingdom, the *dernier Recours* (as some of late have affected to speak) ought to be to the House of Lords in *Great Britain*; however this your Majesty's Power may still in Words be acknowledg'd, the Force and Effect of it is, in Reality, taken away, and wholly vested in the *British* Peers.

And we cannot but observe, with the utmost Concern, That by this Practice of the Peers of *Great Britain*, just and unjust Causes will meet with equal Encouragement: For however rightly such Causes may be determin'd in Parliament here, the Decrees will be annull'd and revers'd by the Peers of *Great Britain*, without Hearing or Entering into the Merits of the Cause, upon Pretence, that the Proceedings were *coram non Judice*.

The Writs for summoning the Lords Spiritual and Temporal, and electing the Commons to assemble in Parliament here, being the very same with those in *England* or *Great Britain*, as has been before observ'd, either the respective Powers in each Kingdom must still

* Pryane on 4th Inst. Page 287. Anno 29. Ed. 3. Edwardus, Dei Gratia, &c.

still be the same, or else the PEERAGE of this your Majesty's Kingdom must remain little more than an empty Title, and the COMMONS thereof stand for ever depriv'd of that most valuable Privilege of Impeaching in Parliament, which cannot possibly be maintain'd, if there be no such Thing as a Parliamentary Judicature within this Realm. And if the Power of Judicature may, by a Vote of the *British* Lords, be taken away from the Parliament of *Ireland*, no Reason can be given, why the same Lords may not in the like Manner deprive us of the Benefit of our whole Constitution.

It is notorious, That the Lords of *Great Britain* have not in *themselves*, either by Law or Custom, any Way of putting their Decrees in Execution within this Kingdom; of which they have given most undoubted Evidence by their late Application to your Majesty, to cause such their Decrees to be executed by an extraordinary Interposition of your Royal Power. And should your Majesty think fit to yield to this their Desire, we humbly presume to think it would highly affect the Liberty of your Majesty's loyal Subjects of this Kingdom.

In order to prevent the Appellant, *Esther Sherlock*, above-mention'd, from making any farther Application to your Parliament here, your Majesty's Deputy-Receiver, *John Pratt*, Esq; thought fit to pay above 1800 l. to the said *Esther Sherlock*, which, on Examination, he alledg'd to be his own Money; and that he made an Agreement with the said *Esther*, of himself, without any Order from any Person whatsoever: But that from some Conversation which he had with Persons of Judgment, he thought he had Reason to hope and expect, that since what he had done was for the publick Good, the Government would not permit him to be a Sufferer. What particular Grounds the said *John Pratt* had thus to hope and expect, has not as yet been made known to us: But if such Hopes and Expectations as these, are from Time to Time to be satisfy'd, we leave your Majesty in your Royal Wisdom to judge what the evil Consequences thereof may be.

And we farther humbly represent to your Majesty, That these Proceedings of the Lords of *England* have greatly embarrass'd your Parliament, and disquieted the Generality of your most loyal Protestant Subjects

O

Subjects of this your Kingdom, and must of Necessity bring all Sheriffs and Officers of Justice under great Hardships, by reason of the Clashing of different Jurisdictions. Nor can we but with Grief observe, that whilst many of the Peers and Commons who sat in Parliament were Papists, their Judicature was never question'd; but of late, since only Protestants are qualify'd to have a Share in the Legislature; their Power, and the Right of hearing Causes in Parliament, hath been deny'd, to the great Discouragement and Weakening of the Protestant Interest in *Ireland*.

And having thus, with all Humility, laid before your Majesty your undoubted Power and Prerogative within this your Kingdom of *Ireland*, the immediate Dependence of the same upon your Majesty's Crown, the Right your Majesty has to hold Parliaments here as in *Great Britain*, and of finally determining therein all Matters that wholly relate to this Realm; together with the great Encroachments that of late have been made upon your Majesty's Prerogative, and the Rights of this your Parliament, and the illegal unprecedented Proceedings of the Lord Chief Baron, and the other Barons of your Majesty's Court of *Exchequer*; whereby they have endeavour'd to support those Encroachments, with the evil Consequences of such Proceedings, in Case that a speedy and effectual Stop be not thereunto put: We most humbly hope, that all these Things being duly consider'd and weigh'd with your Majesty's usual Wisdom, will abundantly justify us in the Methods we have taken, as well for the supporting of your Majesty's Royal Prerogative, as the Preservation of the just Rights and Liberties of our selves and our Fellow-Subjects, as the same are set forth in the several Resolutions we have come to; a Copy whereof we have hereunto annex'd. With all Humility assuring your Majesty, that no Difficulties, which we may be laid under, shall hinder us from giving the utmost Dispatch to all your Majesty's Affairs; or from most cheerfully demonstrating that Loyalty and Affection to your Majesty's Person, and Attachment to your Interest, which becomes your Majesty's dutiful and obedient Subjects; whereof we again from our Hearts make an humble Tender to your most Sacred Majesty.

To

To this Representation we will add the following Reasons of the late Duke of *Leeds*, for protesting against a Vote pass'd in the House of Lords in *England*, and declaring a Trial before the House of Lords in *Ireland* to be *coram non Iudice*: Which Reasons are as follows.

1. Because upon the Conquest of *Ireland* by *Henry II.* he introduc'd the Laws of *England* into that Kingdom, and sent them over the *Modus tenendi Parliamenti*, in terminis the same with that of *England*: In which Record it is said, that such Things may be examin'd and corrected in *pleno Parlamento*, & non alibi.

2. Because the 30th Year of King *Henry III.* it was provided; that all the Laws and Customs which are enjoy'd in *England* shall be in *Ireland*; and the said Lands shall be subject thereunto, and govern'd thereby, *Sicut Dominus Johannes cum ultimo esset in Hibernia statuit & fieri mandavit; & quod omnia Brevia de Comuni Jure qua currunt in Anglia similiter currant in Hibernia.*

3. Because it appears by other ancient Records, *Quod terra Hibernia intra se habet omnes & omnimodas Curias prout in Anglia.*

4. Because King *Edward III.* in the 29th Year of his Reign, ordain'd, for the Quiet and good Government of the People of *Ireland*; that in all Cases whatsoever, Errors in Judgments, Records, and Process in the Courts of *Ireland*, shall be corrected and amended in Parliament in *Ireland*.

5. Because a Conqueror, by the Law of *England*, and of Nations, having Power to introduce what Laws he will in the conquer'd Country: And King *Henry II.* pursuant to that Power, having introduc'd the Laws of *England*, and particularly that of holding Parliaments in *Ireland*, the House of Lords in Parliament in *Ireland*, may proceed to hear and determine judicially such Matters which shall be brought before them, in the same Manner as the Lords in Parliament in *England*.

6. Because, pursuant to the many Concessions made by King *Henry II.* King *John*, King *Henry III.* and other Kings of *England*, the Lords in Parliament of *Ireland* have proceeded to correct and amend Errors in Judgments, and Decrees in the Courts of *Ireland*; as

appears by the several Precedents certify'd over to your Lordships, and their Judgments never before call'd in Question. Many of them being irregular, and therefore presum'd to have been by a good and lawful Jurisdiction; otherwise, they would have been by our Ancestors, who were zealous Assertors of their Rights, long before this, call'd in Question.

7. The Order declaring that the Appeal was *coram non Judice*, and null and void, will call all other Judgments and Decrees in Question; under which many Estates have been purchas'd, settled, and enjoy'd; which will be of fatal Consequences to many Families, and create Discontent and Dissatisfaction in that Kingdom.

8. Because the declaring the said Appeal to be *coram non Judice*, and null and void, strikes at, and tends to the Destruction of the Jurisdiction of this House: For Ireland having *omnes & omnimodas Curias prout in Anglia*, must include the High Court of Parliament; and being an exact Picture of the High Court of Parliament of England, if they cannot judicially hear and determine Appeals, Writs of Error, and Impeachments, it may be from thence alledg'd they cannot here.

9. Because the Peers of Ireland had little else left them but their Judicature, which, if taken away, will be of little Esteem there, many of the Peers of England having some of their Titles of Honour from that Kingdom.

10. Because this Resolution strikes at and abridges the King's Prerogative in Ireland; all Appeals and Writs of Error in Parliament being *coram rege in Parlamento*: And therefore these Words, *coram non Judice*, take from the King the judicial Power which is given him there.

11. Because it is the Glory of the English Laws, and the Blessing attending Englishmen, that they have Justice administered at their Doors, and not to be drawn, as formerly, to Rome by Appeals, which greatly impoverish'd the Nation: And by this Order, the People of Ireland must be drawn from Ireland hither, whensoever they receive any Injustice from the Chancery there; by which Means, poor Men must be trampled on, as not being able to come over to seek for Justice.

12. The Danger of altering, changing, or lessening a Constitution (for above Five Hundred Years unshaken, or so much as call'd in Question) in any one Thing, the Custom and Usage of Courts being the Law of Courts, may occasion the Destruction of the whole. The judicial Power of the House of Peers in *Ireland*, in criminal Causes, by Way of Impeachment, and otherwise, may, by the same Reason, be call'd in Question, as their Judicature in civil Causes; which will encourage evil-dispos'd Men, especially those in Employment in that Kingdom, who are generally very arbitrary, to act wickedly: And the better we preserve the Constitution of *Ireland*, and of those Plantations dependent on *England*, the better we shall preserve our own: And they will be a Barrier to ours, to prevent any Invasions of theirs. And since the Kings of *England* have, in all Times, in Matters relating to the Revenue, made their Grants, by Letters Patent, and not only impower'd the Parliament of *Ireland* to hear, correct, reform, and amend them, but also acquiesced in their Judgment, it ought not now to be question'd.

13. Because this taking away the Jurisdiction of the Lords House in *Ireland*, may be a Means to disquiet the Lords there, and disappoint the King's Affairs.

14. Because the judicial Power of the House of Lords of *Ireland*, is in no respect alter'd by an Act of Parliament. The Statute of the 10th of *Henry VII.* Cap. 4, call'd *Pyning's Law*, only directs a new Form of passing Bills into Law; but alters nothing of the judicial Power: But neither allows or enables them to make the Laws as they please. And this will as well hold against the Jurisdiction of this House; which ought not to be suffer'd.

