

made them more averse, was the great Importunity with which the French push'd them to sign separately. We are, say they, surpris'd at the Eagerness of the French Ministers to have us conclude alone, when so many of the Allies are, in a Manner, ready to join with us; nor can we enough apprehend the Consequences at Home of doing it alone.

Heretupon Lord Bolingbroke who says he has not Sagacity enough to find the Objections that the Plenipotentiaries had made to their first full Powers, for their Satisfaction, sends them a new Commission, and repeats to them positive Orders to sign and conclude with France, for which Purpose they were to appoint a Day to desire them to be ready, and at the same Time to press such as could not be ready by that Day, to fix some other on which they will sign. By this new Commission his Lordship tells them, they have a Power, as before, *tractandi Conveniendique* the Conditions of a Good and General Peace, which is no more than you are to do, when you are to offer, jointly with the Ministers of France a general Plan to the Allies. These Difficulties of the Plenipotentiaries made the Lord Treasurer, who never fail'd to exert himself when he found it absolutely necessary, think it high Time to interpose his Authority; and accordingly, March 31, N. S. he wrote to my Lord Strafford in this Manner: I must felicitate your Excellency upon the Success of all your Zeal, and the true Love you have shewn to your Queen, your Country and the Repose of all Europe. The remaining Danger is, lest we should suffer Shipwrack in the Sight of the Port. The Nation here are 500 to one for Peace. The Warriors are driven from their Outworks; the last Retrenchment they have is Delay; and I must say, this operates much here. The Ferment begins to work, and it will be impossible to answer for the Turn the House of Commons will take, if these Delays provoke them further. They all feel how many 100000 l. this needless Protraction costs them. We now maintain 49000 effective Men by Land, and 30000, within a Trifle, by Sea. In the mean Time, the Merchants lie off, and will not come into Port; the Amusement of Stories invented by the Faction, and the Correspondence and Encouragement that Party gives to their Friends to hold out, and to wait for some unhappy Accident that may unravel all which is done: Add to this, the ill Humour which will grow in Members, by being kept so long in Town idle; and, in one Word, all that has been unsettled for many Days, is not worth one Day's Charge England is at extraordinarily, by this Delay. I find this seems to be the prevailing universal Opinion here, and that France has acquitted herself;

herself; the only Stop is now at Utrecht. But this Stop did not remain long; and as his Lordship never yet appear'd in vain, all further Obstructions at Utrecht, were after this soon remov'd. April 1-12, 1713, the Treaties of Peace and Commerce between Great Britain and France were sign'd between two and Three in the Afternoon. The Example was follow'd by several of the Allies; and last of all, when it was in vain to hold out any longer, the Dutch, about Midnight, sign'd their Treaties of Peace and Commerce; and the Emperor and Empire alone, chose rather to bear the Weight of the War, than submit to such disadvantageous and dishonourable Terms as had been carry'd out for them by England and France.

The Committee observe, that the Queen's Plenipotentiaries suffer'd a Clause to be inserted at the End of the 15th Article of the Peace with Spain, whereby they gave a Pretence to the Spaniards to claim a Right to fish at Newfoundland, contrary to the 7th and 8th Article of the Treaty made with that Crown by Sir William Godolphin, July 8-18, 1670, whereby it is agreed, That the King of Great Britain, his Heirs and Successors, shall enjoy for ever, with plenary Right of Sovereignty, &c. all those Lands and Places whatsoever, being or situated in the West Indies, or in any Part of America which the said King of Great Britain, and his Subjects, do at present hold and possess. And that the Subjects and Inhabitants, Merchants of the Kingdoms, &c. and Dominions of each Confederate respectively, shall forbear to sail and trade in the Ports and Havens which have Fortifications, Magazines, or Ware-houses, and in all other Places whatsoever, possess'd by the other Party in the West-Indies, &c. The Board of Trade being consulted on the Spaniards claiming a Right to fish at Newfoundland, return'd the following Answer to Lord Dartmouth, dated June 13, 1713. ' We have consider'd the Extract of a Memorial from the ' Marquis de Monteleon, relating to a Claim of the Inha- ' bitants of Guipuscoa, to fish on the Coast of Newfound- ' land; and thereupon take Leave to inform your Lord- ' ship, that we have discours'd with such Persons as are ' able to give us Information in that Matter; and we ' find that some Spaniards are come hither with Passes ' from her Majesty, and others may have fish'd there pri- ' vately; but never any, that we can learn, did do it as ' of Right belonging to them. By the Act to encourage ' the Trade to Newfoundland, pass'd in the 10th and 11th ' Years of this late Majesty, when we were in Amity and ' Alliance

Alliance with *Spain*, it is declar'd and enacted, That no Alien or Stranger whatsoever, not residing within the Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick upon Tweed*, shall at any Time hereafter take bait, or use any Sort of Trade, or Fishing whatsoever in *Newfoundland*, or in any of the Islands adjacent. Pursuant to which Act, Instructions have been given every Year to the Commodores of the Convoys, to prevent Foreigners coming thither." The Committee are at Loss to account for the Reasons that prevail'd with the Ministry to admit the Insertion of this Article; and upon this Occasion acquaint the House, that they find very few footsteps remaining of the whole Transaction relating to Commerce with *Spain*. That the Management of it was intrusted with Mr. *Gillingham*, an *Irish* Papist, who was sent thither for that Purpose; for which Reason Lord *Lexington*, in his Letters to Lord *Dartmouth*, frequently excuses himself for not writing upon that Subject, Mr. *Gillingham* giving such full Accounts of the Matter; notwithstanding which, no one Letter from Mr. *Gillingham* to the Secretaries Office can be found; and the Committee are induc'd to believe, that this whole Transaction was carry'd on by another Way.

