

that it was absolutely necessary to remit the Discussion of the particular Interest of the Allies to general Conferences. By which it appears, that the Minister of France was instructed to treat of the Interests of the Allies, which the *English* Ministry would by no Means consent to.

By Monsieur Torcy's Proposals, France offer'd to treat with England and Holland, either by themselves, or jointly with the rest of the Allies, not conceiving that Holland could possibly be excluded from the Negotiation; but it is determin'd by the *English* Ministry to carry on a separate Negotiation with France, exclusive of all the Allies; and in their private Propositions, an express Article is inserted, That the Secret should be inviolably kept, till allow'd to be divulg'd by the Consent of both Parties; and thereby England put the Negotiation into a Method more advantageous for France, than France had propos'd or could hope for.

The Committee insert here the first Part of the eighth Article of the Grand Alliance, wherein it is stipulated, *Neutri Partium Fas sit, Hellosemel suscepio, de Pace cum Hoste tractare, nisi conjunctim, & communicatis Consiliis cum altera Parte.* What will be thought of so manifest a Violation, as this whole Proceeding appears to be, of the Grand Alliance, the Committee will not take upon them to determine; but this Step being once taken, and secret Preliminaries sign'd upon this Foot between England and France, before any Thing had been finally treated and concluded for the Security of Great Britain, what fatal Consequences did happen to her Majesty's Kingdoms, and what Advantages accru'd to the common Enemy, seems to deserve the most mature Consideration. They likewise observe, that here, in the very Infancy of the Negotiation, the Trade of the World, and the entire Spanish Monarchy, which had cost so many Millions, and the Effusion of so much Blood, without being once insisted upon, contrary to the repeated Addresses of several Parliaments, and the declar'd Sense of the Queen, are given up by the *English* Ministry to the House of Bourbon, for verbal Assurances, that the Crowns of France and Spain shall never be united.

There is no Account given of any Correspondence with Mr. Prior during this his Stay in France, nor does the certain Time of his Continuance there appear. Upon his Arrival in France, Monsieur de Torcy, in his Letter of the 2d of August, 1711, N. S. tells Mr. St. John, He saw, with

with great Pleasure, Mr. Prior return, after an Interval of so many Years; that he could have wish'd, he had had greater Liberty to employ those Talents, which he was perswaded he would have made a good Use of; but he hopes Monsieur Mesnager will supply what he could not do. Upon his Return, he was attended by Monsieur Mesnager, a Minister of France, vested with full Powers in due Form, and dated August 3, 1711, to treat, negotiate, conclude, and sign with such Ministers, as should be authoriz'd in due Form, not by Britain only, but any of the Princes or States then in actual War with France. That Monsieur Mesnager, upon his Arrival here, frequently conferr'd with the Queen's Ministers, appears by many Instances; but the subject Matter of these Conferences, the Times, Places, and particular Persons with whom he treated, or by what Authority, the Committee find no Account of, till the 20th of September, 1711. That by a Letter of Mr. Secretary St. John, then at London, of that Date to the Queen at Windsor, it appears, That the Lord Treasurer, Lord Chambeslain, Lord Dartmouth, and Mr. St. John, met Monsieur Mesnager that Evening at Mr. Prior's House; which Meeting, as Mr. St. John says, was, by Order of the Lords of the Committee of Council; but seems unknown to the Queen, until the Secretary acquainted her with it by this Letter. That at this Meeting, Monsieur Mesnager deliver'd to the British Ministers the Answer, sign'd by the King of France, to the Demands last sent over by England; which Demands and Answers were made the secret Preliminary Articles betwixt Great Britain and France, and were sign'd as such September 27, 1711, by Monsieur Mesnager on the Part of France, and the Acceptation of them by Lord Dartmouth and Mr. St. John on the Part of Great Britain. That Mr. St. John, in this Letter, represents it to the Queen, as the unanimous Opinion of her Servants then present, that a Warrant and full Powers should be prepar'd that Night, and transmitted to her Majesty to be sign'd, in Order to pass the Great Seal the next Day, whereby the Earl of Oxford, the Duke of Buckinghamshire, the Bishop of Bristol, the Duke of Shrewsbury, Earl Poulett, Earl of Dartmouth, Henry St. John, and Matthew Prior, Esqrs. were to be constituted Plenipotentiaries, to meet and treat with Monsieur Mesnager; which Warrant, and a Translation of the full Powers, were sent to the Queen. That this Warrant under the Signet, appears sign'd by the Queen, directing the Lord Keeper to affix the Great Seal to an Instrument thereunto

thereunto annex'd, containing her Commission to himself, and others therein nam'd, to meet and treat with the *Sieur Mesnager*; but it does not appear, that any such Instrument did pass the Great Seal, the Warrant remains not countersign'd, and endors'd *Not used*. That this Warrant is dated the 17th of *September*; although 'tis manifest by *Mr. St. John's* Letter, it was not prepar'd, nor thought of, till the 20th: Which antedating seems design'd to justify the Ministers in their meeting and conferring with the Queen's Enemies, previous to the Warrant; which never passing into a legal Authority, it appears that these secret Negotiations betwixt *France* and the Queen's Ministers here, were begun and carry'd on from the 11th of *April*, to the 25th of *September*, 1711, when the Warrant to *Lord Dartmouth*, and *Mr. St. John* was sign'd, without any Powers or written Authority from the Queen; and it is very observable, that the Queen was brought into these Measures, by its being represented to her by the Secretary of State, as the unanimous Opinion of all her Ministers, to which alone the Assent of the Queen is to be ascrib'd: But what is more strange, is, that after *Mr. St. John* had represented it to the Queen as the unanimous Opinion of her Ministers, that full Powers must immediately pass the Great Seal to authorize them to meet and treat with the said *Monsieur Mesnager*, these Powers should be laid aside; and the Acceptation of the Preliminaries sign'd by *Lord Dartmouth* and *Mr. St. John*, by Virtue of a Warrant directed to them two only, sign'd by the Queen at Top and Bottom, and countersign'd by no Body.

Where the Obstruction arose to the passing these Powers, does not appear to the Committee; but those Ministers seem conscious to themselves of what was doing, who so readily concurr'd in privately meeting, conferring, and treating with the Ministers of *France*, till this separate Negotiation was brought to Maturity; but avoided to become Parties when the Treaty was to be sign'd and executed. That this great Care and Caution for their own Persons, and little Regard for the Honour and Interest of their Queen and Country, appears through this whole separate Negotiation: It being very remarkable, that there is not one Paper of Powers or Instructions throughout the whole Affairs countersign'd by any one Minister, but the Queen's Name expos'd to cover all; which looks as if they flatter'd themselves, that this Omission of their

their Duty would be sufficient to screen them from the Justice of the Nation, if these Matters should ever come to be enquir'd into.

The Committee observes, That after such a Sacrifice made of the general Interest of *Europe*, such a direct Violation of the Grand Alliance, and such unwarrantable and illegal Steps taken in transacting and concluding these special Preliminaries between *England* and *France*, it had been but reasonable to expect in them some very particular Advantages and Concessions made to *Great Britain*, to atone for such unprecedented Transactions; but it is astonishing to find how insignificant all the Demands are, that were made on the Part of *Great Britain*; and, inconsiderable as they were, how ineffectual they have since been rendered. That nothing possibly could be said less with Regard to the Succession, than what is here demand'd in the first Article. The Queen not yet acknowledg'd by *France*, nor design'd to be so, 'till the Conclusion of the Peace, as *France* afterwards explain'd this Article at the General Congress; not a Word of removing the Pretender; nor any Engagement not to support him in any Attempt he might make upon the Nation. That the Second Article offers a Treaty of Commerce, in such doubtful Words, as *France* only could take Advantage of. That in the Article of *Dunkirk*, the Equivalent is express'd in so strong a Manner, and the Demolition so very loosely; as could not but bring certain and great Prejudice to our Allies, with very little Prospect of Advantage to our selves; and fatal Experience has convinc'd us, what Security is procur'd for our Navigation by the Third Article. That the Fifth and Seventh Articles chiefly regard the *Assiento* Contract; what a National Advantage that is like to be, is now too well understood to want much Explanation: But with what Views the Ministers were so fond of this, as to make it their chief Care and Concern, will no longer be a Doubt when it shall appear, that this Part of the Treaty was calculated only for private Advantage. That what the Ministry themselves thought most valuable in these Articles, was that Part of the Seventh which grants us an Advantage of 15 per Cent. upon our Manufactures sent to *Spain*: But this great Advantage soon vanish'd into nothing; and was given up by our Ministry here. The Bishop of *Bristol* says indeed of it, in his Letter of the 17th of August 1712, That it was granted by the French with a Design either to enflame Things between us and the Dutch, or to give the French a Pretence to stipulate for themselves such



particular Advantages in the Spanish Trade as may be the Ruin of ours. But what is most remarkable in the Seventh Article is the Introduction to it, in which the Ministry confess themselves to have been impos'd upon by France; for they declare, 'That from the first Proposals of Monsieur de Torey to that Time, they always understood ~~that~~ by the real Securities promis'd in those Proposals, were meant Places; which now was absolutely refus'd; and they consent to take for real Securities what they confess is none, but what a Love of Peace may induce them to accept as an Equivalent.' That what was really of most Importance to England was the Eighth Article, which relates to Hudson's Bay and Newfoundland; but the Ministry suffer'd themselves to be so grossly impos'd upon in this Article, that they directly give to France all they wanted, which was a Liberty of taking and drying their Fish; whilst France gives nothing at all to us, but refers our most valuable Interests to the general Conferences: Which was but another Manner of denying them, as the Event has sufficiently shewn. That we demand in the Sixth Article, that we shall have all the Privileges that have been or shall be granted by Spain to the Subjects of France, or any other Nation. Whereas the Ministers ought to have insisted that France should not upon any Pretence whatsoever be permitted to trade to the Spanish West-Indies, which they would not have omitted, if they had had the least Regard to the Trade of Great Britain, or had not entirely forgot the Eighth Article of the Grand Alliance; wherein it is expressly stipulated, as a Condition without which no Peace shall be made, *neque ipsis ibidem* (that is the French in the Spanish West-Indies) *Navigatio Mercatura exercenda causa sub quocunque pretextu, directè vel indirectè, permittatur.* One Thing further is to be observ'd of these Articles, that such of them as any way relate to Spain, are expressly granted in the Name and by Virtue of Powers given by King Philip; and yet after this, all Intentions of leaving any Part of the Spanish Monarchy to King Philip is publickly disavow'd; That this short View of these Special Preliminaries sufficiently demonstrates that the Interest of Britain was not the Inducement to our Ministers to proceed in this extraordinary Manner. Yet trivial as these Advantages are, France is press'd that they may be first adjust'd; to what Use and Purpose is fully explain'd in the Draught of Answers upon the Conferences with Monsieur Mesnager, That our Ministers may be enabled to engage the Queen to make the Conclusion of the general Peace easie to France.

It is declared, That to settle the Interest of Great Britain in the first Place is the Principle from which the Queen can never depart; which Plea was made use of, to defer the Interests of all the Allies to be discuss'd at general Conferences; but the Turn given to it here was to amuse the People, by perswading them that the English Ministry was contending for great and particular Advantages and Concessions to be made to Great Britain, that might make us some Amends for that great and unequal Burthen which we had lain under through the whole Course of the War. But the English Ministry having thought fit every where to extol and magnifie the vast Advantages that were granted to Great Britain, France resolv'd to make a proper Use of it, and declar'd these Articles were an eventual or conditional Treaty only; and that the King of France would not be oblig'd to make them good, but in Case of the Signing of a general Peace; in this Sense Monsieur Mesnager sign'd them, and with this Condition they were accepted on our Part. Hark Terms! That such Concessions as these were not to be purchas'd at a less Price than forcing upon our Allies such Conditions of Peace as France should be pleas'd to impose upon them; and this the Ministry were fully appriz'd of some time before they were accepted, for in pressing to settle and adjust singly and separately the Interests of Great Britain, they enforce it by saying, France can run no Risk in such Engagements, since the Special Preliminaries will have no Effect till a general Peace shall be sign'd. By these Means the Committee observe to how fatal a Dilemma the Queen was brought by her Ministry; she must either now go on, through all Adventures, in the Measures of France, or they had it in their Power, by divulging the Secret and exposing such a notorious Breach of National Faith, to make what Advantage they thought fit of it among the Allies, who must from this Time think themselves disengaged from the Queen, if they could find their own Account by looking after themselves.

And that the French were neither so ignorant, nor wanting to themselves as to miss such an Opportunity, appears above Three Months before their Articles were sign'd. When Lord Raby in his Letter of the 28th of June, 1711, N. S. to Mr. St. John, acquaints him, That both the Pensionary and Monsieur Vander Dussen had seen a Letter from Monsieur de Torcy, giving an Account that they had begun a Negotiation in England. By which Management the English Ministry had, under Colour of the Queen's Authority,

and the Pretence of Treating of a Peace, put it in the Power of *France* to divest the Queen of all her Allies, and given them greater Advantages than they could ~~only~~ other Ways have hoped for.

On the same Day that the *Special Preliminaries* betwixt *Great Britain* and *France* were sign'd, another Ser. of General Preliminaries on the Part of *France*, was sign'd by Monsieur *Mesnager* only; which Mr. *St. John*, in his Letter to the Queen, says, were to be sent into *Holland*, as the Foundation of a General Peace, in which my Lord Treasurer had made some Alterations to make the whole more palatable abroad: And, on the same Day, a separate Article was sign'd in Favour of the Duke of *Savoy*. From this Time a perfect Confidence was established between the two Ministries of *England* and *France*; Lord *Strafford's* Instructions in order to his immediate Return into *Holland* were now preparing, and dated Oct. 1. O. S. 1711. And as an early Proof of the Confidence which Mr. *St. John* repos'd in the *French* Minister, he acquaints Monsieur *de Torcy* by his Letter of October 2. O. S. that the Earl of *Strafford* was going for *Holland*; and says, *Your Minister*, (meaning Monsieur *Mesnager*, who was then going back to *France* and carried this Letter,) is fully inform'd in what the Earl of *Strafford* is to propose to the States. Such Intelligence of the Queen's Counsels, which Mr. *St. John* confesses he had given to the Ministers of the Queen's Enemies, seems very extraordinary; especially if it be consider'd, that Lord *Strafford* was sent over to press the opening the General Conferences, with Assurances of the greatest Friendship and Concern for the Interests of the States, on the Part of the Queen, and by her Authority to procure from *France* just Satisfaction for all her Allies; and in his Instructions is likewise directed to propose to the States a new Scheme for carrying on the War. Almost every Article in Lord *Strafford's* Instructions is a Specimen of the Sincerity with which our Ministers intended to treat the Allies. He is instructed that it must be the most careful Endeavour and fix'd Principle of all the Confederates to hold fast together; and this immediately after a separate Treaty had been sign'd by Us; and if the Ministers of *Holland* should express any Uneasiness at their Apprehensions of any such private Agreement, he is order'd by evasive Answers to avoid giving them Satisfaction concerning it. But his chief Business was to deliver to the States the Propositions sign'd by Monsieur *Mesnager*, as the Foundation of a general Peace, and as the whole of what had been transacted;

and to acquaint them, that *France* had propos'd *Utrecht*, *Amegoth*, *Aix la Chapelle*, or *Liege*, to be the Place for opening the Conferences; to press the States to fix upon one of these Places, and immediately to grant Passports to the *French* Plenipotentiaries to come thither and open the General Conferences.

These Propositions, so very general and uncertain, did extremely alarm the States, as not being a sufficient Foundation upon which a Negotiation might be hazarded; which made them for some Time decline granting the Passports; and in order to prevail with the Queen to have some Regard to her faithful Allies, and particularly in the two great Articles of their Barrier and Commerce, they sent over *M. Buys*, to intercede with her Majesty to alter her Resolutions; they make the same Representations to the Earl of *Strafford*, but all to no Purpose. For as *Mr. St. John* declar'd in his Letter to my Lord *Strafford* of *October* the 9th, Certain it is, that her Majesty has so far determin'd on her Measures, that those will deceive themselves, who may imagine by Delay or other Artifices to break them. And again, *November* the 2d, to the Lord *Strafford*, The Queen will not finally concert a Plan for the Prosecution of the War with the States, untill they join with her in agreeing to open the Conferences of Peace. And the Lord *Strafford* acquaints *Mr. St. John*, *November* the 15th, That he had now told them, her Majesty's Order to him was to declare, That she should look upon any Delay, as a Refusal to comply with her Propositions. In these Circumstances the Dutch, at last, comply to grant the Passports, and agree to open the general Conferences at the Time fix'd by the Queen, *January* the 1st, 1711-12.

The Resolution of the States-General upon this Occasion must have mov'd any Set of Men, not already determin'd to hear no Reason but what came from *France*; for altho' the Representations made by the States on both Sides the Water, had made some Impressions, as is Evident by a Memorial deliver'd by *Mr. St. John* to the Abbot *Gualtier*, *October* the 29th, 1711, and by *Mr. St. John*'s Letter to *Monsieur De Torcy* of the same Date, that accompany'd it; yet 'tis in the Memorial declar'd, That the Queen remains firm in her first Resolution of causing the Conferences to be open'd upon the Articles sign'd by *Monsieur Melinager*. The same Memorial declares, It was absolutely necessary that the most Christian King should give to her Majesty the Queen, such Explications of his Intentions in respect to the particular Interests of the Allies, which he shall think proper, to engage them

to come more easily into the general Negotiation. So that hitherto 'tis plain, our Ministers were entirely ignorant even of the King of France's Intentions with Regard to the Allies. And again 'tis said, If her Majesty wishes the most Christian King would give an Explication to her Demands, &c. his most Christian Majesty may assure himself, the Queen will make no other Use of the Trust the King shall repose in her, but to advance the Negotiation, in seeking the shortest Means, and the most effectual, to obtain a Peace so much coveted. It is therein again acknowledg'd, that the Dutch have nothing in View but their Barrier and Commerce; and provided the Queen can, without Fear of being disavow'd, specify somewhat near the Barrier that France will consent to yield to them, and to assure them of the Treaty of 1664, there's no Room left to doubt that the States-General would come without any farther Hesitation into the Negotiation, in the same Manner as it had been concerted. But lest all these Arguments should have no Effect, Mr. St. John, in his Letter to Monsieur de Torcy, says, These Explications will dissipate all Clouds, and you may believe we will make use thereof with great Reserve, when I assure you, that if the King would offer a Plan of Specifick Preliminaries, the Queen will never communicate it to her Allies; he concludes, If the Sieur Gualtier returns with these Marks of Confidence, you will see our Parliament as much inclinable to Peace as ever it was to War.