Thus far the Duke of *Leeds's* Reasons. But we must also take Notice of some Resolutions of the House of Peers of *Ireland*, relating to a parallel Case, and inserted in the Return made by *Alexander Burrowes*, Esq; Sheriff of *Kildare*, to the Injunction of the Barons of the *Exchequer* in *Ireland*; which Return is as follows:

Cancellar. Thesaurar. & Baronibus infrascript. humilissime certifico, Quod ante adventum hujus Brevis mihi dñell. quadam Resolutiones Præbonorabil. Dom. Procerum hujus Regni Hiberniæ fact. in Parliament. apud Dublin. in hac Regno congregat. undecimo die Febr. Anno Dom. Millesimo Sepringentesimo Tertio mihi deliberat. fuer. quæ sequuntur in hæc verba, scilicet.

Resolutions of the Right Honourable the House of Peers, the 11th of February, 1703.

Order'd on Motion, That the Petition of *Edward Earl of Meath*, and *Cecilia Countess of Meath*, his Wife, be read: Read accordingly.

Order'd on Motion, That the Clerk of the Rolls do bring into this House the Roll of the Acts of Parliament of the 38th of *Henry VI.*

Resolv'd on the Question, *Nemine Contradicente*, 1st. That by the ancient and known Laws and Statutes of this Kingdom, her Majesty hath an undoubted Jurisdiction and Prerogative of judging in this her High Court of Parliament, in all Appeals and Causes within her Majesty's Realm of *Ireland.*

2dly. That the Determinations and Judgments of this High Court of Parliament, are final and conclusive, and cannot be revers'd or set aside by any other Court whatsoever.

3dly. That if any Subject or Resiant within this Kingdom, shall hereafter presume to remove any Cause determin'd in this High Court of Parliament, to any other Court, such Person or Persons shall be deem'd Berrayers of her Majesty's Prerogative and Jurisdiction, and the undoubted ancient Rights and Privileges of this Honourable House, and of the Rights and Liberties of the Subjects of this Kingdom.

4thly. That if any Subject or Resiant within this Kingdom, shall presume to put in Execution any Order from any other Court, contrary to the final Judgment and Determination of this High Court of Parliament, such Person or Persons shall be deem'd Berrayers of her Majesty's Prerogative and Jurisdiction, of the undoubted ancient Rights and Privileges of this House, and of the Rights and Liberties of the Subjects of this Kingdom.

En. Sterne, Cler' Parliamentor'.

Et ulterius certifico, Quod ante Adventum istius Brevis mihi directi, quidam Ordo facti per Præhonorabil. Domin. Spiritual. & Temporal. in Parliament. in hoc Regno congregat. geren. dat. Tertio die Octobris, Anno Dom. Millesimo Septingentesimo Decimo Septimo etiam mihi deliberat. fuit, qui sequitur in hac verba, scilicet. Die Jovis Tertio die Octobris, 1717. Whereas by the Report made from the Lords Committees appointed to consider the properest Method for the relieving of Hester Sherlock, Widow, &c. pursuant to what was order'd and adjudg'd by this House, on the 19th Day of June, 1716, in a Cause wherein the said Hester Sherlock, Widow, was Appellant, and Maurice and John Annesley, Esquires, were Respondents: As also upon the Resolutions agreed to, this Day, by this House, it appears, That the Sum of One thousand five hundred and seven Pounds, fourteen Shillings, and Eight Pence Farthing, was due to Hester Sherlock, the Appellant, upon the 19th Day of February, 1716, on Account of the Principal and Interest of the Portion of Edward Sherlock, decreed unto the said Appellant as Administratrix to the said Edward, by this House, on the 19th Day of June, 1716; and that the Lands of Little Rath, Bodingstown, Darr, and Mullenafooky, in the Barony of Naas and County of Kildare, are chargeable with, and liable to the Payment of the said Sum: It is thereupon order'd, by the Lords Spiritual and Temporal in Parliament assembled, That the High Sheriff of the County of Kildare, do forthwith put the said Hester Sherlock into the Possession of the said Lands of Little Rath, Bodingstown, Darr, and Mullenafooky, subject to the said Sum of One thousand five hundred and seven Pounds, fourteen Shillings, and Eight Pence Farthing, to be held by her the said Hester, untill such Time as she shall receive the said Sum, chargeable upon the said Lands, as aforesaid; and this shall be a sufficient Warrant in that Behalf.

To Charles Nuttal, Esq; High Sheriff of the County of Kildare.

EN. Sterne. Cler^{us} Parliamentor. Virtut. cujus Ordin. prædicti. Carolus Nuttal posuit prædicti. Hester Sherlock, in plen. quiet. & pacific. Possession Omn. Vill. & Terr. prædicti. & prædicti. Hester Sherlock jam usq; Continuavit in ead. Possession. Præmissi. prædicti. secund. tenor. & effecti. Ordinis prædicti. Ratione quorum Resolution.

tion. Et Ordin. in Prajudic. Privileg. Parliament. per Leges Et Statut. hujus Regni Hiberniæ provis. infra nominat. Mauric. Annesley, Ar. ad Possession. Seperal. Vill. Et Terr. de Little Rath; Bodingstown, Darr, Et Mullenafooky infra menconat. restituere non audeo. Sic respond.

Alexander Burrowes, Ar. Vic.

The Proceedings and Representation of the House of Lords in *Ireland*, in relation to Appeals, and concerning the Barons of the *Exchequer* there, having been laid before the House of Peers of *Great Britain*, pursuant to an Address to his Majesty for that Purpose, were, according to Order, read on the 28th of *January* last; and after Debate it was resolv'd, That *Jeffery Gilbert*, Esq; Lord Chief Baron of the Court of *Exchequer* in *Ireland*, and *John Pocklington*, Esq; and Sir *John S. Leger*, Kt. the other Barons of the said Court, in their Proceedings in the Cause between *Annesley* and *Sherlock*, in Obedience to the Orders of this House, have acted with Courage, according to Law, in Support of his Majesty's Prerogative, and with Fidelity to the Crown of *Great Britain*.

Order'd, That an humble Address be presented to his Majesty, to lay before his Majesty the said Resolution, and humbly to desire, that his Majesty will be graciously pleas'd, out of his Royal Goodness and Bounty, to confer on them some Marks of his Royal Favour, as may be a Recompense for the ill Usage they have receiv'd, by being unjustly censur'd and illegally imprison'd for doing their Duty.

Order'd, That the said Address be presented to his Majesty by the Lords with White Staves.

Order'd, That a Bill be brought in *For the better securing the Dependency of Ireland upon the Crown of Great Britain*, and that the Judges do prepare a Bill accordingly, upon the Debate of the House.

The said Bill was brought in accordingly, and having pass'd the House of Lords, was sent down to the Commons, as follows:

An Act for the better Securing the Dependency of Ireland upon the Crown of Great Britain.

“**W**HEREAS Attempts have been lately made to shake off the Subjection of *Ireland* unto, and Dependence upon, the Imperial Crown of this Realm, which will be of dangerous Consequence to *Great Britain* and *Ireland*.

“And whereas the House of Lords in *Ireland*, in order thereto, have, of late, against Law, assum'd to themselves a Power and Jurisdiction to examine, correct, and amend the Judgments and Decrees of the Courts of Justice in the Kingdom of *Ireland*: Therefore, for the better securing of the Dependency of *Ireland* upon the Crown of *Great Britain*, may it please your Majesty, that it may be enacted; and it is hereby declar'd and enacted, by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That the said Kingdom of *Ireland* hath been, is, and, of Right, ought to be, subordinate unto, and dependent upon, the Imperial Crown of *Great Britain*, as being inseparably united and annex'd thereunto; and that the King's Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons of *Great Britain* in Parliament assembled, had, hath, and, of Right, ought to have, full Power and Authority to make Laws and Statutes of sufficient Force and Validity, to bind the People and the Kingdom of *Ireland*.

“And be it farther enacted and declar'd by the Authority aforesaid, That the House of Lords of *Ireland* have not, nor, of Right, ought to have, any Jurisdiction to judge of, affirm, or reverse any Judgment, Sentence, or Decree, given or made in any Court within the said Kingdom; and that all Proceedings before the said House of Lords, upon any such Judgment, Sentence, or Decree, are, and are hereby declar'd to be, utterly null and void, to all Intents and Purposes whatsoever.

We return now to the Commons, who, *March 5*, heard Counsel for and against the *Bill to prevent the Inning or Imbanking any more Salt-Marshes on either Side the Channel from Wilbich, Seaward*, which was committed to a grand Committee.

March 7. The Callico Bill was read a second Time, and committed to a Committee of the whole House; after which the Commons made several Orders about the Bill relating to the *Levant Trade*. The next Day the Call of the House was adjourn'd till the 17th, and then the engros'd Bill for preventing the Corrupting of *Juries*, was read the third Time, pass'd, and sent to the Lords.

March 9. Sir *Joseph Jekyll* made a Motion for a Bill for preventing the impious Practice of Duelling, which was accordingly order'd to be brought in. The same Day Mr. *Taylor*, Attorney at Law, having receiv'd a Reprimand from Mr. Speaker, was, upon his Petition, discharg'd out of Custody, paying his Fees; after which Mr. *Carteret* reported, from the Committee appointed to consider of the Petition of the Adventurers for supplying the Inhabitants of the Cities of *London* and *Westminster* with fresh Water, these two Resolutions; 1st, That the Petitioners had made good their Allegations, and that the Undertaking, the said Petition mention'd, would be convenient and beneficial for the Inhabitants of the Cities of *London* and *Westminster*, and Parts adjacent. 2dly, That the House be mov'd for Leave to bring in a Bill for incorporating several Undertakers, for the better accommodating the said Inhabitants with Water: Which Bill was thereupon order'd to be brought in.

March 10. New Writs were order'd for electing a Burgess for *Reading* in *Berks*, in the Room of *Owen Buckingham*, Esq; deceas'd, and a Knight of the Shire for *Gloucester*, in the Room of *Thomas Stephens*, Esq; deceas'd. After this, a Petition of *Charles Earl of Arran* was presented to the House and read, praying, that Leave might be given for bringing in a Bill, to enable him, in Case he should be admitted the best Purchaser by the Commissioners and Trustees of the forfeited Estates, by Mortgage or Sale of a sufficient Part of the Estate of the late Duke of *Ormond*, his Brother, to raise a Sum, which he should contract with the said Commissioners and Trustees, to pay for the Purchase of his said Brother's Estate, subject to the legal Incumbrances thereon; and also, such farther Sum as should be sufficient to discharge the Debts of his said Brother, which were not legally charg'd on the said Estate, and were without any Provision. Mr. Secretary *Craggs* having acquainted the House, that

that this Case having been represented to the King, his Majesty had been pleas'd to command him to signify his Majesty's Consent to the bringing in such a Bill, as was desir'd, if this House should think fit: The said Petition was refer'd to the Consideration of a Committee, and then the House resolv'd itself into a Committee of the whole House, upon the ingross'd Bill from the Lords, intitled, *An Act for the better securing the Dependency of the Kingdom of Ireland upon the Crown of Great Britain*; and after some Time spent therein, it was agreed to soften the Bill, by leaving out Part of the Preamble.

March 11. Mr. Neville, Chairman of that Committee, reported the said Amendments, which were agreed to, and the Bill was order'd to be read the 3d Time on the 15th. After which, some Progress was made, in a grand Committee, in the Callico Bill.

March 12. A Bill to explain and amend *An Act to encourage the Planting Timber Trees, &c.* was read the first Time; and a Bill was order'd to be brought in, *For the Registering and Incouragement of Mariners, Seamen, and Seafaring Men of Great Britain and Ireland, and for the greater Ease of his Majesty's Trading Subjects.* After this it was order'd, That such Members of the Committee, appointed to enquire into several new Projects carry'd on by Subscriptions, who were Justices of Peace for the County of *Middlesex*, should examine such Persons as they thought fit at the said Committee, touching the subject Matter of their Enquiry. This Order was made upon an Information given, that very Day, to the Committee, That some Persons concern'd in the Undertakings directed to be inquir'd of, had endeavour'd, by Corruption, and other undue Practices, to obtain Charters to carry on their Projects. This Suggestion, which was directly levell'd against *Nicholas Lechmere, Esq;* as Attorney General, and Privy Counsellor, having made a great Noise, the Commons, on the 14th, adjourn'd to the 16th; but in order to enquire into that Matter, order'd, That the Committee appointed to examine into several Subscriptions for Fisheries, Insurances, Annuities for Lives, and all other Projects, should have Leave to sit, notwithstanding any Adjournment of the House, which they did accordingly the next Day. In this grand Committee, and in the Hearing of a great many Strangers, *Sir William Thompson*, Solicitor General,

General, charg'd Mr. Chancellor of the Dutchy with Breach of his Oath, Trust, and Duty, as a Privy Counsellor; urging, that he had acted as Counsel, and receiv'd Sums of Money for his Advice, in Matters to him referr'd by the Privy Council, as Attorney General. After this, he proceeded to the Reading of several Reports, made either by the Attorney General, or himself; but was interrupted by Mr. Secretary *Craggs*, who said, 'They were not there to examine who was the best Lawyer; but that an heavy Accusation having been rais'd against a Gentleman of distinguish'd Merit, and in very eminent Stations, it was incumbent upon the Accuser to produce clear Evidence to make good his Charge.' Hereupon Mr. *Lechmere* stood up in his own Defence, and said, among other Things, 'That he had the Honour to be a Privy Counsellor, Chancellor of the Dutchy, Attorney General, a Member of that House, and a Gentleman; and therefore such a heinous Accusation could not but fall the heavier upon him. That he own'd himself liable to a great many human Frailties and Imperfections; but as his Conscience entirely acquitted him of the Crimes laid to his Charge, so he defy'd all the World, and the worst of his Enemies, to prove him guilty of Corruption, or any unwarrantable Practices. That tho' he was thus wrongfully accus'd in so solemn a Manner, yet, as a good Christian, he did heartily forgive his Accuser, and he was willing to believe, that he was prompted to this rash Action, rather by Mistake or Ignorance, than Malice; concluding, with desiring that Honourable Assembly to sift and weigh the whole Matter, with their usual Candor, Impartiality, and Equity; and to excuse any unguarded Expressions that might escape him, in vindicating his Innocence.' After this, several Witnesses were examin'd, and the Chairman was order'd to make a special Report of this Affair to the House on the 18th.

March 16. Upon a Complaint that the grand Committee had been crowded and incommoded by a great Concourse of Strangers, the Commons order'd their Serjeant at Arms, from Time to Time, to take into his Custody any Strangers that he should see, or be inform'd of, to be in the House, or Gallery, while the

the House, or any Committee of the whole House, was sitting; and that no Person so taken into Custody be discharg'd, without the special Order of the House.

March 17. Mr. Speaker was order'd to cause new Writs to be made out, for the electing a Knight of the Shire for *Monmouth*, in the Room of *John Morgan of Tredegar, Esq;* deceas'd, and a Com-Baron for *Winchelsea in Suffex*, in the Room of *Robert Bristow, Esq;* who had accepted the Office of one of the Clerks-Controllers of his Majesty's Household. After this Mr. Chancellor of the Exchequer presented to the House, *A Bill for enabling the South Sea Company to increase their Capital Stock and Fund, by redeeming such publick Debts and Incumbrances as are therein mention'd, and for raising Money to be apply'd for lessening several of the publick Debts and Incumbrances, and for calling in the present Exchequer-Bills remaining uncancell'd, and for making forth new Exchequer-Bills in lieu thereof, to be circulated and exchange'd upon Demand, at or near the Exchequer; which was read the first, and order'd to be read a second Time; as was also a Bill for preventing of Frauds and Abuses in the Allowances on damag'd Wines, &c.*

March 18. Sir *Thomas Hanmer* having made his Report from the Committee, to whom the Earl of *Arran's* Petition had been refer'd, a Bill was order'd to be brought in, according to the Prayer of the said Petition. After this it was order'd, 1st, That the proper Officers do forthwith lay before this House, Accounts, shewing how much the whole of the Annuities for 96 Years, 89 Years, and 69 Years, intended to be taken in by Purchase or Subscription upon the Proposal of the *South Sea Company*, (accepted by the House) as the same do now stand charg'd upon each Fund or Security, respectively, doth amount unto; and how much the Annuities, now payable after the Rate of 9^{l.} per Cent. per Annum, for Twenty two Years and three Quarters of a Year, in the said Proposal mention'd; and how much the Annuities now payable for Twenty three Years upon the unsubscrib'd Lottery Tickets of 1710, do also amount to. 2^{dly}, Accounts, shewing what Principal Sums do now remain unpaid on her late Majesty's Letters Patents for the Lottery Anno 1713, and for the Prize-Tickets drawn in the Lottery Anno 1714, and on the second Lottery Anno

1719, (all which do carry Interest at the Rate of 4*l.* per Cent. per Annum, 'till Payment thereof) do amount to; and what principal Sums do now remain unpaid for the Blank Tickets drawn in the Lottery 1714, carrying Interest at 5*l.* per Cent. 'till Payment thereof. adly, Accompts, shewing what principal Sums, for which Annuities are to be paid, after the several Rates of 5*l.* per Cent. per Annum, and 4*l.* per Cent. per Annum, by the Cashier of the Bank of England, till Redemption thereof, do amount to. Then Mr. Hungerford, from the Committee appointed to enquire and examine into several Subscriptions for Fisheries, Insurances, Annuities for Lives, and all other Projects carry'd on by Subscriptions in and about the Cities of London and Westminster; and into all Undertakings for Purchasing Joint-Stocks and obsolete Charters, acquainted the House, That the Committee having proceeded to examine into the several Matters refer'd to them, had receiv'd Information, That some Persons concern'd in the Undertakings directed to be enquir'd of, had endeavour'd, by Corruption, and other undue Practices, to obtain Charters to carry on their Projects, and that the Committee having gone through an Examination of that Matter, had directed him to report the same specially to the House; and he read the Report in his Place, and afterwards deliver'd the same in at the Table, where it was read, and the chief Matters contain'd therein are as follows, viz.

That the Committee was inform'd by Sir William Thompson, That there had been very unjustifiable Methods taken by one Bradly, and one Billingsley, in order to obtain a Charter for the Undertaking for Insuring Ships and Merchandize, commonly call'd, *The Lord Onslow's Insurance*; and thereupon Sir Edward Northey and Sir William Thompson communicated to the Committee several Letters sign'd Bradly and Billingsley, tho' acknowledg'd by Billingsley to be all of them wrote and sign'd by him alone, and which Letters were acknowledg'd by Sir Edward Northey and Sir William Thompson, respectively, to be receiv'd by them according to their respective Dates. Sir William Thompson farther acquainted the Committee, That the Orders in Council, which had been since made, upon Petitions to his Majesty, relating to Insurances of Ships, and other Orders by his Majesty in Council, were made to the present Attorney-General alone, though

though the Directions in Council were as usual. And the Committee being inform'd, that Mr. *Vernon*, (a Clerk of the Council) did, by his Majesty's Leave, attend without Doors, to inform the Committee relating to the said Matter last mention'd, Sir *William Thompson* did desire, that in case Mr. *Vernon* was examin'd, Mr. *Southwell*, Mr. *Greenwood*, and Mr. *Beake*, might also be examin'd. And it was propos'd to the Committee, by the said Sir *William Thompson*, for their farther Enquiry, by what Means or what Management the said Orders of Council were so made. Sir *William Thompson* did farther assert, and inform the Committee, That large Sums of Money had been receiv'd by his Majesty's Attorney-General, contrary to his Duty as Attorney-General, on Account of some of the Matters so referr'd to him, as aforesaid, by his Majesty in Council, from some of the Persons concern'd, and who did solicit the same before him. That the said Attorney-General, at the Time he receiv'd the said several large Sums of Money, as aforesaid, was a Member of the Privy Council; and that the same were also receiv'd by him, contrary to his Oath and Duty, as a Privy Counsellor. That he would give farther Information to the Committee, to assist their Enquiry, and for Proof of the Matters aforesaid. That there were publick Biddings for Charters, as if at an Auction, in the Chambers of the Attorney General, between some of the Persons concern'd in the Matters aforesaid, during the Time that the Matters so referr'd to him were depending before him; and to encourage the said Persons concern'd therein to give largely, he inform'd this Committee, That the Attorney General's chief Clerk then told the said Persons, that the other Side had given handsomely. And lastly, That there were several Persons, all or some of which could give Information to the said Committee in Proof of the Matters aforesaid; and that he could prove the Matters aforesaid, and nam'd the Persons following for that Purpose, viz. Mr. *Huntman*, Sir *Alexander Cairnes*, Mr. *Symmonds*, Mr. *Maise*, *John Borret*, Esq; Mr. *Petty*, Mr. *Green*, Mr. *Burgess*, Sir *John Williams*, *Cafe Billingsley*, Mr. *Marsh*, Mr. *Foxall*, Sir *James Hallet*, *William Bucknell*, Mr. *Gunson*, Mr. *Tomkins*, Mr. *Wells*, Sir *William Chapman*, Mr. *Dowse*, *James Bradly*, Mr. *Cratchbrode*, Mr. *Metcalf*, Mr. *Johnson*, Mr. *Mowbray*, Mr. *Stanvix*.