Here the Committee observe the English Ministry begging of France, after they had been seven Months treating with them, that they may have some Intimations, at least, of what was design'd for the Allies; expressing their Fear of being disavow'd by France, after they had gone these Lengths with them; declaring, the Dutch would come into the Queen's Measures, if they could but know any Thing near the Barrier that was design'd them, and have Security about the Commerce; persisting still, without any such Satisfaction, in the Measures prescrib'd by France, resolv'd to force the Allies into general Conferences, upon loose and uncertain Articles, and promising, if they could but have so much Credit with France as to be trusted at all, they would use it with the greatest Reserve, and never communicate it to any of the Allies, for whose Satisfaction only, 'tis pretended, all this Submission was made. The Return made by France, is seen in a Paper call'd, *Answer to the Memorial brought by Monsieur Gualtier, November the 18th, 1711.* This Memorial is accompany'd with a Letter from Monsieur de Torcy to Mr. St. John,

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of the same Date, wherein he tells him, *His Majesty* wholly depends upon the Secrecy and good Use you will make of the entire Confidence he testifies to the Queen of Great Britain, and the King of France extols the Firmness of the Queen, and sees with great Pleasure the new Marks of Resolution she shews. Hereupon the Committee observe in general, that nothing had at this Time been demanded of France concerning the Disposal of the Netherlands; and that the King of France, not satisfy'd with having secur'd Spain and the West-Indies to his Grandson, proposes to strip the Emperor of all his Dominions in Italy, and to impose upon him much worse Terms than he afterwards procur'd for himself, when left to carry on the War alone. The Dutch may have the Tariff of 1664, with some Exceptions, if they consent to this Scheme; if not, they are to be reduced to the Tariff of 1699. But, as extravagant as this Scheme was, it is receiv'd by the English Minister, without any Surprize or Resentment; and Mr. St. John, in his Letter of the 25th of November, 1711, thanks Monsieur de Torcy for the Communication of it; promises to make a discreet Use of it; and that the utmost Efforts should be used to fix the Pretensions of the Allies, he represents it as necessary, that all those who wish for Peace, may mutually help one another, and endeavour to finish the Treaty so soon as not to be expos'd to another Campaign. The Committee adds, that it is no Wonder that this Plan was never communicated to the Allies, which must at once have broke off all the Conferences; and determin'd them rather to run all Hazards, than treat upon so ruinous a Foundation; but 'tis a Wonder that the English Ministry were not startled, when they saw such a Scene open'd. And this shews with what Justice the Ministry complain'd, that the Allies would not enter into the Queen's Measures, when they never were inform'd what the Queen's Measures were.

Pursuant to the Resolution of the States-General upon the pressing Instances of the Queen, Passports for the French Plenipotentiaries are sent to Monsieur Buys, and deliver'd to Mr. St. John. Utrecht is agreed upon here to be Place for the general Conferences. The Bishop of Bristol, then Lord Priy-Seal, and the Earl of Strafford, are appointed her Majesty's Plenipotentiaries. December 23, 1711, her Majesty's Instructions to her Plenipotentiaries are settled and sign'd, upon which the Committee make one Observation, viz. That the Plenipotentiaries are order'd to insist, that the Security and reasonable Satisfaction



which the Allies expect, and which his most Christian Majesty has promis'd, cannot be obtain'd, if *Spain and the West-Indies* be allotted to any Branch of the House of *Bourbon*; so that hitherto the Queen thought fit to declare in all publick Acts, that *Spain and the West-Indies* ought by no means to be left in the Possession of the House of *Bourbon*; altho' in the *Special Preliminaries*, sign'd by the Earl of *Dartmouth* and Mr. *St. John*, on Sept. 27. preceding, the King of *France* did expressly promise to make good the 6th Article, for himself and for the King of *Spain*, pursuant to the Powers which were then in his Majesty's Hands.

On the 15th of *January* 1711-12, the *British* Ministers arrive at *Utrecht*, who, by their general Instructions, being order'd to concert Measures with the Ministers of the Allies, and at the Beginning pursuing these Directions, Monsieur *de Torcy*, on the 31st of *January*, writes to Mr. *St. John*, and tells him, he perceives there was not so perfect a Confidence establish'd between the Plenipotentiaries of *France* and *Great Britain* as was to be desir'd: He believes therefore he will think it proper to send to the Bishop of *Bristol* and the Earl of *Strafford* more precise Instructions, concerning the Manner in which they were to concert their Proceedings with the King's Plenipotentiaries. And in the Answer to the Memorial sent by Monsieur *Gualtier*, March the 28th, 1712, it is declar'd, The principal Order that the King had given to his Plenipotentiaries, when they set out for *Utrecht*, was to establish a strict Intimacy between them and the Ministers of the Queen of *Great Britain*.

On the 29th of *January*, at the first general Conference, Lord *Strafford* declar'd, that the Queen had receiv'd the generall Propositions as a Foundation for a Negotiation of Peace; but that they were binding to *France* only, and not to the Allies; to which the *French* Ministers readily assented. But this was meant of the Propositions sign'd by Monsieur *Mesnager* only, the Congress not having the least Notice or Cognizance of what was sign'd, both on the Part of *France* and *England* too; which had been hitherto conceal'd, and on all Occasions publickly disown'd.

On the 11th of *February*, 1711-12, the *French* deliver'd a specifick Explanation of the general Preliminaries, sign'd by Monsieur *Mesnager*: Upon which it is observ'd, that the King of *France* here makes, as well as in the *Special Preliminaries*, his first Offers in the Name, and by Virtue of Powers from his Grandson as King of *Spain*: How the *British* Plenipotentiaries could reconcile this to their Instructions,

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Instructions, and how their Behaviour upon it is to be judged, is not very clear. This Explication was receiv'd by all the Allies with the greatest Indignation, and deepest Concern; which had such an Effect, that Lord *Strafford*, in his Letter of the 16th of February, 1711-12, says, *The French Ministers are mortify'd at the general Discontent these Offers gave; and seem to wish they had put in Tournay for the Dutch, and St. Venant to be demolish'd, to have soften'd the Matter at its first coming out. Nor were the British Plenipotentiaries without their Uneasinesses: They had done all they could (Lord Strafford says) to persuade the French to be as ample in the Explication as they could, being that is what will have a great Effect, and strike the Minds of unthinking People, and make some Work for Reflection for the Faction. The Plenipotentiaries complain they are under great Difficulties on all Hands, for both Monsieur *Bury* and *Meignager* think they come short of what had been told them in England. But Mr. St. John soon sends them Words of Comfort, that Mr. Harley will set out in a few Days, who is fully instructed in all the Queen's Views and Desires; that it were to be wish'd this Gentleman could have been sooner sent, but the Hurry which we have been for some Time in, is inexpressible; and he was too useful to be spar'd, 'till the House of Commons was perfectly secur'd to the Queen's Interest, and to the Measures of Peace. I think I may say, they are absolutely so now. Hereupon the Committee take Notice of the Reflection cast here upon that House of Commons; as if they were secur'd to the Queen's Interest, and the Measures of Peace, by the Management of a Secretary to the Treasury, a near Relation and a trusty Agent of the Lord High Treasurer: They add, that 'tis plain for whose Use and Service Mr. Harley had been employ'd at Home, and was sent abroad, since Mr. St. John gave Monsieur *de Torcy* an immediate Account of his successful Endeavours here, and the Business he was sent abroad to manage. Adding, *The Queen hop'd his most Christian Majesty would co-operate with her. Mr. Harley's Instructions do not appear, but it seems the Subject of them was not proper to be committed to Writing; for which Reason, as in almost all Matters relating to the Pretender, it was refer'd to Monsieur Gaultier to explain them; but what is meant by the necessary Dispositions made among our People here at Home, is explain'd by Monsieur de Torcy, in a Memorial dated the 28th of March 1712, in Answer to what was brought by Monsieur Gaultier; wherein he commends the prudent Conduct of the Court of Great Britain, in managing the House of Commons,**

Commons, and in particular, their wise Conduct in making known to the House of Commons, that the Nation was abus'd by its Allies; and says, *The King of France assures himself, that those who now manage with so much Capacity the Affairs of the Queen of Great Britain, know how to curb the Passion of the turbulent Party in the other House.*

The Allies at *Utrecht* met together on the 4th of *March*, *N.S.* to communicate their respective Demands, and agreed that a Clause should be inserted therein, for a just and reasonable Satisfaction for all the rest. Count *Zinzendorff* further insisted, that the Restitution of the whole *Spanish* Monarchy should be expressly mention'd. The *Dutch* declare they were resolv'd to make good all their Treaties, made on Occasion of this War. But our Plenipotentiaries were the *Poly* Ministers that did not make any Mention at all of *Spain* and the *Indies*; they were sensible of the disadvantageous Consequences of their Silence, they were desirous to take off this Odium, by seeming to say something, and in reality to say nothing; which they did by a general Declaration concerning the just and reasonable Satisfaction for the Queen's Allies, in Conformity to her Alliances; and humbly hop'd what was said would not be found contrary to what had hitherto been declar'd.

On *Mar. 5*, the specifick Demands of the Allies were delivered to the *French* Plenipotentiaries in Writing: they promise to explain themselves further upon them at the next Conference, which was to be the 9th; and then desir'd a further Time to the 30th. On the 30th, the *French* Plenipotentiaries declare they were ready to proceed in the Negotiation, by debating with the several Allies; but would give no Answer in Writing: Which was a great Surprize to all but the *British* Ministers, whom the *French* had beforehand advis'd with. The Allies still resolv'd to press the *French* to answer in Writing, and solícite the *British* Ministers to join with them in it; who, that no Mark of Disagreement might appear (as their Lordships express themselves in their Dispatch of *April 1, 1712*) did finally consent, to an Instance that was to be made the next Day to require an Answer in Writing.

But Lord *Strafford* had before given Mr. *St. John* an Account of his Opinion, in his Letter of *March 25*, wherein he says, *He believed the French had taken the wisest Party not to answer in Writing, tho' most of the Ministers of the Allies will be surpris'd, expecting they should.* And says further, *I believe it is best they shall first begin in the open Con-*

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press to reason upon some of the Allies Demands, which will occasion so much Difficulty, that the Ministers of the Allies will propose debating separately; which had better come from them than any one else. The French Ministers still persist in their Refusal, upon which the States came to a Resolution at the Hague, not to treat unless an Answer was given in Writing.

However the French continue obstinate. Lord Strafford sends an Account that a Resolution was taken at the Hague to carry Things to an Extremity; upon which Occasion Mr. St. John expresses himself in this Manner, April 5. 1712, That he hopes the Resolution taken at the Hague, was the last convulsive Pang of an exiring Faction. And yet this Resolution was no more than to insist on a Demand, in which all the Allies were unanimous and in which the British Plenipotentiaries but concurr'd. But this Proceeding is accounted for in Lord Strafford's Letter of April 27, 1712, wherein he says the Pensionary was extremely desirous the French would answer in Writing, which 'tis his Lordship's Opinion they will evade till they see what Success Gualtier has had at London; and in his Letter of the 30th, The French will avoid giving their Answer in Writing, till they see all agreed betwixt their Court and ours.

And to shew that the French were very well satisfy'd with the Method their Business was in, the Plenipotentiaries in their Letter of April 15, 1712, say, They do not find the French are much convinc'd of the Necessity of Dispatch, and when any Thing is let fall of breaking off the Conferences, they seem to take it with a great Air of Indifference, well knowing their Business was not to be done at Utrecht, but by a Negotiation carry'd on directly betwixt London and Versailles.

The Beginning of April Mr. Harley and Mons. Gualtier arrive at Utrecht; and a few Days after, the French Plenipotentiaries communicate to the British Ministers a Plan for a General Peace; but under the highest Obligation of Secrecy, to discover nothing to the rest of the Allies.

Our Plenipotentiaries accept this Plan as a Mark of the great Confidence France had in them; readily engage that the Allies should not know a Word of it; and under the same Caution sent it to the Secretary: Tho' there is no Room to doubt, but this Plan that was transmitted to England as a great Discovery, was concerted here, and sent by Mr. Harley to Utrecht, and by Abbot Gualtier to France.

To shew how candidly we dealt with the Queen's good Friends and Allies, as her Majesty was pleas'd to style them,

them, the 15 per Cent. upon all the Goods and Manufactures of *Great Britain*, which was offer'd at first — one of the chief Bribes to *England* to come into this destructive Peace, *Monf. Mesnager* had now explain'd away, and confin'd to such Goods as were carry'd not to *Spain*, but to the *Spanish-West Indies* only; and our Ministers finding that *France* would not make this effectual, *Mr. Harley* is order'd to let it drop. But see the Use that is to be made of this Insincerity of the *French*; at the same Time that *Mr. St. John* acquaints our Plenipotentiaries with her Majesty's Consent to give this up, he tells them, 'But you will take Care to do this in such a Manner, as not only to get something for it another Way, but also to render this Concession of the Queen a Means of bringing the Dutch to Reason,' to a Compliance with her Majesty's Measures. *Lord* *Ivy Seal*, *April 29, 1712*, acquaints *Mr. Secretary*, 'Our Negotiation is at a Stand, till the French Ministers are ready to return one Answer or other.' And *May 10, 1712*, the Plenipotentiaries say, 'The French tell us they can't think of giving in their Answer to the Allies, till they hear from *England* the Success of *Monf. Gualtier*; and you may believe we wait for it with no less Impatience than they do.' *Mr. St. John*, *May 3, 1712*, acquaints their Excellencies, 'I hope in a few Days my Dispatches will become more material, and that we shall be able either to satisfy our Friends at *Utrecht*, or not have Reason to be much concern'd at their Uneasiness.' This ends in *Lord Strafford's* being sent for into *England*, and the following Orders are sent to *Lord Privy Seal* for his further Conduct, 'You are to stop all Instances for procuring the Tariff of 1664 to the Dutch; you are to decline absolutely to confer any farther with them upon any Matter, till you receive the Queen's Plan from hence; and her Majesty finds so ill a Return made by the States to her Condescension towards them, that she orders your Lordship to take the first solemn Opportunity of declaring to the Dutch Ministers, that all her Offers for adjusting our Difference, were founded upon this express Condition, that they came immediately into the Queen's Measures, and act'd openly and sincerely with her; and that she looks upon herself, from their Conduct, now to be under no Obligation whatsoever to them.' The Summary then of this whole Proceeding at *Utrecht*, in one short View, appears to be this. A Congress for General Conferences was necessary to be open'd, that the Allies might, in Appearance,

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Appearance, agreeable to the Grand Alliance, have the Opportunity of treating and adjusting their several Pretensions. Our Ministers were by their Instructions to act in Concert with the Allies, but they really acted in Concert with the *French* Plenipotentiaries. The Allies giving with the pacifick Demands was not to be avoided; but the *French* were to gain as much Time as they possibly could by unnecessary Delays; and at last insisted upon such a Method of answering these Demands, as they knew the Allies could not comply with. In the mean Time the Negotiations were carrying on directly between *England* and *France*, or rather, all the Conditions dictated and prescrib'd by *France*, whilst the Allies were amus'd with a Dispute about the Method of answering, from which *France* wou'd not, and they could not possibly depart; in which *England* agreed with the rest of the Allies. All Particulars that concern'd even the Intereſt of the Allies, were transacted betwixt the Ministers of *England* and *France* under the highest Obligations of Secrecy. The *Dutch* are press'd to come into the Queen's Measures, without being acquainted what the Queen's Measures were: And because they wou'd not consent to they knew not what, as soon as 'twas resolv'd to send Orders to the Duke of *Ormond*, not to engage in either Siege or Battle, and the great Projects were ready to be executed on the other Side of the Water, the Queen declares *ſhe* looks upon herself now, from this ~~Contract~~, to be under no Obligation whatsoever to the States General. And thus the Alliance betwixt Great Britain and her principal Ally, is declar'd to be dissolv'd and cancell'd, before any Thing was finally agreed and concluded betwixt us and *France*, or we had the least Security for our own Trade and Commerce, or any other Advantages that were to accrue to Great Britain.