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Which Persons were summon'd, by Order of the Committee, who took their Examinations, which are as follows, viz.

Mr. *Robert Huntman* said, That he was employ'd as Attorney, by the Mines and Battery Company; but did not carry the first Order of Reference to the Attorney General, upon the Petition of the Company for an Incorporation for Insurance of Ships; but in all other Matters of the Company he was employ'd, so far as to prepare Breviates, and carry them to Counsel, and give them their Fees. Being cross-examin'd, he said, There were seven Attendances before the present Attorney General: That at six of those Attendances they had six Counsel on their Side, and sometimes there were three and sometimes four on the other Side: That he believ'd the first Attendance was upon the 10th of *November* last, but he could not be positive of the Time: That there was an Attendance about a Week before, (about the 12th of *November*) but that was only to put it off, because the Petitioners were not prepar'd, and it was put off upon the Application of the Petitioners for the Charter: That he believ'd they were ready on the other Side: That they attended again on the 10th of *November*, when the Petitioners had six Counsel, and the other Side three Counsel: That he believ'd this Attendance began about six a-Clock at Night, and they might stay till Ten or Eleven: That this Attendance was at the Attorney General's Chambers, and he believ'd there might be One hundred and fifty People there; and upon the other Attendances there was a great Number of Persons on both Sides. The Point upon the Petition for a Charter, was, Whether such an Incorporation for Insurance, as was desir'd, for Ships and Merchandize, would be beneficial to the Nation? And the other Side insisted, That private Insurances would be most beneficial to the Merchants; and there was then also an Objection to the Company, as to their being a subsisting Corporation, and their Existence, as a Corporation, was disputed; their Charters were read, which were very long, and an Objection was made in Point of Law to the Company's carrying on the Business of Insurance under such Charters, tho' existing; and all these Points were debated, by Counsel, on both Sides: That the Fees given to the Counsel, upon
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their Attendance, were Ten Guineas a-piece to each of the six Counsel upon the first Attendance; and after, five Guineas a-piece to three of them, and three Guineas a-piece to the rest: That ten Guineas a-piece was always given to two of the Counsel, and five Guineas a-piece always to two of them: That there were seven Attendances upon this Petition, with that of the 12th of *November*, and that he believ'd all the Counsel, except one, always attended; and that there was paid to the Counsel, for these Attendances, 142 Guineas, or within one or two of it: That these many Attendances were occasion'd by Want of Affidavits and Proofs, which the Attorney General requir'd, there being only some Certificates, but no Affidavit to prove the Hands to those Certificates: That he believ'd there was not any Application at all made to the Attorney General for an Attendance during the King's Absence: They found him ready as soon as they apply'd: That he issu'd his Summons for an Attendance, upon the King's Return, without any Application. Being ask'd, Whether, from *May* to *November*, this Company did not go on to carry on their Project? He said, He could not tell, but believ'd they did; but that he also believ'd, there was not any Signification thereof, of any Kind, to the Attorney General; and said, that he distributed no Money, other than to the Counsel.

Mr. *John Marsh* (Agent or Solicitor for the Petition for Insurances by the Lord *Chetwynd*, Sir *William Chapman*, and others) said, He left the Order of Reference, on that Petition, with Mr. Attorney General's Clerk, but no Fee with it: That he gave the Fees to the Counsel, upon that Reference made the 8th of *January*, and which, upon the 9th, he left with Mr. *Stephens* (Mr. Attorney General's Clerk:) That he acquainted Sir *William Chapman* with it, and thereupon there was a Meeting on the Monday or Tuesday following, of Sir *Jacob Jacobson*, Mr. *Hailey*, and the major Part of those who were appointed Managers, and they resolv'd to wait upon Mr. Attorney, with his Fee: That he believ'd ten or twelve of them attended him, and that Sir *William Chapman* gave him his Fee: That he, the Witness, went with them to Mr. Attorney General's Chamber, and when he came there, he acquainted Mr. Attorney General's Clerk with several of their Names, and then he was intro-

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duc'd into an outer Room, and the Clerk went to Mr. Attorney General, and having told him (as he believ'd) that the Witness was there, he was call'd to the Door, and then acquainted Mr. Attorney, that Sir William Chapman, and some others of the Petitioners for that Charter, were come to wait upon him with his Fee; to which Mr. Attorney General said, *What do they come to me for, why do they not leave it with my Clerk?* The Witness answer'd, That considering it was Matter of Weight, and who were concern'd in it, they desir'd to give him his Fee themselves; and the Witness turning to them, they all came forward, and Sir William Chapman gave the Fee, and recommending the Thing to Mr. Attorney's Favour, said, it would speak for its self, and hoped, if it should be found to be of Use to the Nation, that he would favour it, and some Words of that Kind; and then they withdrew. That some time after this, a Caveat being enter'd by the Insurers, a Summons was taken out: Then there came another Petition for a Charter, and thereupon Counsel were heard for the private Insurers, and Counsel for the Mines Royal, and Counsel on Behalf of Sir William Chapman and the Managers: Mr. Serjeant Comyns, Mr. York, and Mr. Hale, were of Counsel; and the other Side had three Counsel: That the Petitioners Counsel had five Guineas a-piece: They were all heard at that Time, and Directions were given to bring the Subscriptions and Subscription-Books, and other Papers relating to the Insurance; which Directions were given (as he thought) at the Desire of the private Insurers: That he believ'd there were five several Attendances on Mr. Attorney General, upon this Petition of Sir William Chapman, besides Attendances to bring Papers. That they attended only twice with Counsel, and the Witness desir'd the farther Attendance: That the whole Fees to their Counsel amounted to no more than fifteen Guineas at a Time, five to each Counsel. That the first Attendance held from seven to ten or eleven a Clock at Night: Upon the last Attendance there were sixteen or eighteen Persons at least of their Side, and he believ'd as many more of t'other Side. That upon this Petition a Point arose, Whether, to prevent the Danger of a Monopoly from one such Corporation, a second Incorporation, of the same Kind, were not necessary; and another Objection arose,

arose, That some of those who were Subscribers to this Petition, for a Charter, were formerly Subscribers to a Petition against one, and they were requested to give their Reasons for altering their Opinion: There was also a Charge of Fraud upon *Ram*, one of the Subscribers to this Petition, which came upon the Petition of one *Helbut*; on which there was a distinct Attendance, and Examination, and touching which Mr. Attorney General requir'd an Answer upon Oath, as the first Charge was upon Oath; whereupon several Affidavits were brought, but he never heard they went any farther, to make good that Matter. That upon drawing and framing the Report, he attended Mr. Attorney General, upon his Request, to see if he had collected all the Facts that had been laid before him. That there was never any other Fee to Mr. Attorney, than as aforesaid, that he knew of; but the Witness own'd he did tell Sir *William Chapman*, that he thought it was fit to wait upon Mr. Attorney General in Person; whereupon Sir *William* ask'd, what he thought was a reasonable Fee; he answer'd, that he had given ten Guineas in a Case of a private Act, and had known a larger Fee given, and believ'd twenty or thirty Guineas should be given: They debated the Matter, and the Witness understood they resolv'd to give fifty Guineas for the Fee, and to trouble themselves no farther; and believ'd no farther Fee was ever given, or intended to be given: That he never had any Discourse with Mr. *Stephens* (one of Mr. Attorney General's Clerks) about Fees, only that he ask'd him what was proper to give, but he return'd no Answer of any Kind; and thereupon the Witness said, he would advise with his Clients, and do what was proper, and that he never had any Discourse about Fees with Mr. *Grub*, Mr. Attorney's other Clerk.

Mr. *Thomas Dowse* said, That he was Solicitor, or Agent, upon that Petition which was the Counter-Petition to that for the Mine and Battery Charter, and gave Mr. Attorney General in the whole fifty Guineas, at four several Times; three of which Fees, to his best Remembrance, he gave Mr. Attorney himself, and one to his Clerk; and believ'd the three, which he gave Mr. Attorney, were ten Guineas each, and the other twenty Guineas were left for him, with Mr. *Stephens*, his Clerk. Being examin'd as to what

Hints had been given him, touching enlarging Fees to Mr. Attorney General, and upon what Occasions, he said several Hints had been given him by his Clients, and by others he had convers'd with, that the other Side had given very large Sums to Mr. Attorney General; whereupon he apply'd to his Clients to amend their Fees, and desir'd Leave to enlarge them; but he could not prevail, they could raise Money but hardly; but, at last, they order'd twenty Guineas should be given, and he gave it. Being ask'd, Whether *Stephens* ever gave any Hint to enlarge the Fee? He answer'd, That when he gave the ten Guineas, (and which was a Fee he had given to other Attorneys General) he had then only one Petition against the Charter; but he had enter'd Caveats against others, and then he ask'd the Clerk what Fees were to be given upon Caveats, (that being a Piece of Practice which he was not so well appriz'd of) and the Clerk said, You must give something handsome; and believ'd the Clerk might say, in a cursory Way, that they gave handsomely on the other Side, but believ'd he said it by no Direction; and upon what was said by him and others, he increas'd the Fee, and gave twenty Guineas. He gave an Account, That on the 3d. of *June*, he carry'd the Order of Reference. on the Petition to resume the former Charters of Mines Royal, and Battery Works, and ten Guineas with it, to Mr. Attorney General, which he apprehended was his usual Fee; and between that Time, and about the Middle of *September*, (when he went out of Town, and staid till the Middle of *October*) he frequently call'd on Mr. Attorney General's Clerk, to know if any Application had been made for a Hearing by the other Side; and receiv'd for Answer, There had not; whereupon he told the Clerk, (after some Times calling) that if the other Side would not proceed on their Part, he would proceed. That he stay'd out of Town above a Month, and the first hearing they had upon the Mine and Battery Business, was upon the 11th of *November*, upon a Summons which he took out. That he was Solicitor for the Merchants of *London* and *Bristol*, who appear'd, from the Beginning, to oppose such a Charter: There was four or five Setts against Charters, and he was concern'd for them all. He was also Solicitor upon the Counter-Petitions against