During these Negotiations at Utrecht, the two great Points of the Renunciation of the Spanish Monarchy, and of the Cessation of Arms, had been upon the Anvil. The First Mention of the Renunciation is in a Memorial dated March 28, 1712, entitled, *The Answer to the Memorial brought by Mons. Gualtier, the 23d of March 1711*, which is suppress'd: But from the Answer that was given to it, it appears, that as the general Proposal that the Crowns of France and Spain should never be united, arose first from England, and was made an Article in the private Propositions sent over by Mr. Prior; so from that Time to this, the Method of preventing that Union does not appear to have been once mention'd. The Sense of France and Spain



Spain upon that important Article was not known, nor so much as ask'd, altho' in every Step France had given plain Indications, that the Crown of Spain was to remain to King Philip; and the Committee is surpriz'd to find the Ministry had gone such Lengths in promoting the Measures of France, without taking the least Precaution, or having any Satisfaction concerning the Monarchy of Spain; wherein the Interest of Great Britain, was, by their own Confession, more immediately concern'd, than in all their other Articles of Peace put together. But that it is plain, that in this Memorial sent from England, the Scheme for preventing this Union was first propos'd by England, and that the Expedient was a Renunciation: And as this is a Matter of such Importance as deserves the greatest Attention, the Committee observe, that Mons. de Torcy declares in strongest Terms, 'That the Renunciation desir'd would be null and invalid by the fundamental Laws of France, by which the most near Prince to the Crown is of Necessity the Heir thereto; 'tis an Inheritance that he receives neither from the King his Predecessor, nor from the People, but from the Benefit of the Law. He succeeds not as Heir, but as the Master of the Kingdom, the Seignory whereof belongs unto him, not by Choice, but by Right of Birth only. That this Law is look'd upon as the Work of him who hath establish'd all Monarchies, and they are perswaded in France, that God only can abolish it. A Renunciation therefore can destroy it; and if the King of Spain should renounce, for the Sake of Peace, and in Obedience to the King his Grandfather, they would deceive themselves that receiv'd it as a sufficient Expedient to prevent the Mischief we propose to avoid.' Then he gives an Account of the Disposition made of the Succession to the Crown of Spain by King Philip; and register'd in the Councils of Spain; which he proposes may be confirm'd by the present Treaty of Peace, and ratify'd by the Cortes or States of the Kingdom of Spain. Mr. Se. John in his Answer, March 23, 1713, O. S. rejects this Proposal, and not at all convinc'd by what Mons. de Torcy had so strongly urg'd concerning the Nullity of the Renunciation, insists still upon it. 'We are ready, says he, to believe you are perswaded in France, that God alone can abolish that Law, upon which your Right of Succession is founded; but you will give us Leave to be perswaded in Great Britain, that a Prince may depart from his Right by a voluntary Cession; and that he, in Fa-

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your of whom that Renunciation is made, may be justly supported in his Pretensions, by the Powers that become Guarantees of the Treaty. In short, Sir, the Queen commands me to tell you, that this Article is of so great Consequence, as well for herself, as for the rest of Europe, for this present Age as for Posterity, that she will never agree to continue the Negotiations of Peace, unless the Expedient she has propos'd be accepted, or some other equally solid.

Monf. de Torcy, in answer to this Letter, April 8, N. S. begins to think it cannot be impossible to find an Expedient to settle this great Affair; and he proposes, that when the King of Spain shall become either immediate Successor, or presumptive Heir to the Crown of France, he shall then declare the Choice he intends to make, either to maintain his Right to the Crown of France, or keep that of Spain; that King Philip shall become Party to the Treaty, wherein the Succession to the Two Crowns shall be likewise settled, and that all the Powers of Europe shall enter into an Engagement with France to maintain it. Mr. St. John, April 6, O. S. reasons against this last Proposal, and the several Projects contain'd in Monf. de Torcy's last Letter; insists that no Expedient can effectually secure Europe from the Dangers wherewith it is threaten'd by the Union of the two Monarchies, unless the Prince, who is at present in Possession of Spain, makes his Choice at this very Instant, and upon a Supposition that the Crown of Spain would be his Choice, that this Declaration should be made during the Congress at Utrecht. April 26, N. S. Monf. de Torcy agrees, that the Catholick King must calm the Uneasiness of Europe, in declaring from the present Time what Part he will take, if ever the Succession of France is open in his Favour. That the Inconveniencies arising from hence, must submit to the publick Good. That the King dispatches a Courier to Spain, and writes to the King his Grandson, to let him know the Necessity of resolving on the Choice he shall make, and to declare it; so the End it may be inserted in the Treaty of the General Peace, and be made a Condition of it, whereof all Europe shall be Guarantee. And promises to use all possible Means, even Force, if it were necessary, to make the King of Spain agree to it. He hopes this Proposition will remove all Difficulties; and as they must expect new Obstructions from those who would willingly break the Conferences, he believes the best Way would be  
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for the Queen of Great Britain to propose immediately a Suspension of Arms.

April 29, O. S. Mr. St. John answers this Letter, and treats this Proposal as liable to all the Objections of the former. ' This, says he, would be to lose the Fruit of all the Blood which the Allies had spilt in the Course of this War; this would be to betray the common Cause of Europe, and to expose both the present Age and Posterity to greater Dangers than 'tis possible to imagine. In short, he insists that they must take Care that the Time shall never be, when the same Prince shall have the Crown of Spain upon his Head, and the Succession to the Crown of France open to him. He at last proposes, If the King of Spain profess the Expectation of the Crown of France to the present Possession of Spain; in such Case he shall withdraw forthwith his Family out of Spain; the Possession of which, and the Indies, should be given to the Duke of Savoy; that King Philip should have the Kingdom of Sicily, and the Hereditary Dominions of the Duke of Savoy, together with the *Montserrat* and *Mantua*; all which Dominions he should remain possess'd of, tho' he became King of France; excepting Sicily, which, in that Case, should return to the House of Austria.

May 18, N. S. Mons. de Torcy still yielding and complying with the Measures of England, shews the great Hardship the King of Spain must undergo, in sacrificing his own and the Interest of his Family; however, the King of France would send to him to know his Mind upon the two Alternatives: And in the mean Time promises, that the Treaty of Peace shall be made, upon the Foundation of one of these two Propositions; either that the King of Spain shall renounce his Right to the Crown of France, and keep Spain and the Indies; or if he prefers his Expectation upon France, he shall quit Spain and the Indies to the Duke of Savoy, in Exchange for the present Dominions of the Duke of Savoy, &c. as propos'd by Mr. St. John.

And here the Committee observe, that this Correspondence between the two Secretaries for preventing the Union of the two Kingdoms, carry'd on from about the Middle of March to the 18th of May 1712, ended, at last, just as it began; and King Philip chose to make the Renunciation. The French Minister giving us such early Notice, and telling us so very plainly, that what we ask'd was utterly insufficient, and would be for ever deem'd

deem'd, by the unalterable Laws of *France*, null and void, is very remarkable. His Dexterity in managing that Part of the Negotiation, in seeming always to comply, and desirous to come as near as possible to the Proposals made from hence, and submitting at last, since we would have it so, to the Renunciation so peremptorily insisted on, is no less observable. But it is unaccountable how the *English* Ministry, when they were expressly told those would deceive themselves, who should accept of a Renunciation as a sufficient Expedient to prevent the Re-union of the two Monarchies, when they laid it down themselves as a Principle never to be departed from, that the Union of the two Monarchies would be the greatest Mischief that could possibly happen to *All Europe*, and to *Great Britain* in particular, should still persevere in relying upon this Expedient of a Renunciation. And it cannot be forgot, that no Care was taken to render effectual the two only Expedients, that were ever propos'd for adding any Degree of real Security to the Renunciation; which were, to have it solemnly accepted by the States of *France*, and to have it confirm'd by a General Guarantee of all the Powers of *Europe* engag'd in the present War. The first was ask'd indeed; but upon the Refusal of *France*, was entirely given up by our Ministry: The second, by our Method of negotiating, and our Treatment of the Allies, was from that very Time render'd impracticable, as the *French* could not but foresee. It must be remember'd, that a few Days after this Answer of *Monf. de Torcy* was receiv'd, *Mr. St. John* sent Orders to the *British* Plenipotentiaries to declare to the States-General, the Queen was now under no farther Obligations whatsoever to them, who, with the rest of the Allies, were to be the Guarantees of this Treaty.

The Committee mention here a Passage in a Letter from the Lords Plenipotentiaries to *Mr. St. John*, February the 26th, 1714, N. S. who acquaint him, that in some Discourse with the *Marshall d'Uxelles*, upon occasion of the Death of the Dauphin, they desir'd to know of him, what those Measures are which *France* offer'd to take, in Order to prevent the Union of the two Kingdoms, and whether they were to consist in real or verbal Securities; the *French* Minister pretended to know no other but of the latter Sort. And then they suggest to *Mr. St. John*, that an Obligation upon King *Philip*, to renounce the Regency, as well as the Crown of *France*, for himself and his Posterity, would amount to some Degree of real Security.

rity. But no Endeavours were used to obtain this, nor any mention made of it, as far as appears.

Mr. *St. John*, as Secretary of State, transacted this Affair with *Monf. de Torcy*; but as it can't easily be supposed, that he did this without the Advice and Approbation of the Lord Treasurer, as first Minister; so it appears, that at the same Time, a Correspondence was held betwixt the Lord Treasurer and *Monf. de Torcy*.

*Monf. de Torcy's* Letter of the 18th of May, N. S. was receiv'd by Mr. *St. John* the 9th of May, O. S. and the Promise of the King of France, to oblige his Grandson to accept the Alternative of the two Kingdoms, had so good and sudden an Effect, that the Day following, without waiting the Return of the Courier from Madrid, to know whether King *Philip* did consent or not to the Proposal, Orders are sent to the Duke of *Ormond* by Mr. *St. John*, to avoid engaging in any Siege, or hazarding a Battle, till farther Order. And he is directed to disguise the Receipt of this Order. Her Majesty thinks he cannot want Pretences for conducting himself so as to answer her Ends, without owning that, which at present might have an ill Effect if it were publickly known. On the same Day that these Orders are sent to the Queen's General, with Directions to disguise them, which was to conceal them from the Confederates, they are communicated to the Queen's Enemies. 'Abbot *Gualtier* will give you an Account, says Mr. *St. John* to *Monf. de Torcy*, of the Orders I have just now dispatch'd to the Duke of *Ormond*.' What Mr. *St. John* himself thought of the Importance of this Order, is to be learn'd from his Letter to Mr. *Prior*, September the 19th, 1712. 'The Moment I read the Queen a Letter from *Monf. de Torcy*, by which it appear'd, that the King of France would oblige his Grandson to accept of the Alternative of quitting one of the two Monarchies, her Orders were dispatch'd to the Duke to engage in neither Siege or Battle; and she prevented the French from even making the Demand. I will not say that this Order sav'd their Army from being bear, but I think in my Conscience that it did.

On the 24th of May 1712, Mr. *St. John* writes again to *Monf. de Torcy*, altho' they had yet receiv'd no Answer from Madrid concerning the Renunciation; but being press'd in Time, and finding it necessary for the Queen to make the Communication to the Parliament that she had promis'd, of the Terms on which a Peace might be made;

matte; he acquaints him with the Steps the Queen was resolv'd to take, provided the Most Christian King would render them practicable for her. And in a Memorial of the same Date, specifies the Conditions upon which her Majesty consents to make such important Steps, and decisive Declarations to her Parliament, as these which follow, ' 1. That she had settled with France the Interests of Great Britain. 2. That she looks upon the Interests of the other Powers engag'd with her in the War, as easy to be adjusted; since the King offers to the greatest Part of them, very near what they have demanded, and to all a just and reasonable Satisfaction. 3. That she will set about accommodating the Affairs of her Allies; and that to prevent all the Obstructions which the Events of the Campaign might occasion to the Negotiations of Peace, she had agreed with the King to a Suspension of Arms." The Conditions specify'd in the Memorial, are Demands relating to North America, to Commerce, and the Suspension of Arms.

In the Article concerning Commerce, it is said, ' That several Points relating to Trade requiring a longer Discussion than the present Crisis would admit, and the Queen being much more intent upon securing the General Peace, than any particular Advantages; demands only, 1<sup>st</sup>, That Commissaries should be nam'd on both Sides to meet at London, there to examine and settle the Duties and Imp-Geions to be paid respectively in each Kingdom." 2<sup>dly</sup>, That no Privileges or Advantages relating to Commerce with France, shall at any Time be yielded to any foreign Nation, which shall not at the same Time be granted to the Subjects of her Britannick Majesty; as likewise, no Privilege or Advantage in Relation to the Trade of Great Britain, shall be yielded to any foreign Nation, which shall not at the same Time be granted to the Subjects of France. As to the Suspension of Arms, Her Majesty will consent it shall be made for two Months: Provided 1<sup>st</sup>, That within the said Term the King of Spain shall either make the Renunciation demanded, or shall yield Spain to the Duke of Savoy, upon the Conditions mention'd in Mr. St. John's Letter of the 29th of April, O. S. 2<sup>dly</sup>, That the French Garrison shall evacuate Dunkirk, and the Queen's Troops be admitted the same Day that the Suspension of Arms shall commence. 3<sup>dly</sup>, That in Case the States-General shall at any Time consent to the Suspension of Arms, it



' seems reasonable they should have the Liberty of putting  
' a Garrison into Cambray.

Upon these Conditions, the Committee observe, That altho' it was daily instill'd into the Minds of the People, that the great Advantages in Trade and Commerce secur'd to Great Britain, were the chief Inducements to the Ministry to engage in these Measures with France, it is here declar'd, they were more intent upon the General Peace, than any particular Advantages. And whereas it was laid down as a Principle from which the Queen would never depart, that the Interests of Great Britain should in the first Place be adjust'd; and the great Advantages stipulated for these Nations, before the Conclusion of the Peace, were to justify the Peace, and all the Steps that were taken to procure it; it is now evident, that no Mention was made of our Trade in Spain; and for our Commerce in general, the settling of that was postpon'd, and all Points in Dispute betwixt Great Britain and France, were to be referred to Commissaries; which Proposition was not demanded by France, but voluntarily offer'd by Mr. St. John.

On the 8th of June, 1712, N. S. Monsieur de Torcy sends an Account, That the King of Spain had chosen to keep Spain and the Indies, and renounce for himself and his Descendants, the Right to the Crown of France: Which principal Obstacle to the Peace being remov'd, the King of France expects that the Queen will now clear the rest of the Difficulties, which may obstruct this great Work; by making such Declarations as had been promis'd upon the Return of the Courier from Madrid. Adding, the King thinks the first and most urgent is, to settle a Suspension of Arms, either general, or at least between the two Armies in the Low-Countries, which may continue till the Conclusion of the Peace.

On the 10th of June, N. S. Monsieur de Torcy acknowledges the Receipt of Mr. St. John's Letter of the 24th of May, O. S. together with the Memorial, and sends another Memorial in Answer to the last Demands of the Queen. He takes Notice, That the Letters from the Army mention the Design to invest *Quesnoy*, in order to besiege it; but the King cannot think that the Queen approves of such an Undertaking, much less that her Troops shall be employ'd to render it successful: He concludes, that if a Suspension is not immediately made, we may find our selves indispensably drawn into some great Event, which he hopes the Secretary's Prudence and Care will prevent. And altho' in the Answer to the Queen's Demands, nothing

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thing material that was ask'd for our Trade in *North America* is granted, the Evacuating of *Dunkirk*, and admitting an *English* Garrison is not agreed to, and the receiving a *Dutch* Garrison into *Cambray* is absolutely refus'd, which were propos'd as Conditions of the Suspension of Arms: *Monsieur de Torcy* hopes, That this Return to the Queen's Demands will occasion no new Trouble, but as the Beginning and whole Course of the Negotiation was carry'd on upon the *Bona Fide*, and a mutual Confidence of which they had seen the good Effects; it is necessary to banish all Distrust, and the Queen to repose an entire Confidence in his Majesty, without insisting on Demands which may servé only to create Jealousies.

On the 8th of June, O. S. Mr. *St. John* owns the Receipt of *Monsieur de Torcy's* two Letters, and says, Altho' the King of *France* had not answer'd the Queen's Demands according to Expectation, yet she would not defer going that Day to Parliament, and making all the Declarations that were necessary to render the Nation unanimously inclin'd to the Peace; that she had not, indeed, mention'd to the Parliament the Suspension of Arms, but had command'd him to acquaint *Monsieur de Torcy* with the Resolutions she had taken in Relation to it, and insisting upon the Renunciation as the Capital Point of the Negotiation; and for which, her Majesty would rather depart from almost all the Points that had been agreed upon, than leave that to any uncertainty. Upon this Foundation, the Queen hopes that the most Christian King will not find any thing offensive in the Demands, which she found her self oblig'd to renew, being Conditions for a Suspension of Arms between the two Armies in the *Netherlands*; which, if the King consents to, says Mr. *St. John* to *Monsieur de Torcy*, you have only to sign, and send to the Duke of *Ormond*, who, at the same Time that he takes Possession of *Dunkirk*, will declare to the Allies, that he has Orders to act no farther against *France*. He acquaints him that the Lord *Strafford* was going back to *Utrecht*; that the Instructions he was to carry, will, according to your Desire, put the Queen's Plenipotentiaries in a Condition to keep no longer those Measures to which they have been hitherto obliged to submit, but from henceforth they may openly join with those of *France*, and give Law to those who will not submit to just and reasonable Conditions.

The Committee insert here an Extract of a Notable Letter from the Earl of *Strafford* to Mr. *St. John*, of the

30th of April, 1712. "Thus you fill see the Temper here, and the Time it will naturally take to get the Dutch (if they will at last settle a Plan) before it can be done. You see the Events we are expos'd to by the Operations in the Field in the Mean Time, and you have it by this Time in your Power to terminate all, and even to stop the Operations of the Army for a Month, till the Negotiation is ended one Way or other: There is no Pretence now it can be a Prejudice to us, should a Cessation be made; for the former Pretences are out of Doors, of its being impossible for the French to make Magazines for their Army to take the Field as soon as ours; and having burnt these Magazines, at first affirm'd impossible to be made, for us by that Means to be Masters of besieging either *Cambray* or *Arras*, and our Army's marching to *Paris* is stopp'd, at least for this Summer, in all Appearance. The French are now better poised than we are; their Army is much stronger. We cannot march to surprize them in other Parts of their Lines, 'till we have Green Forage, which won't be up at three Weeks at soonest. They have all their Troops up, and we want a great Part of ours, especially the *Imperialists*, who, 'tis said, cannot join the Army in a Month yet; so that now the Advantage of a Cessation of Arms is on our Side, if they will, for the Sake of a Peace, consent to it. If, upon these and other Considerations, a Cessation is thought in *England* necessary, the Queen must not propose it, but at the same Time be resolv'd to put it in Execution on her Side, if agreed to by the French; because such a Proposition will be sure to meet with Opposition, unless back'd with Resolution, and may have the Effect of making those who delight in War undertake with so much the greater Precipitation some desperate Attempt." Upon what groundless Allegations the Earl of *Strafford* did here advise a Suspension of Arms, is submitted to the Consideration of the House.