against the Mines Royal: That there were seven Hearings in opposing the Petitions for Charters, and he believ'd four or five of them were particularly upon the Petition of the Mines Royal People. That he gave no Fees since the last Caveat, nor any upon the Report. That he left no other Fees than the fifty Guineas. That the Discourse he had with Mr. Stephens, was at the Attorney General's Chamber, and knew of no other Discourse upon that Subject: That he could not repeat the Clerk's exact Words, only on the Effect of them: That he and the Clerk talk'd, only in a cursory Manner, to know what other Attornies gave: That he had no Directions for giving Fees, but to give the common and usual Fees, which he did, and gave or left no other than what he look'd upon to be common and usual. Being demanded to name the Person, his Client, who told him he must give good Fees, he declar'd he could not say which Client, in particular, it was; and that it was only in common Conversation, as thus, *Dowse*, you must give good Fees, we hear they give very good Fees on t'other Side. That he would have given a better Fee than twenty Guineas, and ask'd his Clients for that Purpose, but they refus'd to order that. That the Hearings, upon these Attendances, generally began at Six, the last was at Five, and the Counsel generally got away about Ten; there were usually six or seven Counsel at a Hearing, and some of the Hearings were three or four Hours, and some longer: Once they had but four Counsel, (*viz.*) Mr. Serjeant *Cheshire*, Serjeant *Whittaker*, Mr. *Bootle*, and Mr. *Pittman*; the Fees he gave, were to Serjeant *Cheshire*, and Serjeant *Whittaker*, at one or two Attendances, ten Guineas a-piece, to the other five Guineas a-piece, at every one of those Hearings upon Attendances. That he was Solicitor for the private Merchants, who oppos'd the first Petition for a Charter for Insurance, and which was referr'd to the late Attorney and Solicitor General. That the Fees which he gave to the late Attorney and Solicitor General, upon that Petition, (being of the 7th of February, 1717,) were to Sir *Edward Northey*, ten Guineas; (given at the Time when he left the Order of Reference with him) they were formerly heard upon that Petition, and they were also heard before them upon the Reference, upon the Petition of Sir *John Williams*, Sir *Justus Beck*, and others, and when

when he brought that Reference, he left ten Guineas. That he believ'd they had five Attendances upon those References, and the Fees which he gave to the Counsel were ten Guineas a-piece upon the *London* Petition, and five Guineas a-piece upon the *Bristol* Petition; (which was upon the 1st of *March* 1717,) and upon making their Report of the 12th of *March* 1717, he gave the late Attorney and Solicitor General, ten Guineas a-piece more, and he gave no other Fees. That a Day or two before making his Report, (upon the Petition of the Company of the Mines Royal) Mr. Attorney General sent for him, to see if he had gather'd all the Papers, which the Witness had laid before him, on Behalf of those who oppos'd, (which the Witness found he had.) And being again ask'd as to his Conversation with *Stephens* about Fees, he said, That he never had any Intimation from the Attorney General's Clerk, about giving Fees to him; and that all he ask'd was to know what Fees were given by the other Side; and that he never had any Hint, from any such Clerk, what Fees were given, he had only some Hints from Abroad, but no Hint from Mr. *Stephens*. That he believ'd he heard it said, at Mr. Attorney General's Chamber, that it was believ'd, they had given handsomely on t'other Side, but nothing of what it was. That he never had any Conversation with Mr. *Stephens*, but only in general, and laid no Stress upon any Thing he said about Fees: That he never said or hinted to the Witness what he should give; That he heard the Hint, aforementioned, spoke in Mr. Attorney General's Chamber, but could not charge it upon any of his Clerks, but thought it might be among the Attornies, upon their Meeting, and waiting there, and talking together in Conversation. That he never heard of the Word *Bidding*, upon any such Occasion, in the Attorney General's Chamber, nor any Discourse about what one had been giving, or another: nor had he any Word like that of *Bidding* in his Mouth. Being ask'd, Whether Mr. Solicitor General had any Intimation from him of Hints from the Clerk, of enlarging the Fee? He answer'd, That he could not say, that *Stephens* said, *give handsomely*. That as to Attendances, there were four, before the former Attorney and present Solicitor General, which, he believ'd, were as long, or longer, than those on the present Attorney: A
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great many Merchants were there, and Counsel; and *Bradly* was constantly attending at the Attorney General's Chambers: That some of the Examinations, taken before the former Attorney and Solicitor General, were not upon Affidavit; but the present Attorney desir'd Affidavits. That the Clerk did not say what Fees the Witness was to give the Attorney General, upon Caveats; but the Witness believ'd he said, they did give handsomely on t^other Side; he did not name any Sum. That the Witness did advise his Clients to give fifty Guineas upon the Caveats.

Mr. Oliver Marton (who is concern'd for *Mr. Shales*, upon his Petition) said, That *Mr. Attorney* was attended about twelve or fourteen Times upon that Occasion; once was with Counsel, and he gave *Mr. Attorney*, at several Times, in the whole, thirty Guineas; by Direction of his Clients. They had but one Hearing by Counsel: That for the other Attendances, there were about six before Counsel were heard, and as many afterwards. Being cross-examin'd, concerning what Application *Mr. Solicitor General* had made to him, to give Information, touching *Mr. Attorney General's* Fees, he said, That meeting *Mr. Solicitor*, the Day before, in the Lobby of the House of Lords, he desir'd the Witness to attend here, upon this Occasion; and he told *Mr. Solicitor* he would attend, and acquainted him that he had given *Mr. Attorney* only thirty Guineas, and could not imagine why he should be call'd here, when he gave only his just Fees: That this Meeting was purely by Accident, and that *Mr. Solicitor* did not desire him to say any Thing but the Truth.

Mr. Henry Symonds said, He had an Account of all the Money that had been expended upon the Petition of *Sir James Hallet*, and others, about Annuities, and that the whole amounted to 177*l.* 14*s.* 6*d.* or thereabouts, and no more: That he could not speak to the Distribution of it, nor could take upon him to say what had been given to *Mr. Attorney General* for his Fees on that Reference, but believ'd fifty Guineas: That he believ'd they had but one Hearing; but there were two Petitions against them from *Tork Buildings*, and they apprehended they might have more than one Hearing: They had Information, that such a Fee had been usually given, and imagin'd they might give it; which Information, he believ'd, came from some of their

their own Committee, who might say, they believ'd, or had heard, that such a Fee had been given: That he never waited on Mr. Attorney, but went only to his Clerk, to know when would be a proper Time for the Solicitors or Attornies to attend him.

Sir William Chapman said, That being one of the Committee on the Insurance, (call'd *Lord Chetwynd's Insurance*) he did acquaint a general Meeting, That he understood, that in Sir John William's Society, there was a Power given to some Members, to take proper Methods for obtaining a Charter; whereupon the general Court came to a Resolution, to give their Managers Power to pursue such Methods as they should think proper, for obtaining a Charter. Being ask'd, Whether there was any Power vested in any Body to distribute any Sum of Money for that Purpose? He answer'd, That he did not know of any such Power, or any such Intention: There was Power lodg'd in the Committee to dispose of a 1 per Cent. paid in, in such Manner as should be most for the Benefit of the Society; but he did not know of any Power to dispose of Money, for obtaining a Charter; the Power is only to dispose of it for the Interest of the Society, and it is enter'd in the Minute Book; and he knew of no other. Being ask'd, What Money was given to the Attorney General, on the Solicitation for a Charter? He said, That when they undertook that Affair, they were in Hopes to obtain a Charter, and they went in a proper Method, by Petition, sign'd by Subscribers; and his Majesty was graciously pleas'd to hear them in Counsel, and to refer them to Mr. Attorney General, to hear all Allegations, and make Report thereupon; upon which the Witnesses ask'd Mr. John Marsh, their Solicitor, What was proper for them to do in the Case, and what was customary? He answer'd, There were Fees due to the Attorney General on such Occasions. He ask'd, whereabouts might be proper for them to give? Marsh said, twenty or thirty Guineas; whereupon the Witnesses said, These Matters are often drawn into a great Length, and are of more Weight than usual in other Affairs; upon which Marsh said, The more Attendances, the more Fees are to be given: Upon that Consideration, they thought it proper to give fifty Guineas, and he knew of no Intention to give more, and hoped he might say,

say, it was the Resolution of all the Gentlemen concern'd in the Undertaking, to rely on the Justice of their Proceeding, and his Majesty's Royal Favour. Being ask'd, Whether he had any Intention to give more, if there was a Report in their Favour? He declar'd, That he never had such an Intention, but thought it good Husbandry to give all at once; and declar'd, he never had any Conversation with Mr. Attorney General, in any private Affair; but as a Director of the *South Sea Company*, had seen him in a publick Matter; and had no Correspondence with him, upon or after leaving the Fee, 'till a publick Attendance: That upon the Attendance, on his Petition, Mr. Attorney said he would hear them as often as they pleas'd, but desir'd them to put down their Reasons in Writing, in the Form of a Certificate, that he might not mistake: And he declar'd, That he did not know, or believe, Mr. Attorney had one Farthing more, or any Stock, or any Thing else. And being examin'd as to a Sum of 18000*l.* suppos'd to be lodg'd in his Hands for some Purpose; he said, that he accounted himself happy to be before the Committee on this Occasion, for it concern'd his Reputation to give a true Account of that Affair, and said, That there is such a Sum mention'd in his Account, and that the true State of that Affair is thus: When the 1 per Cent. was order'd to be call'd in, the Gentlemen concern'd, desir'd it might be put upon some Improvement, and nothing of it lie dead; and the Board thinking it a proper Way to put it out upon *South Sea Bonds*, and to permit the Treasurer of that Company to keep it, in Trust for the Society; he accordingly paid that 18000*l.* to the Treasurer of the *South Sea Company*, who gave him a Note for it, which Note he has now in his Pocket, accountable to the Managers, or the major Part of them, for the Use of the Society; it was never otherwise intended, and it is to be found in the Witness's Name; it was invested in *South Sea Bonds* the 26th of *January* last, and it remains in the Treasurer of that Company's Hands, for the Use of their Society; and declar'd, That he knew of no Intention that Mr. Attorney General was ever to receive one Farthing of it; and that the Witness had accounted for it, and how it is dispos'd for the Use of the Society.

Sir *John Williams* was call'd to give an Account of a Power to dispose of Money deposited in the Affair of Insurance, that goes in the Lord *Onslow's* Name; and being examin'd, said, That he finds by their Minute-Book, that at a Court held the 6th Day of *January* last, when he was not there, he having desir'd an Order for 100 or 200*l.* they had order'd 1000*l.* which he took amiss, and told them, that 100 or 200*l.* would do, 'till the Charter came to pass: That he intended it for paying Solicitors Bills, which he must do; he had advanc'd them Money, for their going on, and believes their Bill may come to 400*l.* That all this Money remains in his Hands, but about fifty Guineas, and besides this, he receiv'd twenty Guineas before that: He believ'd that he order'd Mr. *Billingsley*, the Solicitor, to carry the order of Reference to the Attorney General, but could not be positive: That he went there afterwards, and gave Mr. Attorney twenty Guineas, and not a Farthing more was given, upon that Petition; but there came two Petitions between the 15th and 23d of *December*, and with that Reference he gave thirty Guineas, and declar'd, that Mr. Attorney General never had from him, nor from any other Man, to his Knowledge, more than fifty Guineas. That the Business lying heavy upon him, he order'd Mr. *Huntman* to attend Mr. Attorney; but *Billingsley* had no Business to go there, he could not give one Farthing, nor was it in any Body's Power to do it, but the Committee must be acquainted with it. Being ask'd as to any Intention he might have to give farther Fees, if the Report should be in their Favour, he said, Considering the Quality of the Person, he should have thought it reasonable, but he did not do it: As to the Report, they could never get any Knowledge of it; for Mr. Attorney General had declar'd, That no Man living should see it, 'till 'twas given into the King's own Hands. That *Billingsley* is employ'd, by them, as their Secretary: That as to the Letters which have been sent by *Billingsley*, to Mr. Solicitor, he said, That, according to the best of his Knowledge, Mr. Solicitor was the first Man that told him of them, which was about six or seven Months ago, and believ'd, that several of their Directors knew nothing of them 'till they came into this Committee; and they are so exasperated at him for it, that he would have been turn'd out before now, but for that
they

they are under the Examination of this Committee. Being examin'd touching what was done upon the Reference of the Petition from the Mine and Battery Company, and the Counter-Petition thereto, refer'd to the present Attorney General, he said, That the Counsel, in pleading before the Attorney General, took Notice of a Mistake in the Petition, by occasion of which it did not come properly before Mr. Attorney; and Counsel advis'd them to withdraw that Petition and prefer another, and that occasion'd the second Reference. That there had been seven Attendances on these two References, one the 11th of November, one the 17th, (but that was put off) another the 20th, another the 25th, another the 4th of December, another the 11th, and the last the 23d. That the present Attorney General never gave him any Hint or Encouragement for a farther Fee, but quite contrary: That indeed, for the great Fatigue and great Trouble they had given Mr. Attorney General, the Witnesses did think it proper to offer him a farther Fee, after the thirty Guineas, and did offer him fifty, and he refus'd it; the Time of which Offer was, as he remember'd, between the 15th and 20th of January last.

Mr. James Bradly being examin'd (touching the Affair of York Buildings) said, That he believ'd Mr. Billingsley carry'd the Order of Reference, but declar'd, that he did not know of any one Fee that was given upon Occasion of that Business; That he never spoke to Mr. Attorney in his Life, but upon a Case in relation to a Matter in Trade, which now lies before him, and never attended him upon any other Occasion. Being cross-examin'd, he said, That he was one of those who solicited the Charter, and upon that Occasion attended the late Attorney and Solicitor General: That they advis'd with the Solicitor as their Counsel, and gave him five Guineas, and that he put them in a Way of getting their Charter; he perus'd their Petition, and perus'd and corrected their Draught of a Charter, and told them, if they apply'd to the Clerk of the Council, he would get it refer'd to the Attorney or Solicitor, not Attorney and Solicitor, and to the Board of Trade. That the Clerk of the Council having told him, that the Reference was made to the late Attorney and Solicitor General, and to the Board of Trade, the Witnesses stay'd till the late At-

torney came out of the Council, when he took Notice of those that were the Petitioners then attending, and upon speaking to him of it, he declar'd, That he approv'd the Thing very much, and wonder'd how Insurances could be carry'd on so long without a Charter. That he gave the late Attorney General forty Guineas, and the Solicitor General twenty five, besides several Fees which he before gave to the Solicitor upon advising with him. That he had long Discourses with the Solicitor upon Points and Objections rais'd against them by the Merchants: They rais'd all the Objections they could think of, and the Solicitor answer'd them; and in the Conclusion said thus, Upon the whole Matter, I can see no Manner of Objection to a Charter, unless we could hit upon something that was never thought of by Man. That the Witness call'd several Times upon him, and he never said one Word against them, till the Night before he sign'd the Report against them, and then he mention'd the Letter from *Billingsley*, which the Witness never knew one Word of before. That for explaining the Words (or Solicitor) in the Reference, the Witness declar'd, he thought Mr. Solicitor, at the same Time, said, There it will be in your Power to bring it to me, if you think fit. Being ask'd, Whether there was any Attendance upon the late Attorney or Solicitor, between the 6th of *March* and the 10th, 1717? he answer'd, He could not be particular, as to the last Time of attending either of them, but believ'd it was upon the 7th, 8th, or 9th of *March*, 1717: That he gave *Billingsley* no Authority to sign the Letter he sent; and that the Solicitor never shew'd any Resentment to him till the Night before-mention'd: Being ask'd, Whether Mr. Solicitor General confin'd his Expression to this, that he would do them Justice if they came to him? he answer'd, That he always understood his Words to be in their Favour: That after they had discours'd with Mr. Solicitor of that Affair, and on the Objections the Merchants might raise against them, and all the Objections he or they could raise themselves, Mr. Solicitor declar'd, That he could not see any Objection to their having such a Charter, unless they could hit upon something that had never been hit upon by Man; and this he believ'd Mr. Solicitor could not deny, if he

he were upon his Oath. That he never heard of any Offer of a Subscription for 10000*l*. till after Discovery of *Billingsley's* Letter; and is very positive, that tho' he attended Mr. Solicitor, and the late Mr. Attorney General, on a Hearing after that Letter, and was with Mr. Solicitor at his Chamber, he never express'd to him any Resentment of that Letter, till the Night he sign'd his Report, of the 12th of *March*, 1717, tho' the Witness had been at his Chamber; and the Witness declar'd, That he never heard of that Letter, of the 10th of *March*, till since it was produc'd in this Committee; and said, That the Resentment which Mr. Solicitor express'd, was, that Money had been offer'd; he did not say one Word about Stock.

Sir *Justus Beck* being call'd, and examin'd as to any Power given for disposing of Money in the Affair of the Mines Royal, and as to any Money distributed, declar'd, He knew of no such Power to dispose, nor of any Money distributed, but what is enter'd in their Books. And being ask'd, What Conversation he ever had with the present Attorney General? He said, He never had the Honour to speak to him, or to the former Attorney General, or to the Solicitor General.

Mr. *Zachariah Foxall* being call'd, and examin'd touching the Letter sent two Years ago by *Billingsley*, to the late Mr. Attorney and Mr. Solicitor General, and the Time when it was discover'd, said, That between the Time of the Report of the late Attorney General, and that of the Board of Trade, he was inform'd of a Letter sent by *Billingsley* to the late Attorney and Solicitor General, which he thought very scandalous; and thereupon he told *Billingsley*, that if he would not discover the Contents of the Letter, and by what Authority he sent it, to the End the Gentlemen concern'd, and who knew nothing of it, might defend themselves, they would appear no farther in the Matter; and that upon their asking him by what Authority he made the Offer in that Letter, he said, He had a general Power to make what Offer he thought proper; but the Gentlemen of their Committee disown'd giving him any such Power.

Sir *Alexander Cairnes* being examin'd touching any Distribution, or Power to distribute Money, either in the Affair of the Mines Royal, or that of *York Buildings*, declar'd, He knew of no such Power or Distribution.

bution. And being examin'd touching his being concern'd in that Affair, he said, He came into it upon the Advice of Mr. Solicitor, who was a Subscriber, but afterwards had his Name struck out for Convenience of the Reference.

Cafe Billingsley being examin'd, it appear'd, by his Evidence, That two Years ago a Project of Insurance was set on Foot, after Advice with the Solicitor General, who had five Guineas upon that Occasion, and perus'd the Draught of a Charter, and advis'd getting the Reference, to the Attorney, or himself, that it might be in his Power to do Justice, which Expression was understood, by the Projectors, in a favourable Sense, as approving their Scheme: He told them he would do them Justice, and was so kind as to state all Objections, and to answer them himself, and declar'd, he thought there could be no Objection to their having a Charter, unless they could hit upon something that had never been thought of by Man. That the late Attorney General coming out of the Counsel when the Petition was read, took particular Notice of the Petitioners, who were then attending, and told them, they must have a Charter; they gave forty Guineas to him, and twenty five to the Solicitor General. That there was a Hearing after the 6th of *March* 1717, and no Notice was taken of any Letter receiv'd; but Mr. Solicitor took Notice of Objections to the Charter, which he answer'd himself; and Mr. Solicitor advis'd them to get a Petition for an Incorporation for the *Thames* Water Affair, and advis'd the Projectors to get the Reference to the Attorney or Solicitor General, and assur'd them he would do them Justice; and said, That if it was refer'd to the present Attorney General, he might be against it, if he knew the Solicitor was interested in it: That this was about four or five Months ago: That upon this Application for a Charter, Mr. Solicitor struck his Name out of the Subscription, and said, it was because he did not know but that the Reference might come to him.

James Vernon, Esq; (one of the Clerks of his Majesty's most honourable Privy-Council, having Leave from his Majesty to be examin'd) said, That he attended in Council, upon the 8th of *January*, when the References were made to the present Attorney General alone. And being ask'd, What was the Direction

rection given in Council touching those References? He said, That the Direction was, that they should be refer'd to Mr. Attorney General. And being also ask'd, Whether the Orders of Reference are drawn up different from the Directions that were given in Council? He answer'd, That he was sure they were not. And said farther, That upon looking into the References in Council, ever since the *Restoration*, for one Reference to the Attorney and Solicitor, or to the Attorney or Solicitor, there are five to the Attorney alone.

Upon which the House came to the following Resolutions.