The Articles for a Suspension were sign'd by Mr. *St. John*, June 6, O. S. and the Answer was sign'd by Monsieur de *Torcy*, June 12, 1712, N. S. The next Day, June 7, O. S. Mr. *St. John* writes a private Letter to Monsieur de *Torcy*, expressing the utmost Confidence in the good Faith of the most Christian King; thinks it necessary to hasten the Peace; tells him, it will frighten the Dutch, to be told the Queen will act no longer against France; and that if they will not hasten to make their Agreement, they will have the Burthen upon their Backs which they are not able

able to bear. On the same Day, Mr. St. John sends to the Duke of Ormond Copies of these two last Letters, and of the Memorial sent to the Marquess de Torcy. ' You will perceive by them, my Lord, (says he) that the Queen insists on the Execution of the Article relating to Spain, and on the Delivery of Dunkirk, as Points without which she will not declare for a Cessation of Arms in the Netherlands: But if these Conditions are accepted, and sent sign'd by the Marquess de Torcy to your Grace, and Dunkirk put into your Possession, you are publickly to own that you can act no longer against the French. If they are not consented to, you are entirely free from Restraint, and at Liberty to take all reasonable Measures that are in your Power for annoying the Enemy. It is probable that Marshal Villars may receive the Orders which will be sent him from Versailles within a Day after this Letter will come to your Hands. Your Grace will therefore lose no Time in acquainting him, that you are in Expectation of hearing from his Court that which must determine your Proceedings; and that, according to the King's Resolution, you are either to look upon your selves on both Sides as freed from any restrictive Orders, and in full Liberty of acting against each other, or that you are openly to declare for a Cessation.

And here the Committee think it necessary to go a little back, and observe what Orders and Instructions had been given to the Duke of Ormond, and what Accounts he had sent of his Proceedings during the Time the Correspondence, relating to the Renunciation, was carrying on. On the 12th of April 1712, N. S. his Instructions are sign'd by the Queen, he is order'd to repair first to the Hague, and to see the Pensionary, before he puts himself at the Head of the Troops; to express to him the Queen's Resolution of pressing the War with all possible Vigour; to assure him he is prepar'd to live in a perfect good Correspondence with all the Generals, and particularly with those of the States; to inform himself what Plan has been agreed for the Operation of the Campaign: And as soon as he arrives at the Frontier, to meet with Prince Eugene, and such of the Generals as shall be in the Secret, and with them to concert the proper Measures for entering upon Action. The Committee conceive these Instructions sign'd by her Majesty must be the Rule of his Grace's Actions till countermanded or revok'd by equal Authority; there being no general Direction in them to follow such

further Orders as he should receive from a Secretary of State. The 24th of *April*, N. S. the Duke of *Ormond* gives the Secretary an Account, that, according to his Instructions, he had given the Pensionary all the Assurances of carrying on the War with Vigour, and acting in Confidence with the Allies, and more especially the *Dutch*, which were receiv'd with the greatest Professions of Duty and Respect to her Majesty.

On the 30th, his Grace was in Conference with the Council of State, where there were great Expressions of Duty to her Majesty. They told him there was no particular Resolution taken as to the Operation of the Campaign, but left it to their Generals, who, with their Deputies, are to act in Concert with the Generals of the Allies; and that they had given Orders to their Generals, to live in a good Correspondence with his Grace. And yet, on the 25th of *April*, O. S. which was before it was known *France* had agreed so much as to propose to the King of *Spain* the Alternative of the two Monarchies, which was not till the 18th of *May*, N. S. Mr. *St. John* begins to give the Duke of *Ormond* some distant Hint of the Scene that was afterwards to be open'd, and tells him, the Queen inclines to be of Opinion, that all the Troops, whether Subjects or Foreigners, belonging to her, should be immediately under his Grace's Command. There may have been formerly Reasons for using a different Method, but there seems at present to be some of a every strong Nature for taking this, and perhaps these may every Day grow still stronger. Insinuates there may be Reasons to be jealous of Prince *Eugene*; and on this Occasion his Grace is directed to be more cautious for some Time, of engaging in an Action, unless in the Case of a very apparent and considerable Advantage, upon Pretence of waiting 'till the *German* Troops were all arriv'd, that they may have their Share, if there is to be any Action.

On the 10th of *May*, N. S. the Duke of *Ormond* acknowledges the Receipt of two Letters from Mr. *St. John* of the 16th and 22d of *April*, neither of which appear. But his Grace says, in Answer to the Secretary, *I am of your Opinion, that a Battle won or lost would at this Time make very great Alterations in the Treaties now on Foot: But you remember, that in my Instructions, I am order'd to act in Conjunction with the Allies in prosecuting the War with Vigour; so that, should there happen a fair Opportunity to attack the Enemy, I cannot refuse it, if propos'd by the Prince and States.*

*But*

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But I hope to have the Messenger before the Armies are form'd, which will be in three or four Days.

On the 12th of May, N. S. the Duke of Ormond expresses still the same Uneasiness, wishes to hear from England that the Peace is near concluded; but hopes, if it be delay'd, we shall have the good Fortune to force the French to comply with the Queen's Demands. But his Grace was now soon put out of his Pain, by the Order mention'd before, of May the 10th, O. S. not to engage in any Siege, or hazard a Battle.

On the 25th of May, N. S. the Duke of Ormond writes two Letters to Mr. St. John, a private and a publick Letter. In the first, which was his private Letter, and all wrote with his own Hand, his Grace acknowledges the Receipt of his Orders, not to engage in Siege or Battle; to which he promises an exact Obedience, and to keep secret his having receiv'd any such Command, and will endeavour to hinder its being suspected. But Prince Eugene and the States having propos'd to attack the Enemy, or, if that be found too hazardous, to besiege *Quesnoy*; his Grace fears it will be very difficult for him to disguise the true Reason of his opposing all Proposals that shall be made for undertaking any thing, having no Excuse for Delays, all the Troops they expected; and the heavy Cannon, being to be here on Saturday: And he says, if he could have found Forage there, he would have made some Pretence to delay the March, tho' the Dispositions of it were made before he receiv'd this Letter. But on the same Day, his Grace writes another publick Letter to Mr. St. John, after he had receiv'd the Letter of the 10th, as is expressly said; wherein he takes no Notice of his Orders not to engage in Siege or Battle, but speaks of his having review'd the English Troops, and found them in so good a Condition, that must convince the Allies, how groundless the Complaints are that have been made of our Backwardness, of which, he says, I believe you will hear now no more. He goes on. If we find Opportunity to bring the Enemy to a Battle, we shall not decline it.

On the 28th of May, the Duke of Ormond, in his Letter to Mr. St. John, says, Yesterday Prince Eugene and the States Deputies desir'd that I would consent to send the Quarter-masters to view the French Camp, which I could not refuse, without giving them some Suspicion of what I am order'd to disguise; but I was sure that nothing of Action could happen, the Enemy being behind the Schelde. The Detachment that went with them were forty Squadrons, and all the Grenadiers



of my Army to support them, and make good their Retreat, should the Enemy have endeavour'd to attack them. They went as far (I mean the Horse) as Catelet, where the Right of the Enemy's Army lies, and are come back without seeing any of the French on our Side the Schelde. The Distance between the Head of the Somme and that of the Schelde is not above a League and a Half, which is a Plain, and the Enemy have not yet offer'd to throw up any Retrenchment: May be to-morrow they will begin to work, since they have seen our Troops reconnoitring that Way. Prince Eugene and the Deputies being to dine with his Grace the next Day, he was under Apprehensions they would press him to undertake something immediately, which it would be very hard to conceal the true Reason of his Refusing, having no reasonable Excuse for it. In this Letter his Grace gives an Account of a Letter that he had receiv'd from Marshal Villars, and the Answer that his Grace wrote to the Marshal. This Correspondence, which on both Sides is insisted upon to be kept as the most absolute Secret, is founded upon a Postscript in Mr. St. John's Letter of May the 10th to the Duke of Ormond; wherein he tells his Grace, Communication is given of this Order to the Court of France; so that if Marshal Villars takes any private Way to give Notice of it to you, your Grace will answer accordingly.

May the 25th, N. S. Marshal Villars acquaints his Grace, that he had the King's Orders, and the Queen of England's Consent, to write to him as soon as he receiv'd the Courier; and whatever Glory is to be acquir'd against a General whose Valour is so well known among them, he desires him to be assur'd that he never receiv'd more agreeable News than that they were to be no longer Enemies. The Duke of Ormond in Answer acquaints him, That he had receiv'd Orders from the Queen upon the same Subject, to which he would not fail to conform himself in the most exact Manner. But his Grace proceeds further than the Direction given him by Mr. St. John, and says, *The Motion which we are going to make is principally for the Subsistence of our Troops, so that you need not be under any Apprehension at this March; at least, I can answer for the Queen's Army, which I have the Honour to Command.* The Committee is at a Loss to account for this Transaction, unless his Grace had Orders not only not to act against France, but to give the French General Intelligence of all that was design'd in the Confederate Army.

The Report being made by the Quarter-Masters General, who went with the Detachment to view the French Camp, and

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and the Overture between the Sources of the *Somme* and the *Schelde*, and they all agreeing that the Ground was as advantageous as could be, to fall upon their Flank and Rear, it was propos'd to the Duke of *Ormond*, to march without the least Delay to the Enemy, and attack them. You may easily imagine (says his Grace, in his Letter to Mr. *St. John* of May the 29th) the Difficulty that I was under to excuse the delaying a Matter, which, according to the Informations I had from the Quarter-Masters General, and several other General-Officers that went out with the Detachment, seem'd to be so practicable: The best Excuse I could make was Lord *Strafford's* sudden Voyage to England, which gave me Reason to believe there must be something of Consequence transacting, which a Delay of four or five Days would bring to Light; and therefore I desir'd they would defer this Undertaking, or any other, until I should receive fresh Letters from England. The Committee cannot better represent the favourable Opportunity that was here lost to the Common Cause, and the Advantage, or rather Deliverance, that was secur'd to the Common Enemy, than in a Letter from the Deputies of the States to the Duke of *Ormond*, June the 4th, N. S. which is insert'd at Length in the Appendix: But these Representations, and the pressing Instances made by Prince *Eugene*, were entertain'd by Mr. *St. John* as affected Alarms and Glamours, rais'd with much Industry, yet such as gave her Majesty no Uneasiness. But they made some Impressions on the Duke of *Ormond*; he grew sensible of the ill Blood and Dissatisfaction caus'd among the Allies, who did not stick to say we were betraying them. He sends an Account, that Prince *Eugene* and the States Deputies had resolv'd to besiege *Quesnoy*; which Place was that Day, June 8, N. S. 1712, invested; and tho' he had nothing to do in the Operation, he could not refuse furnishing some Troops in the States Pay, but had avoid'd giving any in the Queen's whole Pay.

On the 7th of June, O. S. Mr. *St. John* sent to the Duke of *Ormond* his Letters of the 6th and 7th to Monsieur de *Torcy*, and the last Articles propos'd by Great Britain for a Suspension of Arms; and it is observ'd, that hitherto it was an entire Secret between the English and French Courts, and their two Generals, that neither Siege or Battle was to be engag'd in by the Duke of *Ormond*. Prince *Eugene* and the whole Confederacy were as yet amus'd with Hopes that the Duke of *Ormond* might be permitted in some Degree to comply with his Instructions, and the solemn and repeated Assurances that had been given, to act in Conjunction

junction with the rest of the Allies: But the Time was now come, when the Secretary's Care and Prudence was to deliver the *French King* from the Apprehensions under which *Monf. de Torcy* had so often declar'd him to be for the Events of this Campaign: And altho' the Suspension of Arms was press'd and insisted upon by *France*, and was to be granted purely for the Sake and Preservation of the *French Army*, which, in all Reason, should have brought them to a Compliance with the Demands sent from *England*; yet so very tractable did our Ministry prove, that *France's* refusing the Conditions at first propos'd for granting a Suspension of Arms, had no other Effect but to make us lower the Terms upon which they were to accept what could be no Advantage to *England*, but was of the highest Importance to *France*.

When these last Conditions were sent to the Duke of *Ormond*, with the Orders that attended them, it is to be observ'd, that Mr. *St. John* declar'd the Queen inclin'd on the Execution of the Article relating to *Spain*, and on the Delivery of *Dunkirk*, as Points without which she would not declare for a Cessation of Arms; so that if these Conditions were not absolutely consented to, if the Answer from *France*, which was to determine the Duke of *Ormond's* Measures, was not sign'd by *Monf. de Torcy*, and *Dunkirk* was not put into the Possession of the Duke of *Ormond*, his Grace was at entire Liberty to act against *France*; but upon these Conditions the Duke of *Ormond* was order'd immediately to declare a Cessation of Arms. The Committee think this Order in itself of a very extraordinary Nature, altho' conditional; and the Ministry seem in very great Haste to give all up into the Hands of *France*, when the Queen's General, at the Head of a Confederate Army in the Field, at that Time covering a Siege, which the Allies were engag'd in, should be order'd to govern himself according to such Significations as should come from the Court of *France*, and those transmitted to him by the General commanding the Enemy's Army, whose Duty it was by Force or Stratagem to raise the Siege, or gain any Advantage he could over the Allies. On the 22d of *June*, N. S. an Answer to the Proposals last sent over, was transmitted to Mr. *St. John*, sign'd by *Monf. de Torcy*, with two Alterations, one no less material, than whereas it was demanded, that the Renunciation should be ratify'd by the States of *France*, which had been mention'd before as one of the chief Securities to make it effectual, it is here substituted, that it shall be register'd

register'd in the several Parliaments: And to the Article on *Dunkirk* is added, That all the King's Officers, both Land and Sea Officers, shall have Liberty to stay at *Dunkirk*, and to execute their several Offices. On the same Day, *Monf. de Torcy* writes two Letters to *Mr. St. John*, the one a publick Letter, explaining at large the Alterations; the other a private Letter, to prevail with him to consent to these Alterations. And it is observ'd, that there are several Instances of such a private Correspondence between the two Secretaries. At the same Time, a Copy of the Memorial, and the Answer was sent to the *Marshal Villars*, who, with his Letter of the 24th of June, *N. S.* sends the Copies to the Duke of *Ormond*, and tells him the Originals were sent to *England*, and doubts not but the Suspension of Arms would immediately take Effect. But it appears by the Duke of *Ormond's* Letter to *Marshal Villars* of the 25th of June, that these were only Copies, and not sign'd, for his Grace wishes that the *Marquess de Torcy* had sign'd them, as being more agreeable to his Grace's Instructions, but that he may not stop so good a Work by Difficulties and Scruples, he will not insist upon Formality: He promises to go immediately to *Prince Eugene*, and the States Deputies, to perswade them to abandon their Enterprize upon *Quesnoy*, and to declare, that in Case of a Refusal, he shall be oblig'd to withdraw the Queen's Army; and as soon as the Troops which he should detach for that Purpose had taken Possession of *Dunkirk*, the Suspension of Arms shall take Place.

On the 27th of June, the Duke acquaints *Mr. St. John*, that he had been with *Prince Eugene*, and the States Deputies, and had acquainted them, that the *French King* having agreed to several Articles demanded by the Queen, as the Foundation of a Cessation of Arms, he could no longer cover the Siege of *Quesnoy*; but was oblig'd by his Instructions to march with the Queen's Troops, and those in her Majesty's Pay, and to declare a Cessation of Arms as soon as the Town of *Dunkirk* was deliver'd up. After this Conference with *Prince Eugene*, and the States Deputies, his Grace, according to his Promise, sends a second Letter to *Marshal Villars* of the same Date, and tells him, He apprehends that the Generals of the Auxiliaries paid by the Queen, will not leave *Prince Eugene's Army* without particular Orders from their respective Masters. An Account of this being sent to the Court of *France*, *Monf. de Torcy* dispatches an Express June the 27th, *N. S.* and declares if the Foreign Troops in *English Pay* did not abandon *Prince Eugene's*

*Eugene's Army*, the Condition upon which *Dunkirk* was to be deliver'd being not perform'd, it would be unreasonable for *England* to insist that *Dunkirk* should be given into their Hands; and appeals to the Title of the Memorial, that imported a Cessation of Arms between the two Armies in the *Netherlands*: He insists, that positive Orders be sent to the Duke of *Ormond* to withdraw all the Troops in *English Pay*; and when these Orders shall have been punctually comply'd with, the King will perform his Promise of delivering *Dunkirk*. The Duke of *Ormond* having already declar'd absolutely to the Allies, that he could no longer cover the Siege of *Quesnoy*, remains in a State of Inaction, tho' 'tis plain by his Orders, he was now free from all Restraint, the Answer not being sign'd by *Mons. de Torcy*, as was expressly requir'd; some material Alterations being made in the Conditions relating to *Spain*, which his Grace had then no Notice that the Queen had consented to; and *Marshall Villars* refusing to give him the Possession of *Dunkirk*, which were declar'd Points without which the Queen would not consent to a Cessation of Arms. That the Duke of *Ormond* was himself of this Opinion, is evident from his own Letter to *Mr. St. John* of *June 29*, wherein he excuses his deferring separating the Troops, and marching towards *Dunkirk*, until he had sufficient Assurance that Place would be surrender'd to him; and then his Grace says, 'The contrary appears now so evidently, that I should look upon myself immediately at Liberty to act in Conjunction with the Allies; but I do not take upon me to make a Step of such Consequence without the Queen's particular Orders, which I shall expect with the greatest Impatience.

These unexpected Resolutions of the Foreigners in the Queen's Pay, nor to abandon their Allies, and leave them at the Mercy of the *French Army*, very much disconcerted our Measures here for a short Time; but on *June 20*, *O. S.* *Mr. St. John* writes to *Mons. de Torcy*, that the Accounts from the Duke of *Ormond* were conformable to what he had sent, which gave the Queen a sensible Displeasure; but as her Majesty had taken a firm and unalterable Resolution not to yield to any Difficulties, he doubts not to succeed, and believes *Mons. de Torcy* will be convinc'd of this Truth when he has read over this Letter: That he had just then told the Ministers of those Princes who have Troops in the Queen's Pay, that unless they obey the Duke of *Ormond's* Orders, her Majesty

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“ Majesty will take it as a Declaration against her, and  
“ from that Time they shall not be paid: That if the  
“ French King will deliver *Dunkirk*, the Duke of *Ormond*  
“ shall retire with the *English* Troops, and all those Fo-  
“ reigners that will obey him, and declare the Queen will  
“ act no longer against *France*, nor pay those that will;  
“ and will make no Difficulty to conclude a separate  
“ Peace with *France*, leaving the Allies a Time wherein  
“ they may have Liberty to submit to such Conditions,  
“ as shall be agreed upon betwixt the Queen and the Most  
“ Christian King. See, Sir, the Peace in the King’s  
“ Hands; if the Duke of *Ormond*’s whole Army consents  
“ to the Suspension of Arms, our first Project proceeds;  
“ if they will not consent, the *English* Troops will with-  
“ draw, and leave the Foreigners to seek for their Sub-  
“ sistence from the States, who, very far from being able  
“ to furnish new Expences, are not capable to support  
“ what they have already upon their Hands. In short,  
“ *Britain* retiring from the Theatre of War, and leaving  
“ it to those that are in no Condition to make Head against  
“ *France*, the Peace may be concluded between the two  
“ Crowns in a few Weeks. These, Sir, are the Proposi-  
“ tions which the Queen commands me to make, and be-  
“ lieves the King of *France* will find his Account, at least,  
“ as much the last Way as the first. He once more desires  
“ him to send an Express to the Duke of *Ormond*, that  
“ he may know how to regulate his Conduct; and if he  
“ signifies to him that the King has given Orders to the  
“ Governor of *Dunkirk* to admit the *English*, his Grace  
“ will immediately do all that he has said. He acquaints  
“ him further, That the Queen was resolv’d to send the  
“ Earl of *Strafford* immediately to the Army. On the  
“ same Day Mr. *St. John* sends a Copy of this Letter to the  
“ Duke of *Ormond*, and to shew his own Opinion of this  
“ extraordinary Piece, in a Postscript he says, *I need not*  
“ *caution your Grace, that the inclos’d for M. de Torcy, is fit*  
“ *to fall under the Eye of no Person whatsoever but your*  
“ *Grace: As for his Instructions at this critical Juncture,*  
“ *they are such as her Majesty thought deserv’d sending the*  
“ *Earl of Strafford on purpose to the Army; and his Grace*  
“ *his order’d to give Marshal Villars an Account of the*  
“ *Endeavours the Queen had us’d to subdue the Obstnacy*  
“ *of those who refus’d to obey, and of his Expectations to*  
“ *hear from him on an Express sent to France.* And a se-  
“ cond Time, according to what was said to *M. de Torcy*,  
“ his Grace his order’d, if he receives an Account from  
“ the

the Court of *France*, that her Majesty's last Proposals are agreed to, and Orders dispatch'd for the Surrender of *Dunkirk*, without any more to do, to declare the Suspension between *Great Britain* and *France*, and to <sup>by</sup> the whole Body that shall obey his Orders entire, and to withdraw in the best Manner his Circumstances will allow. This Offer was no sooner receiv'd in *France*, but, without the Loss of one Moment's Time, accepted and consented to, as *Monf. de Torcy* acquaints *Mr. St. John*, July 5, N. S. He mentions very particularly all the Reasons and Engagements which had been so plainly and explicitly propos'd; and upon Condition that the Queen does immediately make a separate Peace, keep no Measures with her Allies, but only leave them a Time to submit to the Conditions that shall be agreed upon for them between *France* and *England*; the King of *France* hath determin'd to send his Orders to permit the *English* Troops to enter *Dunkirk*; and at the same Time a Courier was dispatch'd to *Marshal Villars* to carry him these Orders. And as a general Cessation from all Hostilities both by Land and Sea, between the two Nations, had been propos'd by *England* till their Treaties could be finish'd, the King of *France* with the same Readiness consents to that. Hereupon fresh Orders are sent to the Duke of *Ormond*, that as soon as he shall hear that the Governor had receiv'd Orders to evacuate *Dunkirk*, and to admit the Queen's Troops into the Place; without losing a Moment, if he had not already done it, to declare a Suspension of Arms, and to withdraw all the *English* Troops, and such others as would obey his Orders: And lest any Accident might still obstruct this Project, his Grace, by *Mr. St. John*, is told, he must observe that the Order is positive, and that no Case can possibly happen, in which her Majesty will allow that any other Measure should be taken; and *Mr. St. John* is much concern'd that the Earl of *Strafford* will arrive at the Army later than was to be wish'd, from whom his Grace was to receive those Lights and Informations for his Guidance in this nice Conjunction, that he is amply instructed to give him.

July 12, N. S. Lord *Strafford* arrives in the Camp; the 14th Prince *Eugene* sends the Duke of *Ormond* Word by an Aid de Camp, that he intended to march the next Morning with a Design, as was suppos'd, to attack *Landrecy*. The Duke of *Ormond* is much surpriz'd at the Message, refuses to march with him, or give him any Assistance from the Queen's Troops; but lets the Prince know,



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now, that when he march'd, his Grace should be oblig'd to take the best Care he could for the Security of the Queen's Troops, and to change his Camp in Order to it. The same Day Marshal Villars giving the Duke of Ormond an Account, that he had sent by Colonel Lloyd Orders for the Delivery of Dunkirk, says, 'Permit me, Sir, to have the Honour to tell you, tho' it be very advantageous not to be oblig'd to engage the bravest and boldest of our Enemies, yet 'tis very important to know those that remain so; and I take the Liberty to desire you will do me the Honour to send me Word, what Troops and what Generals will obey your Orders; because the first Attempt the Enemy makes, I will not lose one Moment to meet them; the King gives me a Liberty to fight, which nothing but the Negotiations has hitherto prevented, and which the Army under my Command has a great Desire to make use of. I think the Work is finish'd, if the Army which is under your Orders obeys them. This then, Sir, is no indiscreet Curiosity, that I presume to desire you to give me some Lights upon the Doubts which I am in. I shall be very much oblig'd to you, Sir, if, by the Return of this Trumpet, you'll honour me with one Word of Answer, upon the Lights which I have desir'd of you. You'll give me Leave to join to this Packet a Letter for my Lord Strafford.

July 15, the Duke of Ormond, in Answer to this Letter, says, 'I should be glad I were at present in a Capacity to give you all the Insight you desire, but it is yet impossible for me. Notwithstanding I was unwilling to delay sending back the Trumpet, to let you know I am well assur'd I shall be capable of telling you to Morrow particularly, what Troops will remain under my Command. As to the Suspension of Arms, you already know, Sir, that, according to my Orders, I cannot declare it in Form, till I am assur'd the Governor of Dunkirk shall have executed all the King's Orders for the Evacuation of the Place. His Grace adds, In the mean Time you will agree with me, Sir, that the said Suspension has already its Effect on my Side, since I have just now inform'd Prince Eugene and the States Deputies, that in Case they should undertake any new Operation, I could not give them any Assistance with the Queen's Army.

On the 16th; the Duke of *Ormond* writes again to Marshal *Villars*, and says, 'Your Trumpet just now put it into my Hands the Honour of your Letter of the 15th, and I am now to acquit myself of the Promise I made you Yesterday. Prince *Eugene* is march'd this Morning, and all the Foreign Troops have quitted us, except one Battalion and four Squadrons of *Holftein*, and two Squadrons of *Walef*. He adds, Things having pass'd as I have the Honour to tell you, I thought myself oblig'd to acquaint you of it as soon as possible; and as I observ'd to you Yesterday, the Suspension of Arms has already its Effect on my Part, by the Separation I have made of the Queen's Troops, and all her Artillery, from those of Prince *Eugene*, and by my declaring to him, I could give him no Assistance, and that the Payment of the Foreign Troops is stopp'd, and that by Consequence there is fallen upon the Emperor and *Holland* a Burthen they will not be long able to support. I trust, Sir, to your good Faith, and shall to Morrow make a Movement to put myself into another Situation, and I hope I shall have News from *Dunkirk*, that will authorize me to declare a Suspension of Arms." The same Day Marshal *Villars* acquaints the Duke of *Ormond*, that the Governor of *Dunkirk* was making the necessary Preparations to evacuate that Place: He tells his Grace, 'For my Part, Sir, as I already reckon you for our Ally, I am not at all in haste to have you farther off, you are at your own Liberty to come near us, and encamp on the King's Territories wherever you shall think proper.' Upon this the Duke of *Ormond* the Day after order'd a Cessation of Arms to be proclaim'd by Sound of Trumpet.

The Committee in this Place observe, that had the first Design taken Effect, which was depended upon by France, and so far presum'd by England as to be undertaken for, that all Foreigners in the Queen's Pay, that compos'd the Duke of *Ormond*'s Army, should separate and withdraw from the rest of the Allies, it is notorious, that from that Instant Prince *Eugene*'s whole Army, unless they submitted to the same Measures, had been left at the Mercy of the French Army, to be cut in Pieces, or made Prisoners, at the Will of Marshal *Villars*; which had left the Queen's Troops in no better a Condition than to have the Privilege of being last destroy'd; yet all the Allies, whose Honour and Conscience would not permit them to abandon their Confederates, and leave them as  
a Sacrifice

a Sacrifice to France, were punish'd by England with the Loss of their Pay and Subsidies, which was all that was in the Power of the Ministry to do, to shew their Resentment at this great Disappointment to the Measures of France. However, this March of Prince Eugene, Lord Strafford thought might be turn'd upon them, and he prevail'd with the Duke of Ormond, in a Message to Prince Eugene, to say, ' His marching without Concert with us, and all the Queen's Auxiliaries marching from us, expos'd us so, that we have been oblig'd to send to the French to declare with us a Cessation of Arms.' Nothing less could put the Queen's Troop's in Safety; for tho' Matters fell out so pat, without this we must have declar'd for the Cessation, yet why should we not turn all this Matter upon them? The Committee had not thought it worth their while to take Notice of such an idle Attempt to impose upon the Senses of Mankind, if they had not been induc'd by another Passage in the same Letter to think it deserv'd some Observation; where Lord Strafford giving an Account of what pass'd upon the Separation, says, ' All the English seem rejoic'd to march off, being weary of the Situation they were in, and the Reproaches they met with in the great Army; there are two or three Faces very sour, they sigh and wince. Hanoverians had not separated from us; but I shall tell them, perhaps, it may be better. He may see by this Time the wrong Advice he has follow'd, since all must lay the Blame of the Separation upon him.' But this is not the only Instance of the Scorn and Contempt which his Lordship was ready to express upon the like Occasions; for July the 16th, 1712, giving an Account of a Conversation with Mr. Bulau, the Elector of Hanover's General, wherein his Lordship declar'd, That the Queen had yet neither made Peace nor Truce, which Declaration was made near a Month after the Articles for a Suspension of Arms were sign'd, and his Lordship representing the great Dangers the Queen's Troops were expos'd to, by being left alone in their Camp when Prince Eugene march'd, and Mr. Bulau replying in Case of any Attack they had been sure of their Assistance and Protection; his Lordship says, ' My Answer was in a disdainful Way: It would be a very odd Thing, when an Elector of the Empire should be a sufficient Protection to Great Britain. And December the 14th, 1712, Lord Strafford in his Letter to Mr. St. John, says, ' Count Zinzendorf own'd, it was impossible to carry on the War alone, especially since

‘ since the Elector of *Hanover*, who was the greatest Heir  
 ‘ for the War, has threaten’d the State to recal his Troops,  
 ‘ if they did not pay him the Queen’s Share of the Subsi-  
 ‘ dies.’ — In short, Count *Zinzendorf* himself said not  
 ‘ but laugh at the ridiculous Way of proceeding of that  
 ‘ Court.

The Armies being now separated, and the Suspension of  
 Arms declar’d, the Committee recapitulate in what Man-  
 ner, and by what Steps, this fatal Cessation was procur’d.  
 They observe in the first Place, that it is evident, it was  
 of infinite Advantage and absolutely necessary to the Af-  
 fairs of *France*, and therefore insisted on, by *France*; and  
 that it is as certain, that the *English* Ministry gave early  
 into it, if they were not the first Adversers of it; for  
 which no other Account need be requir’d, but that, as  
 all their Measures tended to advance the Interest of the  
 Queen’s Enemies, they could not fail to be zealous in a  
 Point which contributed more to those Views than any  
 one Occurrence during the whole Negotiation; but as they  
 all along wanted Appearances, and consulted them more  
 than any real Advantages to the Kingdom, they thought  
 it necessary to annex some Conditions to this important  
 Article, that might pass upon the deluded People as a Ju-  
 stification of this unprecedented Treachery. The Demo-  
 lition of *Dunkirk* was always so popular a Point, that no-  
 thing could strike the Imaginations of the People more,  
 than to be told, that this important Place was deliver’d  
 into the Queen’s Possession: This Step, they thought, well  
 improv’d, would recommend the Peace itself, at least,  
 justify the Cessation. And as the Nation had nothing  
 more at Heart than the Disposition of the *Spanish* Monar-  
 chy, after the Renunciation had been industriously cry’d  
 up, and the Queen had declar’d from the Throne, that  
*France* and *Spain* were thereby more effectually divided  
 than ever: These two Articles were made the essential  
 Conditions of granting a Cessation of Arms. For the  
 latter, *France* easily consented to it, having declar’d it to  
 be null and void by the fundamental Laws of *France*:  
 For the first, ’tis evident how unwillingly *France* was  
 brought to surrender *Dunkirk*; but this the Ministry were  
 resolv’d to purchase at any Rate, as what would most easi-  
 ly amuse, and sensibly affect the Nation; and therefore to  
 obtain this, they engage not only to grant a Cessation of  
 Arms, but to conclude a separate Peace. The Prospect of  
 concluding a separate Peace, and the obtaining an imme-  
 diate Cessation of Arms, which answer’d all the Purposes  
 of

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of France almost as well as a separate Peace, by leaving the whole Confederacy at their Mercy, were so great Temptations to France, that the Surrender of Dunkirk is agreed to; but if we consider what England gain'd by granting this fatal Cessation, we shall find the Demolition of Dunkirk supply'd by a new Canal, more beneficial to France, and formidable to the Navigation of Great Britain, than Dunkirk ever was; and for the Renunciation, we were told by France, we should deceive our selves if we accepted it as an Expedient to prevent the Union of the two Monarchies.

The Committee close their Observations upon this memorable Campaign of 1712, with inserting another Letter that was writte by the Duke of Ormond to my Lord Bolingbroke. The Dutch, it seems, encourag'd by the Success of their Enterprize upon Fort Knocque, had form'd a Design for surprizing Newport or Furnes, which his Grace having Intelligence of, thought proper to write the following Letter, October the 21st, 1712, to my Lord Bolingbroke. I take this Opportunity to acquaint your Lordship with an Affair which has been communicated to me by a Person very well inclin'd to her Majesty's Service: Your Lordship will best judge of the Importance of it, and the Use that is to be made of it, when I tell you, that the Success of the Enterprize upon Knocque has encourag'd the forming a Project for surprizing Newport or Furnes, and that in fortifying Dixmude is made use of as a Pretence for drawing together a Body of Troops sufficient to put the Design in Execution. If it be thought more for her Majesty's Service to prevent it, I am humbly of Opinion some Means should be found to give Advice of it to Marshal Villars, who may possibly think we owe him that good Office, in Requital of some Informations your Lordship knows he has given me, with a Design to serve her Majesty and the Nation. I am not yet at Liberty to acquaint your Lordship with the Name of my Author, who desires the whole Matter may be manag'd with the greatest Secrecy.

The Cessation was no sooner declar'd, and Dunkirk deliver'd up, but Monsieur de Torcy calls upon Mr. St. John to perform his Promise of concluding a Peace between France and Great Britain in a few Weeks, which he thinks can meet with no Difficulties. All the Conditions of Peace with England being regulated, and the Intentions of the King touching the General Peace known to, and approv'd by her Britannick Majesty. Monsieur de Torcy then proposes the Method of regulating the Suspension by Sea; and insists, that during the Suspension, either general or parti-

cular, the Transportation of neither Troops, Ammunition, nor Provisions, shall be allow'd into Portugal, Seville, or any other Place where the War continues. Packet-Boats between Dover and Calais are to be immediately settled for the general Ease of Correspondence, and the Suspension of Arms to be publish'd in Portugal and Catalonia, without waiting 'till it shall be settled at Utrecht. All these Proposals from France are very readily assented to, and Mr. St. John thinks the Queen in a Condition not to lose a Moment's Time in concluding with the Ministers of France the Convention for a general Suspension of Arms, both by Sea and Land, and even the Treaty of Peace between Great Britain and France. Mr. St. John then opens to him the Measures that had been here concerted for the Duke of Savoy: *Of all the Allies, says he, there is none whose Interest the Queen has so much at Heart as the Duke of Savoy's*: He hopes the most Christian King will act in Concert with her Majesty, and omit nothing that may engage his Royal Highness to come into all our Measures, and that may protect him from the Insults of the Imperialists for so doing; and among other Advantages propos'd for him, he lays it down as a Principle, that it is neither for the Interest of Great Britain nor France, that the Kingdom of Sicily should be given to the House of Austria, and therefore demands it for the Duke of Savoy, and declares the Queen will not desist from this Demand. This Concern of the British Ministers for the Duke of Savoy, the Committee is at a Loss to account for. The French, as appears by a Letter of the Bishop of Bristol to Mr. St. John, of the 26th of April 1712, had actually offer'd Sicily to the Emperor. The Duke of Savoy himself did not relish this Proposition, as appears by the Lord Peterborough's Letter to Mr. St. John, of the 24th of September 1712, in which his Lordship represents the Duke of Savoy expressing, That he was not so vainly impatient of the Title of King, as to lose or hazard any real Interests for an empty Name; but that he thought it much more extraordinary, that a Prince beaten ten Years together by his Enemies, should remain at last with the Prize contented for, and which so often by Parliament had been declar'd the just and unavoidable Motive of the War. Again, in Lord Peterborough's Letter of November the 16th, 1712, to Mr. St. John, he affirm'd, That nothing can represent the Uneasiness of Mind of the Duke of Savoy, after these Offers had been made him: To calm this Uneasiness, and to fix his Royal Highness in the Measures of the Ministry, it was necessary the Lord

Peterborough



Peterborough should, in a Memorial given to him, represent, That his Royal Highness, in refusing these Offers, ~~was~~ fall out with the Queen, and the *English* Ministers, whom his Lordship endeavours to excuse from the Reproaches cast directly upon them, as if they were Persons devoted to *France*: That for the Support of what was propos'd, a sufficient Fleet should be furnish'd either by *England* or *France*, or by both Powers jointly; and that his Royal Highness should be guaranteed and protected, against any Power that should oppose this Project, or should insult him for having accepted these Offers. The Arguments of the *English* Ministers did at length prevail with his Royal Highness; and if the View of the said Ministers was effectually to disable the Emperor from supporting himself against *France* after our Separation, by forcing into the Interest of *France* an Ally so considerable as the Duke of *Savoy*, it must be confess'd these Measures were extremely well calculated for such an End; but it does not appear to the Committee, how *England* came to be so far concern'd in this Matter, as to offer its Guarantee for *Sicily*, which naturally must have engag'd us in a War against the Emperor. This Forwardness of the Ministry in offering to make *England* Guarantee for Conditions advantageous only to *France*, seems the more extraordinary, when they observe, that during the whole Course of this Negotiation, they find no Endeavours used to procure a Guarantee of our Confederates to secure the Protestant Succession, which had been address'd for by both Houses of Parliament; nor do they observe, that the King of *Sicily*, for whom so much was done, was ever requested to be Guarantee for the said Succession.