I. That the several Informations, in the said Report, mention'd to have been given to the said Committee by Sir William Thompson, Kt. (a Member of this House), tending to accuse the Right Honourable Nicholas Lechmere, Esq; his Majesty's Attorney General, and one of his Majesty's most Honourable Privy-Council, of corrupt and evil Practices, are malicious, false, scandalous, and utterly groundless.

II. That it appears to this House, that the Right Honourable Nicholas Lechmere, Esq; Attorney General to his Majesty, has discharg'd his Trust, in the Matters refer'd to him by his Majesty in Council, mention'd in the said Report, with Honour and Integrity.

They likewise order'd the Report, with the Proceedings of the House thereupon, &c. to be printed.

March 19. The Commons, in a Grand Committee, made some Progress in the *Bill for regulating the Nightly Watch*: And

March 21. After several Accounts relating to Annuities, Lotteries, and Debentures, had been laid before the House, Sir Joseph Jekyll presented *A Bill to prevent the impious Practice of Duelling*, which was read the first, and order'd to be read a second Time. Then the *Bill for enabling the South Sea Company to increase their Capital Stock, &c.* was read a second Time; and a Motion being made, that the said Bill be committed to a Committee of the whole House, there arose a small Debate, in which something was offer'd in Favour of the Proposals made by the Bank of England, for the Repurchase of Annuities: But the Question being put upon the said Motion, was carry'd

carry'd in the Affirmative by a Majority of 201 Votes against 31.

March 22. Upon the Report made by Mr. Hampden, from the Committee appointed to consider of the Petition of several Merchants trading to *Virginia, New-England*, and the rest of the Plantations in *America*, a Bill was order'd to be brought in, for encouraging the Importation of Hemp, Flax, and Deal Boards from the Plantations. Then, according to the Order of the Day, the ingross'd Bill from the Lords, intitled, *An Act for the better securing the Dependency of the Kingdom of Ireland upon the Crown of Great Britain*, was read the third Time; but an ingross'd Clause being presented to the House, and read, *for Confirming the Judgments and Decrees heretofore made by the House of Lords in Ireland*, and a Debate arising, whether the said Clause should be read a second Time, it was thereupon resolv'd to adjourn the Debate 'till Saturday the 26th. After this, upon reading the Order of the Day, for the House to resolve it self into a grand Committee, upon the Bill for Repealing so much of an Act of Parliament, 12 Car. 2. entitled, *An Act for the Encouraging and Increasing of Shipping and Navigation*, as it allows the Importation of the Product or Manufacture of *Asia*, from any Port within the *Streights or Levant Seas*: A Petition of several Clothiers of the City and County of *Gloucester*, was presented to the House and read, setting forth, That the *French* send large Quantities of Woollen Cloths, of their own Fabrick, to the Dominions of the Grand Seignior, and, in Return, bring Silk, and other Products of *Asia*, which are imported into this Kingdom by Way of *Leghorn*, to the great Discouragement of the *Turky* Trade, and Hindrance to the Exporters of Woollen Cloths, and other Products of this Kingdom, and praying, That the House would give such Encouragement to the Woollen Manufacturers of this Kingdom, as to them should think meet. This Petition was referr'd to the Consideration of the grand Committee; into which the House having resolv'd it self, they went through the said Bill, and made some Amendments thereto, which were order'd to be reported that Day Sev'night.

March 24. A new Writ was order'd for electing a Burgess for *Lewes in Sussex*, in the Room of *Philip York*,

York, Esq; who had accepted the Office of Solicitor General to his Majesty: Then the Bill against Dueling was read the first Time, and committed to a Committee of the whole House; and the Call of the House being adjourn'd to the 31st, the Commons, in a grand Committee, went through the Callicoe-Bill, making several Amendments to it.

March 2. The House being mov'd that several Clauses in the Act, of the 3^d Year of his present Majesty, *For redeeming several Funds of the Governor and Company of the Bank of England*, relating to the Redemption of several Annuities payable to them, might be read, the same were read accordingly: And then resolv'd, 1st, That Notice be given to the Governor and Company of the Bank of England, that this House will, at *Lady-Day*, 1721, redeem the Annuity of 88,751*l.* 17*s.* 10*d.* ob. per Annum, payable to them for the principal Sum of 1,775,027*l.* 17*s.* 10*d.* ob. pursuant to the Act of the 3^d Year of his Majesty's Reign in that Behalf. 2^{dly}, That Notice be given to the Governor and Company of the Bank of England, that this House will, at *Michaelmas*, 1721, redeem the Annuity of 100,000*l.* per Annum, payable to them for the principal Sum of Two Millions, pursuant to the Act of the 3^d Year of his Majesty's Reign in that Behalf. And Mr. Speaker was order'd, that Day, to signify the said Resolutions in Writing to the said Governor and Company; which he did accordingly. After this, in a grand Committee, a farther Progress was made in the Bill for enabling the South Sea Company to increase their Capital Stock.

March 26. After the Reading of a Petition of the Magistrates and Merchants of Penryn in Cornwall, relating to the Bill about the Levant Trade, a Bill for preventing of Frauds and Abuses on the Allowances on damag'd Wines, &c. was read the second Time, and committed to a Committee of the whole House. Then the House resum'd the adjourn'd Debate, touching the second Reading of the ingross'd Clause offer'd from the Lords to the Bill for the better securing the Dependency of the Kingdom of Ireland upon the Crown of Great Britain; and a Motion being made, and the Question put, that the Debate be adjourn'd, it pass'd in the Negative. Then the Question being put, that the said Clause be read a second Time, it was also carry'd in the Negative, and resolv'd, that the Bill,

with the Amendments, do pass. After this, in a grand Committee, the Commons went through the *Bill for regulating the Nightly Watch*, and made several Amendments thereto.

March 28. A Petition of the Merchants and Masters of Ships of the Town of *Falmouth*, was read, relating to the *Bill about the Levant Trade*; and then a *Bill for the registering and encouraging Merchants, Seamen, and Seafaring Men of Great Britain and Ireland, and for the Ease of his Majesty's trading Subjects*, was read the first, and order'd to be read a second Time. After this, in a grand Committee, the Commons went through the *South Sea Company Bill*, and made several Amendments thereto; and among others, added to it a Clause of Appropriation of the Money to be paid into the *Exchequer*, by the *South Sea Company*, pursuant to this Bill.

March 29. After the Reading of several Petitions about the *Levant Trade*, a *Bill for making forth new Exchequer-Bills, not exceeding One Million, at a certain Interest, and for lending the same to the South Sea Company at a higher Interest, &c.* was read the first, and order'd to be read a second Time. Then Mr. *Carteret* reported to the House the Amendments made in a grand Committee to the *Callicoe Bill*, which were agreed to, and the Bill, with the Amendments, was order'd to be ingross'd.

March 30. Mr. *Farrer* reported the Amendments made, in the grand Committee, to the *Bill for enabling the South Sea Company to increase their Capital Stock, &c.* which were agreed to, and another Amendment being made, the Bill, so amended, was order'd to be ingross'd. Then the *Bill for making out new Exchequer-Bills*, was read the second Time, and committed to a Committee of the whole House. On the last of *March*, the Commons agreed to the Amendments made in a grand Committee, to the *Bill for regulating the Nightly Watch*, and order'd the same to be ingross'd; after which the Call of the House was farther adjourn'd 'till that Day Sevenight.

G E R M A N Y.

The Affairs of Religion in the Palatinate and other Parts of the Empire: Continu'd from the last Register, Page 68.

THE King of Prussia having, by Way of Reprisal for the Elector Palatine's Seizing the Church of the Holy Ghost at Heidelberg, order'd the Convent of St. Pancras, at Hamersleben in the Principality of Halberstat, to be shut up; the Emperor thought fit to interpose in Behalf of the Papists, and writ the following Letter to his Prussian Majesty, exhorting him to restore that Convent to the Romanists.

WE Charles VI. &c. To the most Serene, most Potent Prince and Lord, Frederick-William, King of Prussia, &c. We cannot help acquainting your Serenity as Prince of Halberstat, that the Convent of St. Pancras at Hamersleben have laid before us their Complaints, that pursuant to the Register of Protocol they produc'd, Intimation had been made to their Sub prior, by your Serenity's Privy Counsellor de Hamrath, President at Halberstat, that whereas it appear'd, that the Elector Palatine's Serenity was not inclin'd to put a Stop to the Innovations hitherto undertaken against his Subjects of the Evangelical Communion, you, and the King of England, together with the Landgrave of Hesse Cassel, as also the whole Protestant Body, had resolv'd to appose all Manner of proper Expedients, and that therefore your Serenity was resolv'd, in Case the Palatine Court persisted in their present Proceedings, and did not before the End of the Month of November now past, restore all Things to their former Condition, their Convents shall be entirely shut up, the Religious turn'd out, and the Revenues sequester'd; for which Reason the Convent should, by an express and speedy Deputation to the Elector Palatine, prevail with him to take another Resolution, conformably to the Constitutions of the Empire, or otherwise that they were to expect that your Serenity's abovesaid Resolution would be put in Execution: And the Petitioners of the said Convent implor'd our effectual Imperial Assistance in these their pressing

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pressing Occasions. Now therefore, as we cannot find, the Circumstances being such, how your Serenity could be prevail'd upon, to take so hard a Resolution against that Convent, which had committed nothing in this Case, and, particularly, considering that such Reprisals are severely prohibited by all the wholesome Laws and Constitutions of the Empire; and that it would be derogatory to our supreme judicial Authority, if it should be permitted, upon the arising of Differences between Electors, Princes, or States, to leave us the Supreme Head of the Empire, and to fall on and exercise unlawful Violences, particularly against Ecclesiastics, who have not the least Part in those Differences, and against their Revenues, or even to threaten them therewith: And as we shall never be wanting, in Case Application be made, as it ought, to us, most speedily to make Provision conformably to the Constitutions of the Empire; we have thought proper, pursuant to the supreme Imperial Office incumbent upon us, and as *supremus Advocatus Ecclesiarum* (supreme Patron of the Churches) hereby, out of our Imperial and paternal Care, to exhort your Serenity, as Prince of *Halberstat*, by no Means to execute those Violences you have threaten'd the Petitioners with, which are unlawful in themselves; but in Case the same should unexpectedly have been put in Execution, before the Arrival of these Presents, forthwith to redress them, to leave the Petitioners of the said Convent undisturb'd, according to the Treaty of *Westphalia*, and to carry on the main Cause, by the regular Ways pointed out in the Statutes of the Empire; assuring your Serenity, as a Cousin and Brother, in the most friendly Manner, that as we have already done in this Affair, we will farther interpose our supreme Imperial Authority, to the End that your Serenity, and all who are of your Communion, shall not have the least Reason of Complaint: We expect an entire Compliance, remaining, &c.