The dreadful Consequences of the Separation of the Armies were now sensibly felt in the unfortunate Action at *Denain*, where Marshal *Villars* on the 24th of *July*, *N. S.* attack'd Lord *Albemarle's* Camp which he forc'd, took him Prisoner, and entirely defeated all the Troops under his Command. Monsieur de *Torcy* immediately sends an Account to Mr. *St. John*, of this agreeable News, and says, *The King of France is persuaded that the Advantage which his Troops have obtain'd, will give the Queen so much the more Pleasure, as it may be a new Motive to overcome the Obstinacy of the Enemies to Peace.* The Committee could not with Patience read a Letter from a Minister of *France*, declaring to the Secretary of State of *England*, That a Victory obtain'd by the Queen's Enemies over her good Allies, must be a Pleasure or Satisfaction to her Majesty. But at this



Time, the *French* thought themselves so sure of the *British* Ministry, that they depended upon their Assistance to push this Advantage against the Confederates still further; and Monsieur de Torcy says, He hopes the Queen will presently bring them to Reason, in agreeing immediately with the King, the last Measures that are to be taken for finishing this Work. She has the Means in her own Hands, if she will make use of Ghent and Bruges, which her Troops possess, and especially of Ghent; for it depends upon whosoever is Master of that Place, to make all the Designs of the Enemy's Generals miscarry, and to give Law to the Dutch.

Neither was Monsieur de Torcy singular in his Opinion about the Action at Denain; Marshal Villars would not lose a Moment in giving the Duke of Ormond an Account of this News: He ascribes the Victory to the Separation of the brave English, and insults the Allies as common Enemies, that must now be sensible what wrong Measures they had taken. In this Manner, and to this Effect, Marshal Villars thinks proper to write to the Duke of Ormond; and at the same Time desires his Grace to transmit this Account to the French Plenipotentiaries at Utrecht, and to make a thousand Complements from him to Lord Strafford. And that there might be no Part of the World where it was in the Power of the English Ministry to assist their new Friends the French, at the Expence of their old Allies, Monsieur de Torcy further proposes, That the Queen should put a Stop to Count Starembergh's Projects in Catalonia, by sending Orders to her Majesty's Troops in Terragona not to let the Germans into that Place; and not content with being aided and assisted all that was possible by Land, he further desires that express Orders might be sent (and through France as the shortest Way) to the English Men of War that were then cruising in the Mediterranean, to suffer the French Ships that were then returning from the Levant, to pass unmolested; which was no sooner ask'd than comply'd with.

But the taking Possession of Ghent and Bruges was not only the Desire of Monsieur de Torcy, but was supported by the Advice of the Earl of Strafford; who in his Letter to Mr. St. John of the 17th of July 1712, says, I am for having the Duke of Ormond send some Party on Purpose to march through some of their Towns, to see whether or no they would refuse them Passage; if they did, that might authorize us the more to do a Thing very agreeable to the Queen's Troops, and what I believe you would approve of. His Lordship adds, He (meaning the Duke of Ormond) is very hearty in every Thing, but

but really is under Difficulties with those about him; those that are able, are not yet entirely to be rely'd upon, and those that might be trusted, are not capable of giving Advice. And that there might be no doubt of his Lordship's Meaning in what he had before advis'd July the 21st, he tells Mr. St. John, The Measures I mention'd would not be disagreeable to you, was that of marching to Ghent, which we have now so well executed, that we are within two Days March of it; and the English are entire Masters of the Citadel, as likewise of all the Gates of the Town, and have Orders to go upon their Guard; not to let themselves be surpriz'd by two Battalions, one of Dutch and one of Walloons in the Town, nor any Troops sent from any other Place. This is a Coup de Parti for the States who did not expect it, else they would not have behav'd themselves with the Hauteur they lately did; the Thing was so well and secretly manag'd, that all Preparations were made to march about to Warneton between Lisle and Ipres, to have liv'd upon the French Country, and till we had march'd a Day's March on this Side the Scarp, the Dutch and their Friends did not perceive our Design, which as soon as they did, their Surprize and Uneasiness were equally great. The Duke of Ormond having given an Account of his marching his Army towards Ghent and Bruges, Lord Bolingbroke commends his Conduct, and tells him, The Methods he had propos'd were so well adapted to the present Conjunction of Affairs, that they answer in every Point what they would have wish'd: That the News of Dunkirk could not have been follow'd by any more agreeable, than that of his Grace's having directed his March towards Ghent. Moreover, on the 22d of July, O. S. his Lordship tells his Grace, That taking Possession of Ghent and Bruges, had improv'd her Majesty's Views, which he is order'd to secure in the best Manner he was able, and doubts not but it will have a good Effect upon the Conduct of the Allies.

On the 17th of July, O. S. in a Letter to Mons. de Torcy, Lord Bolingbroke recapitulates what he said before, concerning the Duke of Savoy; and as a farther Motive to induce France to comply with his Demands, he represents, That it will be very important to have his Concurrence both in the Suspension of Arms, and the Treaty of Peace, which, in all Probability, will be made between Britain, France, and Spain, without the Intervention of the other Allies; and that Savoy's declaring for us will be a decisive Stroke, and the more necessary, because the King of Prussia's Conduct has not answer'd the Queen's Expectations. Before this Letter was dispatch'd, the Lord Bolingbroke receiv'd Mons. de Torcy's of the 25th, N. S. In answer to which, July the 18th, O. S. he

he insists further in Behalf of the Duke of Savoy, to give him with great Satisfaction, That the Duke of Ormond was possess'd of Ghent and Bruges; and as the Duke of Ormond was inclin'd with a great deal of Satisfaction every Opportunity that offer'd to do the King a Pleasure, positive Orders are sent to Admiral Jennings to suffer the French Ships coming from the Levant, to pass freely. It is almost incredible that the English Ministry, however determin'd they were to give up the Honour of the Queen, and Interest of their Country, in following the Dictates of France, should venture to do it in this open Manner. All that had been hitherto declar'd, was a Suspension of Arms in Flanders, and that our Troops were to act no longer against France: But here, by the Advice of the Earl of Stretford, at the Desire of Mons. de Torcy, they are to keep Possession of Ghent and Bruges, in order to disappoint the Designs of the Enemies of France, and the Allies of the Queen; and altho' the Suspension of Arms extended as yet no further than to the two Armies in Flanders, and the general Suspension by Sea and Land was not sign'd till the 19th of August, N. S. the Lord Bolinbroke, on the 18th of July, O. S. declares, he had then sent very positive Orders to the Queen's Admiral, not to intercept the French Fleet coming from the Levant.

These constant Compliances in the English Ministry, encourag'd Mons. de Torcy, to press again the concluding the separate Peace between England and France, as what they both agreed in to be the most effectual Way to make the rest of the Allies comply. He desires, That the Troops in Flanders, under the Command of the Duke of Ormond, may be left there to make a good Use of the Towns which he was in Possession of; but as the King of France cou'd not consent to the Duke of Savoy's having Sicily, except the Elector of Bavaria has also the Netherlands besides his Electorate, he thinks the Queen's having a good Army in Flanders under the Command of the Duke of Ormond, may render this very practicable; and as the Queen has done a great deal for her own ungrateful Allies, it will be for her Glory now to contribute to the Good of a Prince of so much Merit as the Elector of Bavaria, whose Acknowledgments will be equal to the Benefits he shall receive. But this would not pass even upon the Ministry of Great Britain: The giving Flanders to the Elector of Bavaria, was what would absolutely engage us in a new War, to oblige the Imperialists and Dutch to agree to it; and they could not think it for the Honour or Interest of the Queen to make War upon her Allies, as ungrateful

ingrateful as they had been, in Favour of the Elector of Bavaria; and especially considering, that altho' we could secure Ghent and Bruges for him, the Allies had yet an Army in Flanders so considerable, both for the Number and Goodness of their Troops, that they were able to defend the Conquests they had made. And to give him Sicily, which was likewise demanded, Lord Bolingbroke hopes it will not be insisted on, because it might be the Occasion of continual Jealousies; it might, in particular, be the Source of Disputes and Quarrels betwixt England and France, whose strict Union and indissoluble Friendship were the Points in View, to which all our Measures had been directed for so long a Time. The Queen's Ministers think, when the King of France has made all reasonable Efforts for his Allies, he must do something for the Love of Peace; and that a particular Interest should yield to the general. You cannot, says Lord Bolingbroke, but feel the Force of this Argument, because you are not at all ignorant, that this Negotiation was begun and carry'd on upon a Supposition, that the Queen must desist from many Conditions, which in Right she was oblig'd to procure for her Allies. He very strongly urges the Necessity of concluding immediately the Peace between England, France, and Spain; but absolutely insists upon Sicily for the Duke of Savoy. But this Negotiation was carry'd on upon a Supposition, that the Queen was to depart from several Things, which, in Justice, ought to have been procur'd for her Allies, the King of France thought himself under no such Obligation; his Honour to an Ally, whose Fidelity was without Reproach, was not to be dispens'd with; and therefore to satisfy his Engagements to so good an Ally, was a Point from which the King of France would never depart. But to shew the King's good Dispositions to the Peace, he at last consents to the Duke of Savoy's having Sicily upon certain Conditions, wherein very ample Provision is made for Satisfaction to the Elector of Bavaria; and one express Condition is, That a Peace be concluded between England, France, Spain, and Savoy. In answer to this Letter, Lord Bolingbroke acquaints Mons. de Torcy, That he had receiv'd the Queen's Orders to go immediately to France, and he hoped under the Auspices of the Abbot Gualtier, in a Week's Time to salute him at Fontainebleau.

Whilst these great Points were transacting directly betwixt France and England, nothing material pass'd at Utrecht; however, some few Passages concerning such Communications as were thought necessary to be made

to keep up the Form of a Negotiation, are here taken Notice of.

The Advice of the Duke of Ormond's Orders to *the States* in neither Siege or Battle, gave great Alarm; the *States* desire the *British* Ministers to give them some Satisfaction, concerning a Matter wherein they thought Religion, Liberty, and all that is valuable, was so nearly concern'd; to which they could obtain nothing but very general Answers. Upon which, they expressing their Discontent to be kept entirely in the Dark, without the least Knowledge of what was done, or intended to be done, the Bishop took that Opportunity to put an End to their Curiosity, by executing the Orders before mention'd, *That the Queen thought herself now under no Obligation whatsoever to the States.* This Declaration is grounded upon the Behaviour of the States; but it must be remember'd, that this Order is dated very few Days after the Orders to the Duke of Ormond not to engage in Siege or Battle. And in the same Letter the Bishop of *Bristol*, giving an Account of a Conference between his Lordship and Mr. Consbruck, the Emperor's Minister, the Bishop says, *He was very desirous to know, and I was as unable to inform him, of the Particulars wherein the Care of the Emperor's Interest did consist.* The Dutch did likewise send an Express to their Ministers at *London*, with a long and most moving Letter to the Queen, to remonstrate against this Proceeding, but he could obtain no Answer at all; Mr. *St. John* thought the Queen intending that Week to lay before the Parliament the Plan of Peace, *the Proceedings* of the two Houses on that Occasion, would be a more seasonable, as well as a more decisive Answer to the States than any he could return. The Queen having communicated to the Parliament how far the French are already come, in their Proposals for settling a General Peace, the Bishop of *Bristol* is directed to discourse with the Ministers of the several Allies as soon as possible, agreeable to the Plan contain'd in her Majesty's Speech; but before his Lordship makes this Step, Mr. *St. John* tells him, *It will be proper that he speaks first with the French Plenipotentiaries upon this Subject, and enquire of them whether they will be willing, and in what Manner they will be willing to give this Communication to the Allies.* But the Bishop of *Bristol* gives an Account on the 28th of June, N.S. *That the French Plenipotentiaries declar'd they had no such Orders, and without them they could not do it.* And the Bishop finding it might be of some Service, and that it was look'd upon at the *Hague* as a Step

Step that might facilitate the Suspension of Hostilities, his Lordship did again press the *French* Ministers to know, whether they were willing to declare in a solemn Conference, that the Particulars declar'd in the Queen's Speech, are the King their Master's Offers to the Allies, and that he will make them good in the Negociation. The *French* again refus'd to make any such Declaration; and in this Opinion they persisted even after the *Dutch* Ministers consented to accept the Contents of her Majesty's Speech *pro materia tractandi*, if the *French* would at the same Time acknowledge them to be their Master's Offers, and negotiate upon them in order to make them good. But the *French* Plenipotentiaries were so far from agreeing to this, that they demanded of our Ministers to know the Queen's Mind upon the several Parts of the last general Plan brought over by M. *Gualtier*, and which are not explain'd in her Majesty's Speech; saying, Their King expected it, and they do not know how to proceed till those Points be stated; and the utmost they were to be brought to, was, that it was not to be understood to exclude their Master from making some Demands for the Elector of *Bavaria*, and that *Lisle* was to be restor'd, over and above the two or three Places excepted in the Queen's Speech.

At the same Time that Mr. *St. John* communicated the Queen's Speech to the Bishop of *Bristol*, he orders him to let the *Dutch* Ministers know, that the Queen thinks a Suspension of Arms, at least in the *Netherlands*, to be absolutely necessary. And here the Committee observe, that these Orders to propose to the States a Suspension, are dated *June 11, O. S.* which was the very Day the Articles for a Suspension was sign'd by *Monf. de Torcy*, and had been sign'd by Lord *Boltonbroke* five Days before. In several Letters that follow'd from the Bishop of *Bristol*, he gives an Account of the general Dissatisfaction of all the Allies, and the inexpressible Consternation they were all in; that they represented our Proceedings as the unavoidable Ruin of *Europe*; Religion, Liberty, the Faith of Treaties, are urg'd to shew the Enormity of our Usage. His Lordship does not know what he may expect from the unmeasurable Rage of the People, nor where it will end: That the *Dutch* seem to be uneasy on no Account so much, as that they cannot come to the Knowledge of what is to be their Lot: Their Concern is chiefly, that they cannot know the Particulars of what is design'd for them, especially what Species are to be excepted out of the *Tariff* of



1664, and what Towns out of the Barrier. On which Occasion the Bishop of *Bristol* did, as with the greatest Truth, assure them, that he knew nothing either of the one, or the other. But the Reception these Representations met, seems to the Committee as unaccountable as any Thing that happen'd. Mr. *St. John*, June 20, O. S. says, They are not surpriz'd at the Clamours and Rage of the Dutch, which they foresaw, and were prepar'd for: It is certain we run great Hazards, but it is as certain their unaccountable Folly is the Occasion of it: He cannot imagine the Bishop should be in any Danger, his Character is sacred in a double Manner; and besides, I have Reason to think, that tho' they kick and flounce like wild Beasts caught in a Toil, yet the Cords are too strong for them to break; they will soon tire with struggling, and when they are tir'd grow tame. This is the Treatment and Language which the Queen's Secretary thinks fit to bestow upon her Allies: Their desiring to have some Satisfaction in what most nearly concern'd them, is call'd unaccountable Folly that had drawn all these Mischiefs upon them; and if any Resentment is shewn, they are wild Beasts; but the Cords of the Toils which England and France had caught them in, were too strong for them to break. But Lord *Sirafford* is not content with hard Words only, he is glad that Orders were given to stop the Pay of the Foreigners, of which they complain horribly; but it will make them humble and sharp; handling does better with these People than the best Words.

June 24, O. S. Mr. *St. John* writes a long Letter to the Lord Privy Seal, and instructs him to lay the entire Blame of all that has happen'd upon the Dutch, and that the Want of Concert is only to be imputed to those who are at the Head of Affairs in *Holland*; however, that her Majesty is still ready for their Sakes, and for the Sake of the common Interest of *Europe*, to forget all that is past, and to join with them in the strictest Terms of Amity and Confidence. This Farce was still to be carry'd on in *Holland*, and these Professions made in the Name of the Queen, when it is notorious, that four Days before, June 20, O. S. Mr. *St. John* had, in the strongest Terms, promis'd, in the Queen's Name to *Monf. de Torey*, to conclude a separate Peace with *France*, on Condition *Dunkirk* was deliver'd to the *English*; and that this Offer of a separate Peace made by *England*, arose from the *French's* refusing to deliver *Dunkirk*, upon the Conditions first agreed upon, altho' at the same Time the Queen's Plenipotentiaries are directed in a most publick Manner to lay the Blame of

all



all our Measures at the Door of the States General. But altho' in all the Letters that pass'd between Lord *Bolingbroke* and *Monf. de Torcy*, the concluding a separate Peace is treated as a Thing settled on both Sides, the Plenipotentiaries at *Utrecht* are order'd to proceed upon another Foot; and in a Letter from Lord *Bolingbroke* of July 16, O. S. to the Plenipotentiaries jointly, upon a Supposition that Lord *Strafford* was then got back again to *Utrecht*, they are order'd to lose no Time in settling the Conventions for a Suspension of Arms between *Great Britain* and *France*, both by Sea and Land; and when that is brought to Perfection, to call upon the Allies to enter again upon the Negotiations on the Foundation of the Plan laid down in the Queen's Speech; and it is desir'd their Lordships will appear solicitous in this Matter, and affect to be the Aggressors, and to press the Allies to give in categorical Answers. By this Means the Negotiations were seemingly set on Foot again, and whether the Allies did, or did not comply, our Ministry were ready to make their Use of it either Way; if they did comply, the Scandal of a separate Peace would be avoided; if they did not, the Blame was to be imputed to their Obstinacy.

The Treaty being left upon this Foot at *Utrecht*, with a Possibility of being carry'd on or dropt, as should be found convenient, and the King of *France* having consented to the Demands made by *England* on Behalf of the Duke of *Savoy*, but among others, upon these two express Conditions, That a Suspension of Arms both by Sea and Land be immediately granted, and that a separate Peace between *England*, *France*, *Spain*, and *Savoy*, be forthwith concluded, it was thought proper and necessary, that Lord *Bolingbroke* should go himself to *France*, finally to adjust and settle the great Points in Dispute. The Substance of his Instructions was, To remove all Difficulties that might obstruct the general Suspension of Arms between *England* and *France* from taking Place, or settling the Treaty of Peace in such a Course, as may bring it to a happy and speedy Conclusion. But to declare, that he does not imagine there will be any Possibility to prevail with the Queen to sign the Peace with *France* and *Spain*, unless full Satisfaction be given to the Duke of *Savoy*. He is therefore to take particular Care to settle his Barrier, and to procure *Sicily* for him; to settle the Renunciation in such a Manner, that there may be as little Room left as possible for Dispute or Delay; that the Elector of *Bavaria*

*Bavaria* may have *Sardinia*, and be restor'd to his Dominions in the Empire, except the *Upper Palatinate*, and the First Electorate; and then he is to proceed to speak to such Articles as relate to the Interest of *Great Britain*, and endeavour to have such of them, as there may appear to be any Doubt concerning, explain'd in the most advantageous Manner. And then he is to do his best to discover, upon the several Parts of the general Plan of Peace, what the real *Ultimatum* of *France* may be; and when the Peace between *England* and *France* shall be sign'd; that it may be expedient to fix the Allies a Time to come in, wherein the Queen will use her good Offices, but will not be under any Obligation to impose upon the Allies the Scheme offer'd by *France*, or to debar them from obtaining better Terms for themselves. By these Instructions it appears, that Lord *Bolingbroke* was empower'd to conclude a separate Peace with *England*, *France*, *Spain*, and *Savoy*. That at this Time there was some Doubt concerning several Articles relating to the particular Interests of *Great Britain*, which he was to endeavour to get explain'd; but no Instruction, if his Endeavours prove ineffectual in Behalf of *Great Britain*, not to conclude the Treaty, which in these very Instructions is expressly provided for in Favour of *Savoy*. And his Lordship is order'd to do his best to discover the *Ultimatum* of *France*, which hitherto, it seems, the Ministry were ignorant of: But whether *France* condescended so far or not, as to let his Lordship into this Secret, our Treaty was to be concluded; and the Ministry seem to think, they had sufficiently discharg'd their Duty in declining to be engag'd to impose what Terms *France* should think proper upon the Allies; those Allies to whom the Queen was bound by the Faith of Treaties, and all the most solemn Engagements and publick Declarations, to procure all just and reasonable Satisfaction, according to their several Alliances. But now it seems sufficient, that we did not debar them from the Liberty of endeavouring to obtain still better Terms for themselves. With these Instructions Lord *Bolingbroke* goes to *France*, and without entering into any further Particulars, the Convention for a general Suspension of Arms between *Great Britain* and *France* for four Months, was sign'd at *Paris* by Lord *Bolingbroke* and *Monf. de Torcy*, August 22, N. S. 1712, as his Lordship says, but dated August 19, N. S.

France

France was now become entire Master of all future Negotiations, and did not fail to make use of the Power that was put into their Hands; an early Instance of which was seen in the Affair of *Tournay*: But being now come back to *Utrecht*, the Committee mention an Incident that happen'd there; the Dispute between Count *Rechteren* and Mr. *Mesnager*, which was made use of by the French to keep the Negotiations in Suspence as long as it serv'd their Purpose, and in which *England* concurr'd.

August 30, The British Plenipotentiaries acquaint Lord *Bolingbroke*, that in some Discourse with the Ministers of the Allies, they had carry'd Matters so far as to tell them, That tho' her Majesty will endeavour to promote their Interest in a Peace, and obtain for them the best Terms that shall be possible, yet if those Endeavours should not procure more than the Contents of her Majesty's Speech, or even in some Degree fall short of that Plan, the Fault will be entirely theirs, who have render'd Things difficult and uncertain, which otherwise would have been easy and practicable. And having thus far comply'd with their late Orders to lay all the Blame upon the Allies, they farther inform his Lordship, That they had, however, obtain'd the Consent of the Ministers of the Allies to come to a Conference with those of France, in order to renew the Negotiations, the Time to be fix'd between the British and French Plenipotentiaries, who meeting to have some Discourse previous to the general Conference, parted without coming to any Conclusion. The Occasion of their Difference, that prevented renewing the Conferences, arose upon Proposals made by the British Ministers in relation to *Tournay*. Their Lordships, in their Letter of the 2d of September, N. S. to Lord *Bolingbroke*, state the Case in this Manner: In her Majesty's Speech it is express'd, That the Dutch are to have the entire Barrier as demanded in 1709, except two or three Places at most. \*The French Ministers insist, that they must have *Lisle* as an Equivalent for *Dunkirk*, and that the same is not to be understood as one of the three Places mention'd in the Speech, and consequently that they must, in all, have four of the Places mention'd in the Demands of 1709. This, to us appears to be altogether inconsistent with what her Majesty has declar'd, and we accordingly think it contrary to our Duty to bring on a Conference, in which such an Explanation is to be made. The French Ministers, on the other Hand, have shew'd us their Orders, which positively require them to insist upon the Restitution of *Tournay* as well as *Lisle*; and that they can by no Means consent to

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the Cession of *Maubeuge* or *Conde*. The *British* Ministers then press'd the *French* to speak at first in Terms as general, as their Proposal was conceiv'd in; but the *French* thought it necessary to be particular and express in that Point above all others, because they should otherwise have ty'd themselves up, and given the *Dutch* an Advantage. The Result of this Debate was not to proceed to a Conference till this Point be determin'd, the *French* insisting that their Orders were so plain, as neither to need or admit any Explication; and the *British* Ministers thinking the Matter as plain on their Side. They hope their Zeal for her Majesty's Honour will be graciously approv'd, and desire to be directed what further they are to do in this Matter, which they apprehend to be of a decisive Consequence, because they find even those among the *Dutch*, who appear to be most cordially dispos'd to such a Peace, as may re-establish a good Harmony between her Majesty and the States, as absolutely necessary for their mutual Preservation, fully resolv'd, either to retain *Tournay* and have *Conde* yielded to them, or to take one of these two Courses, either to come into any Terms that *France* offers, or to continue the War at all Hazards. In the same Letter our Plenipotentiaries give an Account that the *French* Ministers did insist, that the States General should, in a publick Manner disavow *Count Rechteren* for the Affront done to Mr. *Mesnager*, and then remove him from the Congress: And this Satisfaction to precede any further Negotiation.

The Language which our Plenipotentiaries had us'd to the Allies, is very much approv'd by Lord *Bolingbroke*, who says, 'They had spoke the Sentiments of the Queen's Heart in what they declar'd, *August*, 30, N. S. and that if the Allies did fall short of the Plan laid down in the Queen's Speech, the Fault was entirely their own. His Lordship says, 'Sure it is, that this Plan was nothing more than the Ultimatum of what *France* would offer, but he wish'd that the Imperial and *Dutch* Policy had not render'd it the Ultimatum of what *France* will grant. The same general Reflection may be apply'd to the particular Case mention'd in your Lordship's last Letter. *France* would have yielded *Tournay*, tho' much against the Grain. If *France* has now any Advantage, and refuses flatly to yield what she only begg'd to have restor'd, the Fault is entirely theirs." But the Dispatch of the Plenipotentiaries of the 14<sup>th</sup> of *September*, relating to *Tournay*, having not yet been consider'd by the Lords of

of the Council, his Lordship could not give any positive Instructions about it till the next Opportunity; but in the mean Time recommends to them two Considerations, that the keeping of the *Dutch* in hopes of her Majesty's good Offices, will prevent them from taking any desperate Resolution; and the *French* insisting to have Count *Rechteren* disavow'd before any further Treaty, will put off for some Time the Decision of that great Point.

Lord *Sirafford*, in the mean Time, by his Letters of the 13th and 16th of Sept. N. S. 'Represented the States as mightily sunk with their Misfortunes, and not knowing well what Measures to take; but that they insisted upon Tournay as so essential to their Barrier, that they actually had none without it; and his Lordship is so much of that Opinion, that he wishes they might have Tournay, tho' they were forc'd to truck *Ipres* for it; that if he could positively assure them they should have Tournay, he believ'd they would submit to the Plan of the Queen's Speech. This Opinion of his Lordship is not very easily to be reconcil'd to what he afterwards wrote to Mr. Prior upon this Subject, October the 4th, 1712. If we had a Mind to have Nick Frog sign with us, we might, for he is ready to do it for Tournay; which, if we sign together, we can't well refuse him; but I expect you will not find this Matter short, and I long to hear from you.

The Transaction in Relation to Tournay, is, by the Committee set forth in one short View: The Dispute concerning it arose from the *French* Ministers insisting to be very particular and express in demanding the Restitution of this Place; which the *British* Plenipotentiaries conceiving to be inconsistent with what the Queen had declar'd, refuse to open the Conference, until they had further Orders. When this came to be consider'd in England, Lord *Bolingbroke* says, It occasion'd Warmth in the Cabinet Council; but his Lordship, instead of taking Measures for preserving the Town as Part of the Barrier of the States-General, which, as he confesses, was so intended, in the Queen's Speech, proposes Expedients whereby the Town might be restor'd to France without the Queen's becoming a Party to a Thing which was contradictory to what she had once advanc'd: And gives his Advice to *Monf. de Torcy*, by what Management Tournay might be secur'd to the King of France, contrary to the avow'd Sense of what the Queen had declar'd in Parliament; and altho' France had consented in a Memorial deliver'd by *Abbot Gueltier* so early as the 18th of No-

ember, 1711, not to insist upon *Tournay*; and this he does in his private Capacity, and not as a Secretary of State. But that his Lordship was not single in his Endeavours to assist *France* upon this Occasion, appears by the great Trouble that he says this Matter had given both him and my Lord Treasurer in the Cabinet; and if any Regard is to be given to Mr. Prior's Paper, my Lord Treasurer must certainly have written to Mr. Prior upon this Subject, who could otherwise have had no Ground to say, *My Lord Treasurer does not at all doubt but the Court of France will find a Remedy*; which is agreeable to what Lord Bolingbroke said in other Words, when this Advice was sent: *The Solution of this Difficulty must come from France*. What happen'd afterwards in Relation to *Tournay*; upon what great Concessions made to *France*, together with the advantageous Terms procur'd for the Elector of *Bavaria*, the Measures and Councils relating to this Affair were afterwards alter'd, is not material enough to require a long Detail; but nothing less than an absolute Concurrence, without any new Objection or further Demands, was to satisfy for the Cession of *Tournay*, and that it was at last obtain'd, is owing solely to the Firmness and Resolution of the States.

The Dispute between Count Rechter and Mr. Mesnager was still kept on Foot; tho' it was at last left to her Majesty to decide upon this Difference. There being some Points relating to Commerce, and *North America*, which are of very great Consequence to the Interest of the Queen's Subjects, and the Honour of this Treaty still to settle; Lord Bolingbroke thinks it necessary, tho' the *Dutch* may be uneasy that that Affair of the four Species to be excepted out of the *Tariff* of 1664, should still be kept in Uncertainty; and the *British* Plenipotentiaries accordingly, to gain Time till they could know her Majesty's Pleasure, reviv'd the Difference between Count Rechteren and Mr. Mesnager; and hope 'tis for her Majesty's Service in this Manner to stave off the Conferences.

The Differences that arose concerning the Treaty of Peace, and in particular about our Commerce, being finally to be determin'd at *Paris* by the Duke of *Shrewsbury* and Mr. Prior, the Committee think it needless to enter into all the Orders and Instructions, Objections and Answers, that went and came to and from *Utrecht*, where there was, indeed, but little more than the Form of a Negotiation; and

and conceive that an Account of what pass'd between London and France, will set this whole Matter in a clear Light. In the first Place they take Notice here of a remarkable Passage or two, found in Lord Bolingbroke's Letters to Mr. Prior. On the 19th of September, O. S. Lord Bolingbroke sends Mr. Prior an Account of some Advices they had receiv'd of the Invasion of the Leeward-Islands by the French. *This, Dear Matt. (says his Lordship) proves a very untoward Contretemps; it gives a Theme for the Whigs, and serves to awaken the Passions that were almost lull'd asleep. We expected that Castar's Squadron might be gone to the Coast of Brazil, or to Surinam, but we never imagin'd our Colonies would have been attack'd by him, at the Time when we were knitting the Bands of Friendship between the two Nations with all possible Industry. Could this ill Opinion of our new Friends have enter'd into our Heads, I do assure you, he should have been accompany'd by a Fleet of the Queen's, which would have kept him in Respect: Compare this Conduct with that of the Queen's, &c. And here follows the Passage which has been already mention'd, wherein his Lordship declar'd concerning the Order sent to the Duke of Ormond. I will not say this Order sav'd their Army from being lost, I think in my Conscience that it did. His Lordship goes on: In Word, we depend so much upon the good Understanding, which we thought establish'd, and were so earnest to prevent any thing which might break in upon it, that we not only avoid'd to fortify our Squadron, as we might have done, but we also neglect'd to put in Execution some Designs, which would have annoy'd both French and Spaniards, perhaps more than any that have been effected in the Course of this War.*

Another Instance of his Lordship's good Disposition to the French Nation, is to be found in his Letter to Mr. Prior, of the 29th of Sept. wherein he says, *I have got at last the Affair of the Griffin compounded, not without very great Difficulty; and tho' the Sum paid to the Captors was so large as 35000 l. the Ship was plainly Prize, and the Pass sent over hither might have been prov'd to have been numerically one of those I deliver'd at Fountainbleau, four Days after the Griffin was in Sir Thomas Hardy's Power; tho' Gualtier was ready to swear that he receiv'd it some Months before; which Part of the Abbot has, I confess to you, done him no Good in my Opinion. From whence it appears, tho' this Pass was none of them, that Passes had been granted some Months before the Suspension was concluded.*

Whilst the English Ministry are doing these good Offices to the Subjects of France, and taking all Opportunities both



publick and private, to espouse their Interests; the Committee is surpriz'd at the ill Treatment which *England* receiv'd from *France* at this Time, and at their Backwardness in making good the Promises and Engagements they were under in some Points that most nearly concern'd the Interests of *Great Britain*. At the latter End of *October*, Mr. Prior was sent into *England*, and, by what appears, left his Residence in *France* without the Leave, or any Order from the Queen his Mistress; but was sent over by the King of *France*, as a proper Person, whom he thought fit to entrust with the great Secret of prevailing with the Queen, by her Credit to obtain what the King demanded for the Elector of *Bavaria*. He brings a Credential Letter from the King of *France* to the Queen, which seeming something new of the Kind, is annex'd in the Appendix. About the Middle of *November*, Mr. Prior goes back into *France* with new Instructions, wherein the Proposal of a Neutrality in *Italy* is one of the chiefest Articles; and that he might have a perfect Knowledge of the Queen's present Resolutions and Councils, in Relation to the present Treaty of Peace, a Copy of the last Instructions to the Plenipotentiaries at *Utrecht* is given him, that, as Occasion should require, he might act in all Things conformable to the Queen's Intentions therein express'd. He carries likewise a Letter from the Queen to the King of *France*, wherein, among other Things, it is said, That Mr. Prior continuing to behave himself so as that his Conduct may be entirely agreeable to the King of *France*, he does but literally execute the Orders the Queen had given him, and is a Proof of his Duty and Zeal for her Service. After this it appears, that when the Treaty of Peace was ready to be concluded, the Advantages *Great Britain* was to expect and reap from the Endeavours of the *British* Ministry, to assist and support the Cause of *France*, were in a great Measure unsettled and undetermin'd. *France* began to cavil, and, as Lord *Bolingbroke* said, go back from what the King had promised the Queen. His Lordship cannot be persuaded, as he tells Mr. Prior, that the *French* act either fairly or wisely. They press us to conclude, that they may have others at their Mercy; and at the same Time, they chicaned with us concerning the most essential Article of all our Treaty, and endeavour to elude an Agreement made, repeated, confirm'd.