Given at Vienna
December 5,
1719.

CHARLES.
Sinsendorf.
Mensbengen.

Upon

Upon the Receipt of this the King of Prussia writ the following Letter to M. Burchardi, his then Resident at the Court of Vienna.

Frederick-William, King of Prussia, &c. We have, a few Days ago, receiv'd from his Imperial Majesty the Letter, of which a Copy is here inclos'd, relating to our sequestering, already some time since, the Convent of *Hamerleben*, in the Principality of *Halberstat*. You are to represent to such of the Imperial Ministers, to whose Province this Affair belongs, that the said Convent is already actually shut up, and that the Revenues belonging to it were sequestered, before the Letter was deliver'd to us: That what we order'd about this Affair, was not done only of our own Head, but in Concert with his Majesty the King of Great Britain, the Landgrave of *Hesse-Cassel*, and the principal Protestant States of the Empire, which were all of the same Opinion with us; seeing the Elector Palatine had taken, by open Force, contrary to the plain Letter of the Treaty of *Westphalia*, from his Protestant Subjects in the Palatinate, their Churches and Revenues, and other Liberties belonging to them; and that notwithstanding all the pressing Representations that were made to him, he would never, in the least, give them Redress; that consequently, we, and the other Protestant States of the Empire, could not be blam'd, if we made use, against our Subjects professing the Roman Catholick Religion, of the same Principles, which the Elector Palatine thinks lawful, and permitted to be put in Practice in his own Dominions against his Protestant Subjects. But we hereby declare, That we do not intend to introduce in our Dominions any Innovations in Prejudice of the Roman Catholick Religion, like what the Elector Palatine appears inclin'd to, or, in the least, to abridge them of any Advantages to which they are entitl'd by the Treaty of *Westphalia*; but rather are willing to maintain them in the Enjoyment thereof for ever, for the future, as we have hitherto done, and that we will redress and restore all Things upon the former Foot, with relation to the Convent of *Hamerleben*, and the Cathedral of *Minden*, as soon as the Church of the *Holy Ghost*, at *Heidelberg*, shall be restor'd to the Re-form'd, the Grievance about the Catechism redress'd, and other Innovations remov'd, which were made in

the Palatinate, contrary to the exprefs Tenor of the Treaty of *Westphalia*. That, in the mean time, his Imperial Majesty will be pleas'd to permit us to communicate his said Letter, as concerning not only us, but the whole Protestant Body, to his *Britannick* Majesty, and the other Protestant States, after which we will farther explain our selves in such a Manner, as to satisfy his Imperial Majesty of our Equity and Desire of contributing, all that in us lies, towards the publick Tranquillity: But whereas, in such Cases, it is a standing Rule, that the Persons violently turn'd out of their Possessions, ought, before all Things, to be restor'd to their former Condition; and that it is notorious, that the Protestants, in the Palatinate, suffer'd Violence, and were dispossest of their Properties, in the Affair of the Church at *Heidelberg*, and the taking from them their Catechism, it was hoped his Imperial Majesty, as a just Prince, would see them restor'd without Delay, and, to this End, issue speedy, proper, and effectual Orders, which will be the surest and best Way for a speedy Accommodation of this Affair, &c.

Berlin, the 9th of *December*, 1719.

The King of *Prussia* return'd soon after a very particular Answer to the Emperor's Letter as follows.

I Have receiv'd your Majesty's Letter, dated at *Vienna* the 5th of *December*, which your Majesty has thought fit to send to me, concerning my Resolution taken as to the Convent at *Hamerleben*, till the unjustifiable Proceedings of the Elector Palatine against the Protestants be redress'd: I see by it, that it has been represented to your Imperial Majesty, 1. That the said Convent have not, in the least, concern'd themselves in that Affair. 2. That such Reprisals are severely prohibited by all the Laws and Constitutions of the Empire. 3. And are therefore unlawful Violences. 4. That your Imperial Majesty, as supreme Head, has been neglected. 5. That consequently this is derogatory to your Office of supreme Judge. 6. To which your Imperial Majesty adds, That you will never be wanting, in Case such and other Complaints be laid before you, to issue speedy Orders, conformably to the Constitutions of the Empire. 7. Your Majesty afterwards, pursuant to your Office as Emperor and supreme Patron of the Churches, exhorts me

not

not to put that Resolution in Execution, or to annul it, and to redress the Complaints of the Petitioners of the said Convent, according to the Treaty of *Westphalia*. 8. And, as to the main Cause, to carry it on by regular Ways pointed out in the Statutes of the Empire. 9. Assuring, that in this Case, your Majesty will farther interpose your Imperial Authority, as has already been done in that Affair; so that I, and all who are of the same Communion with me, shall have no Occasion of making the least Complaint.

Your Majesty's Assurance contain'd in N^o 6 and 9, must needs afford me, and all Protestants, particular Joy and Comfort; and your Majesty may also be perfectly satisfy'd, that no Man makes the least Doubt of your Majesty's Love of Justice; but, for this Reason, it cannot but grieve me, and all Protestants, to the Heart, that, notwithstanding this, the *Roman* Clergy, the Authors of all the Oppressions the Protestants labour under, knew how to find Means, ever since the Peace of *Westphalia*, to this very Hour, for above 70 Years together, to elude these just Imperial Intentions.

But the Fact is notorious and incontestable, that during all that Time the Protestants have laid innumerable Grievances, partly before the Emperors themselves for the Time reigning, partly before the supreme Courts of Judicature in the Empire; but that they never, for what I know, obtain'd just and equitable Relief in any one. And also in this present Affair against the Electors, of *Mentz* and *Palatine*, they have heard, not without Grief, that, upon the ample Representations deliver'd by the Protestant Body on the 14th of *October* last, to your Majesty's principal Commissary at the Diet, all that ensu'd was, your Majesty's barely requiring a Report, which, however, as altogether insufficient, and not agreeable to the Constitutions of the Empire in such Cases; as the Protestant Body have plainly made out in another Representation to your Majesty's principal Commissary; whereas, on the other Hand, at the Request of the Convent at *Hamerleben*, immediately and directly dehortatory Letters to me were granted them: Which remarkable Disparity is a new and melancholy Proof to the Protestants, that their implacable Enemies know how to conceal from you, in the plainest Cases, the

the true Circumstances, and to suppose false ones, consequently to prepossess your Majesty's most equitable Mind against them.

Such unjust Suppositions are they among others, to say your Majesty was neglected in this Affair, and your supreme judicial Authority offended. The first is contradicted by plain Fact; for as it is already mention'd, the Protestants have had Recourse in all their Oppressions, particularly in those of late in the Palatinate, first of all to your Imperial Majesty, and implor'd your Help; though it is enacted in plain Terms, in the Treaty of *Westphalia*, and other Fundamental Laws, that in Cases where the Question is about putting in Execution that Treaty, and the restoring of former Possessions, the complaining Party shall forthwith apply to the Directors of the Circle; or, in case the latter fail in their Duty, to all or any one of the Parties concern'd in that Treaty, or even by their own Means, and with the Assistance of Imperial, Swedish, or other Arms, that is to say, by arm'd Force, to repossess themselves; which military, but lawful Execution, shall, by no Means, be accounted a Contravention against this Treaty; but rather the Party complain'd against, if he offers Resistance, shall be oblig'd to make good all the Damage and Expences that may arise.

By this it also appears, how ill grounded the other Supposition is, *viz.* That such Executions are derogatory to your Imperial Majesty's supreme judicial Authority: For how can it be said, that the putting in Execution against the Offenders those Laws which are made with the Concurrence of, and inforc'd by the said Authority, are derogatory to the same? Whereas this is the only Thing that ought to be done in such Cases of Restitution; inasmuch as there is no Difference in Point of Law, nor is a judicial Determination what is demanded, but solely Execution in Point of Possession; and in Case there is still some Inquiry to be made about it, this, according to the said Constitutions of the Empire, ought to be done by, the Executors upon the Spot, and immediate Execution made accordingly.

Had your Imperial Majesty therefore, upon the Complaints of the Protestant Body, speedily issu'd Orders agreeably to the Constitutions of the Empire, nothing would have been more acceptable to the Protestants,
and

and I should never have had the Thought of undertaking any Thing against the Convent at *Hamerleben*, or any where else, in my Dominions, that might be troublesome to the *Roman* Catholicks. But whereas the *Romish* Clergy have already found Means to divert your Majesty from the right Way, pointed out by the Constitutions of the Empire; and as they are linked together by a common Interest, and partake of the Benefit accruing to them from the Oppression of the Protestants, they will make no Difficulty falsely to tell your Majesty that the Convent at *Hamerleben* have committed nothing, at all. Though the Conventuals may not be properly and directly concern'd in the Counsels of the Electors, Palatine and *Mentz*, (a Thing I will not enter upon now, to discuss) yet they are Part of that Body, which, after an unjustifiable Manner, in open Defiance of the Laws of the Empire, oppress the Protestants by their wicked Advices, (by which Princes are so often misled) and gain Advantages by it: Consequently every Member shares of the Guilt of the rest, the rather, because their Ecclesiastical Head approves and justifies these perfidious Counsels; if he does not even spur them on to it, at least he does not restrain them, as he might easily do; and so the Conventuals at *Hamerleben*, or others, if, by the Nature of their Hierarchy, they suffer any Thing on the Score of their Fraternity's Misbehaviour, they ought but to complain against those their Brethren, and even against their said Chief himself.

And therefore all falls to the Ground that they have suggested to your Imperial Majesty, as if the Proceedings against them were unjust Violences, and Reprisals prohibited by all the Laws and Constitutions of the Empire. For it appears, by what has been said above, that what I have done, with relation to the said Convent, is very improperly call'd Reprisals; whereas it is nothing else but a Retortion of a pretended Right, and is permitted; by all Natural, Divine, Civil, and Canon Law, and therefore does the less deserve the Name of an unjust Violence, as it is a manifest Proof of the great Moderation of the Protestants, who having an undeniable Right, by the Treaty of *Westphalia*, to do themselves Justice by armed Force, yet make Use of the most gentle Methods; which are the least able to raise Disturbances, and endeavour to bring the Aggressors to Reason by a Retortion, which others, be-