The two great Points of Moment in dispute, were concerning the Fishery at *Newfoundland*, and in what Manner the Cession of *Cape Breton* was to be made; the other was

about the Treaty of Commerce. As to the first, it is observ'd, that in the Queen's Instructions to the Duke of Shrewsbury, he is directed to propose, as the Queen's last Resolution, that she will consent to give and yield up to his most Christian Majesty the entire Possession and Propriety of the Island of *Cape Breton*, but with this express Condition, that his said Majesty shall on his Part, in Consideration of the same, relinquish to her Majesty all Manner of Right to Fishing, and drying Fish on the Coast of *Newfoundland*, or any Part, reserv'd to his Subjects, by the Articles sign'd at London the <sup>27 Sept.</sup> 8 Oct. 1711.

Several Representations were sent backward and forward, shewing the fatal Consequences of what was demanded by *France*; and altho' Lord *Bolingbroke*, in his Letter to Mr. *Prior* of the 19th of Jan. 1712-13, insisted, that the Queen had never yielded what *France* pretended to, which then remain'd an unformountable Difficulty; yet in his Letter to the Duke of *Shrewsbury* of the same Date, he tells his Grace, If the *French* close with the Overture he then made them, with regard to the Disputes concerning Commerce, her Majesty is willing to accept the last Expedient propos'd by Monsieur *de Torcy*, for adjusting our Differences about *North America*, and to consent that the King in the *Cession* of *Newfoundland*, do reserve to his Subjects a Right of Fishing and Drying on the Coast of *Newfoundland*, from Point *Richt North* about, to *Cape Bonavista*. And here no Direction is given concerning *Cape Breton*, of which the *French* got the entire Possession and Propriety; altho' in the Duke of *Shrewsbury*'s Instructions, it is declar'd, that the Queen look'd upon *Cape Breton* to belong to her; and reckon'd that Island a Part of the ancient Territory of *Nova Scotia*, which is by this Treaty restored to her. But if his Grace could not prevail upon them to agree with him in the Article of Commerce, he was to declare, That neither will the Queen agree with them in their Proposition concerning *Newfoundland*. Here the Committee considers upon what Consideration this valuable Privilege of taking and drying Fish upon the Coast of *Newfoundland* was yielded up to *France*. In Monsieur *de Torcy*'s Answer to Lord *Bolingbroke*'s Memorial of May the 24th, 1712, it was agreed, That Britain and *France* should grant to the Subjects of each Crown reciprocally, the same Privileges and Advantages which they shall either of them grant to the Subjects of any other Nation whatsoever: Upon this Foundation was establish'd the

Principle of treating, and being treated, as *Gens amicis*; and pursuant to this Principle the Tariff of 1664, which was granted to *Holland*, excepting the four Species, was likewise to be granted to us; and by the 8th and 10th Articles of the Project of the Treaty of Commerce it was so settled. But *France* pretending now, that this Tariff would be too beneficial to us, refused to grant it to us, until another Tariff should be made in *Britain*, exactly conformable to that of 1664, whereby our Duties should be reduc'd as low here, as theirs are in *France* by that Tariff. This, Lord Bolingbroke says, is an open Violation of Fairness; and by this they are removing a Corner-Stone, which was laid early in the Foundation of a Building brought almost to Perfection; the Fall whereof must prove at last of as fatal Consequence to them as to us. He adds, He was strangely surpris'd when he saw the Precedent of the Ryfwick Treaty quoted, to persuade us to refer our Commerce, as the Dutch then did theirs, to Commissioners, to be treated of after signing the Peace; that the Behaviour of the French upon that Occasion has given us Warning; and it is from thence we have learn'd, that whatever is refer'd, is given up; and they must have a mean Opinion of those whom they would persuade to pursue the same Method, to get the Tariff of 1664, by which the Dutch lost it. But his Lordship had either not learnt this Lesson, or had entirely forgot it, when on the 24th of May, he himself propos'd, that several Points relating to Commerce, requiring a longer Discussion than that Crisis would admit, Commissioners should be appointed to settle and adjust the Differences. But then, it seems, they were more intent upon the General Peace, than any particular Advantages.

After this, his Lordship proposes to strike out of the Project of the Treaty of Commerce the 9th and 10th Articles, and instead thereof, to insert one to the Effect of that which he had drawn: And as the Acceptance of this Amendment was to put an End to all the Differences, and gave such ample Advantages to *France*, the French readily agreed to it, and inserted it *verbatim* as it was sent, which makes the 9th Article of the Treaty of Commerce as it now stands, and is the same that was rejected by the last Parliament: and this Article which has been since so universally and justly condemn'd, appears to be the Work of the English Ministry, and the Price for which they sold to *France* the Fishery of *Newfoundland*.

This Treatment of *France* could not but give the Ministry the greatest Uneasiness; tho' their Apprehensions lest the

the Circumstances they were in should be known, far exceeded their Concern at the Disappointment *Great Britain* was like to meet with. They had sign'd a separate Treaty with *France* in September 1711, upon this single Principle, that the Interests of *Great Britain* were in the first Place to be adjust'd; and as long as they had this to say, they were unconcern'd at all other Events. They had gone on for 15 Months together, and acted in every Thing as the Instruments of *France*, and are at last in Danger of being disavow'd by *France*, in the most essential Part of all their Treaty. One of the chief Inducements and principal Conditions upon which the fatal Cessation of Arms was granted, was, That no Privileges or Advantages relating to Commerce with *France*, shall be yielded to any Foreign Nation, which shall not at the same Time be granted to the Subjects of her *Britannick Majesty*; but *France* had now reap'd the full Benefit of the Suspension, and were at Liberty to dispute the Principle of *Gens amicitissima*. In these Circumstances were the *English Ministry* in January 1712-13, and to extricate themselves, they give up all Points in Dispute in *North America*, and the Fishery of *Newfoundland*; upon the single Consideration of the 9th Article of the Treaty of Commerce, which the Parliament rejected with a just Indignation. However, to bring *France* to a Compliance even upon these Conditions, the Duke of *Shrewsbury* is instructed to prevail with *France* to come to this Resolution without the Loss of one Moment's Time. The Parliament was suddenly to meet, and it would be necessary for the Queen to communicate to both Houses the present State of the Negotiation. His Grace is then to represent to Monsieur de *Torcy*, how smoothly every Thing would glide along, if the Queen was able to speak of her own Interests as absolutely determin'd with *France*; and on the other Hand, what Travels we shall be expos'd to, and what Confusion may arise, if our Negotiation appears to be still open, and if the Secret comes to be divulg'd, that *France* refuses to make good in the Treaty, the full Effect of former Promises to the Queen. That as the *French Ministers* desire that the Queen would precipitate the Conclusion of her Peace, and leave all the Confederacy at their Mercy, they must be told, that when the mutual Interests of *France* and *England* are settled, the Plenipotentiaries of *Great Britain* shall publicly declare in the Congress that they are ready to sign with those of *France*, and shall call upon the Allies to quicken their Negotiations, and conclude without Loss of Time: But if they

they seek unnecessary Delays, or make unreasonable Demands, her Majesty, who has induced them to treat, will by the same Measures engage them to conclude, or at least she will sign without them: And that the Queen having once declar'd her Interest to be settled, and her Treaty ready to be sign'd, the General Peace becomes from that Moment sure, and the Remainder of the Negotiation easy; it is therefore wise for the French to comply with her Majesty.

The great Distraction the Ministry was in, appears sufficiently, from this long Letter of Lord Bolingbroke's to the Duke of Shrewsbury: But to be more fully satisfy'd what their own Apprehensions were, and what they themselves thought would be the Consequence of such Proceedings; the Committee takes Notice of two Letters, written upon this Subject by Lord Bolingbroke to Mr. Prior; one of January 19th, the other of the 22d, O. S. In the first his Lordship says, *We stand indeed upon a Precipice, but the French stand there too: Pray tell Monsieur de Torcy from me, that he may get Robin and Harry hang'd; but Affairs will soon run back into so much Confusion, that he will wish us alive again. To speak seriously, unless the Queen can talk of her Interests as determin'd with France; and unless your Court will keep our Allies in the Wrong, as they are sufficiently at this Time, I foresee inextricable Difficulties. My Scheme is this: Let France satisfy the Queen, and let the Queen immediately declare to her Parliament, and in the Congress, that she is ready to sign; at the same Time, let the French Plenipotentiaries shew a Disposition to conclude with all the Allies. And then his Lordship enumerates the several Offers which he would have France make to the several Allies; which, tho' very general and insufficient, his Lordship says, If such Overtures as these (made to the Allies) were not instantly accepted, our Separate Peace would, sitting the Parliament, be address'd for, made, and approv'd; and the Cause of France for once become popular in Britain. If they were accepted, let Monsieur de Torcy sit down and consider what a Bargain would be made for France; let him remember his Journey to the Hague, and compare the Plans of 1709 and 1712. Monsieur de Torcy has a Confidence in you; make use of it once for all upon this Occasion, and convince him thoroughly, that we must give a different Turn to our Parliament and our People, according to their Resentment at this Crisis.*

The next Letter is of the same Strain: We are now, says his Lordship, at the true Crisis of our Disease; we die at once, or recover at once. Let France depart from that shame-

ful Expedient, by which they thought to bubble us out of the Advantages which they had solemnly yielded, and all is well; otherwise, by G—, both they and we are undone. Pray send Barton back as fast as possible; the Queen can neither delay the meeting of the Parliament longer than the 3d, nor speak to the Houses till we hear from you. My Compliments to Monsieur de Torcy: Let him know, that if they do not agree with the Queen, I may perhaps be a Refugee; if I am, I promise beforehand, to behave myself better in France, than the French Refugees do here. Make the French ashamed of their sneaking Chicane; by Heaven, they treat like Pedlers; or, which is worse, like Attorneys.

Though all these publick Transactions pass'd through the Hands of Lord Bolingbroke, it appears that he was not the only Person in the Secret; but that a greater Influence chiefly directed and govern'd all these Councils; and that the Lord Treasurer, as in the great Affair of *Tournay*, was in this Transaction the chief Conductor, as may very reasonably be concluded by several Letters that Mr. Prior wrote about this Time to the Lord Treasurer, altho' Mr. Prior has not thought fit to produce one Letter from his Lordship to him. Mr. Prior's Dispatch to the Secretary's Office giving a full Account of the present State of the Treaty, with ~~French~~ Papers concerning Commerce and North America, is dated December the 28th, 1712, N.S. The Day after, (December the 29th, N.S.) Mr. Prior writes to my Lord Treasurer, and tells him, I have wrote a Book instead of a Letter, to my Lord Bolingbroke, which I desire your Lordship would be pleas'd to run over; that knowing what I have done here, you may honour me with your Commands as to what I am to do. He hopes his Proposal about Newfoundland, which he sends his Lordship enclos'd, is such as may terminate that Affair to our Advantage. If your Lordship is of the same Opinion, I shall have entire Satisfaction. Jan. 8. 1712-13, N.S. Mr. Prior writes again to the Lord Treasurer, that he had been in Conference with the French Ministers, to adjust the Points undecided; that he had sent the Lord Bolingbroke the Result of those Conferences, and says, I hope the whole Affair of Newfoundland is adjusted to your Desire; there were some Points insisted upon by our Plenipotentiaries, which the Ministers here thought very unreasonable; and to say a Truth to my Lord Treasurer plainly, which I do a little mitigate to my Lord Bolingbroke, I think not very reasonable. He then gives an Account, that Monsieur de Torcy was surpris'd that the Dutch had but in Part comply'd with what Lord Strafford declar'd to them to be her Majesty's Resolutions,

tions, to which he hopes the Queen will send such an Answer as may cut off all Delays; and upon this Occasion, Mr. Prior says to the Lord Treasurer, *This I only write to your Lordship, it being a Thing that should not be canvas'd in Council; and I have promis'd the King should have her Majesty's Answer upon it, as he desires.* January 19th, 1712-13, N. S. Mr. Prior writes again to the Lord Treasurer, and acquaints him, *That the Duke of Shrewsbury now sends to Lord Bolingbroke the Substance of their last Conferences with Monsieur de Torcy, upon the Subject of Newfoundland; to which I take Leave to add, That your Friend Torcy is in the last Concern to find the Duke's Instructions so strict, in a Point which cannot be given up by France, at a Time when we had hoped that Difference was adjust'd. Pray, my Lord, let us have your distinct and positive Orders hereupon by the first.* Duke of Shrewsbury desires that we may have your Orders to finish. I believe Torcy writes himself to you. January the 23d, 1712-13, N. S. Mr. Prior writes once more to the Lord Treasurer, and tells him, *I have already wrote so amply to your Lordship, on the two great Points of Newfoundland and the Tariff of 1664, and expect so daily your last Orders upon those two Points, that I will not trouble you at present further than to say, if these two are settled, the Peace may be determin'd here To-morrow, and sent the next Day to Utrecht to be sign'd.* And on the 2d of February, 1712-13, Mr. Prior says to the Treasurer, *If I desire you to write to me, it is because I really think it for the Queen's Service; that in this great Post where you have put me, I may say, I have the immediate Commands of my Lord Treasurer; and in Regard to that Friendship with which you have so publicly honour'd me, and which, by the By, does all the Business here.* And on February the 4th, *I shall direct myself as you shall be pleas'd to instruct me privately.* If the Committee had found among the Papers deliver'd by Mr. Prior, the Lord Treasurer's Answers to these Letters; it would have appear'd, how far the giving up the Fishery of Newfoundland, and the accepting of the 9th Article, of the Treaty of Commerce, was owing to his Lordship's immediate Orders. It seems however, to be a very extraordinary Proceeding; that the Queen's Ministers in France, acting by Authority, and under her Instructions, should apply to the Lord Treasurer, for his distinct and positive Orders to release them from the Queen's Instructions, because they are thought by the French Ministers to be too strict; and if it be a Doubt, by whose Order or Advice it was procur'd, so much is certain, that these Applications had their desir'd Effect; and

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the *Newfoundland* Fishery was given up; and the Advantage we were to receive, from having treated upon the Foot of *Gens Armicissima*, were all bury'd in that destructive Article, of the 9th Article of the Treaty of Commerce.

The Dispute rais'd at *Utrecht* had been so order'd, that the Ministers of the Allies could not obtain any Conferences with those of *France*, till the Points in Difference were adjust'd between *England* and *France*; by which Means it was *February*, 1712-13, before the *Dutch* and *French* were suffer'd to meet: And it being now the Business of *France* to conclude with *England* separately, the Temper the *French* Plenipotentiaries appear'd in, made all Business so impracticable, that the *British* Plenipotentiaries were under a Necessity of complaining of it to Lord *Bolingbroke*, and to acquaint him, *February* the 3d, 1712-13, 'The *French* appear so very uncomplying in every Point debated, and so very forward and positive in their Refusal of a great many Things, which the *Dutch* took to be granted and settled, as well by her Majesty's Speech, as the Declarations lately made by the Lord *Strafford*, that the Disappointment they met with, put them into the greatest Consternation: Reason was also given us to participate in these Discontents, and to regard several Things, which appear contrary to what her Majesty has declar'd, as very unfair; yet all that could be said prevail'd not.

The Committee is not surpriz'd, that the Instances of their Excellencies had so little Effect with the *French* Plenipotentiaries, who then expected that Orders should be sent to the *British* Plenipotentiaries immediately to sign a separate Peace; which, according to their Expectations, were sent *February* the 20th, 1712-13, by Mr. *St. John*, Brother to the Lord *Bolingbroke*, to conclude and sign with *France* as soon as the Duke of *Shrewsbury* should send them Advice that the Propositions he was to make at the *French* Court were accepted; and on the 28th, Lord *Bolingbroke* with the utmost Joy acquaints their Excellencies, That he had receiv'd from the Duke of *Shrewsbury* the expected Returns; he had therefore dispatch'd a Courier to them, to renew those Instructions which he had been clear enough signify'd in those Papers which his Brother carry'd. He acquaints them, that the Duke of *Shrewsbury* had declar'd that their Lordships had Orders, in Case the *French* comply'd, as they now actually have done, to sign her Majesty's Peace with *France* without further Delay; and that her Majesty would open the Parliament, by

by telling them she had made a Peace with France. The latter she will herself perform on Tuesday; and the former, it is her positive Command that your Lordships make good as fast as the necessary Forms of preparing and executing the Instruments will allow. And his Lordship gives their Excellencies positive Orders, without any Delay, to execute the Treaties of Peace and Commerce between Great Britain and France.

On the 7th, and 20th of March, O. S. Lord Bolingbroke repeats these positive Orders, and insists, that the Peace should be concluded with that Precipitation which her Majesty would have used. And it is observable, that among all the Demands that were made, upon Account of any Prince or Potentate, none, at this Time, met with the least Regard; when, at the same Time, the Interest of the Princess Ursini was espous'd in the strongest Terms: And in the same Letter, March 3, O. S. where his Lordship speaking of the Consequence of the Restoration of the Elector of Bavaria to his Electorate, says, *Her Majesty does not much enter into the Notion of the Degradation of Hanover; as a Matter of any Importance.* His Lordship declares, *That the Principality in some Part of the Spanish Netherlands, with a Revenue of 30000 Crowns demanded for the Princess Ursini, must be made to the Emperor, and all Parties concern'd, a Condition sine qua non, of the General Peace.*

But the British Plenipotentiaries, who were to sign, had some Difficulties; and acquaint Lord Bolingbroke, *We could say a great deal to justify our cautious Proceedings with the French, and are satisfy'd that your Lordship would be of the same Opinion, if you were to see their Way of negotiating with all the Allies, and how hard it is for us to obtain here what to your Lordship seems impossible the French should make any Difficulty to grant.*

The repeated Orders to the Plenipotentiaries prevail'd at last so far upon them, as to acquaint the Allies, *The Queen found it necessary to conclude her own Peace without Delay; and that Time should be allow'd those that were not ready:* But they still avoid'd the actual signing, till the rest of the Allies, whose Treaties were in a Forwardness, were ready to sign with them; and, to justify themselves, they acquaint the Duke of Shrewsbury, *That, besides other Considerations, their chief Objection was, that tho' they had Orders to sign a particular Peace, yet their full Powers under the Great Seal only authoriz'd them to negotiate, agree, and conclude the Conditions of a good and General Peace, agreeable to the Interests of all, and each of the Allies.* And what made