From this Passage it appears evident to the Committee, that a Correspondence was carry'd on between the Earl of *Oxford* and Mr. *Gillingham*, in Relation to our Treaty of Commerce with *Spain*; but for want of the Papers which pass'd between them upon this Subject, the Committee is likewise at a Loss to find, what Motives could induce the *British* Ministry to admit so essential an Alteration of the Treaty of Commerce sign'd by the Queen's Plenipotentiaries, as is made by the *Three Explanatory Articles*, as they are call'd, which are added to the said Treaty, and are, in an unprecedented Manner, inserted in the Ratification of it; notwithstanding it doth not appear, they had ever been consented to, much less sign'd by any of the Queen's Plenipotentiaries. Amongst other very material Disadvantages to which these Articles subject our Merchants, the Committee is inform'd, that, by Virtue of them, *Spain* does actually at this time demand of our Merchants 14 per Cent. on Account of *Centos*, *Millones*, and *Alcavalas*, over and above 15 per Cent. which they exact for other Duties, which added to the former amount to 29 per Cent. whereas 'tis notorious, that, during the Reign of King *Charles II.* of *Spain*, the whole Duties exacted, and paid by our Merchants for all Goods imported to the

several Ports of Spain, computed by an Average, did never exceed 10 per Cent. but rather few short of it. By what Management these Articles were satisfy'd, and how legal and warrantable it was to affix the Great Seal to Articles so pernicious in their Contents, and so irregularly offer'd, the Committee submit to the Consideration of the House.

The Committee having thus gone through the chief Transactions relating to the Negotiations of Peace and Commerce, proceed to offer to the House what they have found material in the Papers referr'd to them concerning the *Catalans*. In the first Place, they observe, that after several unsuccessful Attempts by the Way of *Portugal* and the Design upon *Cadiz*, to settle King *Charles* on the Throne of *Spain*; and that the Confederate Diet had appear'd before *Barcelona* in 1704, without the desir'd Success; her Majesty in the Beginning of the Year 1705, sent Mr. *Crowe* as her Minister to *Genoa*, with private Instructions to treat with the *Catalans*, or any other People of *Spain*, about their coming into the Interest of *Charles III.* of *Spain*, and joining with her Majesty and her Allies. For that Purpose he is to inform himself what Number of Forces they will raise, and what they expect shall be sent to assist them: If any of the Nobility insist upon a Sum of Money to be advanc'd to them, he must assure them, he does not doubt but he shall be empower'd to remit to them whatsoever is necessary and reasonable for their Support, as soon as they are actually in the Field: That he shall give the *Catalans*, or other *Spaniards*, Assurances of her Majesty's utmost Endeavours to procure the Establishment of all such Rights and Immunities, as they have formerly enjoy'd under the House of *Austria*: That she has, for their further Satisfaction, sent to King *Charles III.* for Powers for confirming the same to them; and that she is willing, if they insist upon it, to give her Guarantee that it shall be done. Mr. *Crowe* had also a Commission of the same Date with his Instructions, to treat with the *Catalans* upon the Terms before mention'd, upon this express Condition on their Side, That they should acknowledge, and receive King *Charles* as lawful King of *Spain*, and utterly renounce the House of *Bourbon*. He had with this credential Letters, sign'd by the Queen, directed to the Nobility, Magistrates, and all Officers Civil and Military of *Catalonia*, desiring them to depend upon the Promise he should make them in her Name. The Earl of *Peterborough* and Sir *Cloudesty Shovel*, by their Instructions,

dated



dated May 12, 1705, were likewise order'd to use their Endeavours to induce the *Catalans* to join with them in their Undertakings, and to animate that People to prosecute their Liberty with more Vigour; to assure them of the Queen's Support, and to promise them in her Name, that she will secure to them a Confirmation of their Rights and Privileges from the King of *Spain*, that they may be settled on a lasting Foundation to them and their Posterities. But they are order'd, in Case the *Catalans* make no suitable Return to these kind Offers, to annoy the Towns on the Coast of *Spain*, and to reduce them by Force. Moreover, a Declaration was drawn here, and deliver'd by Mr. Secretary *Harley* to the Earl of *Peterborough*, full of Assurances in the Queen's Name of Support, and of their Liberties on the one Hand, and Threats on the other; which Declaration his Lordship did accordingly publish. The Success of that Expedition needs not be here particularly mention'd. King *Charles*, in his Letter to the Queen of October 22, 1705, gives an Account of them, and says they were owing to, viz. The Assurances of your Majesty's generous Protection, upon which my Subjects in *Catalonia* expose their Lives and Fortunes. No Want of Fidelity or Zeal for the Common Cause, during a long war, that abounded with extraordinary Turns of Fortune, was ever objected to these People; on the contrary, they receiv'd to the last the Applauses of the Allies, and Assistance repeated to them by every General and Minister that was sent from *Great Britain* into that Country, that they should never be abandon'd. When the Queen enter'd into separate Measures of Peace, Lord *Lexington* was sent Embassador to *Spain*, at which Time, considering the Circumstances of King *Philip's* Affairs, and the Obligations he had receiv'd from the Queen, the *Catalan* Privileges, if plainly demanded and insisted upon, could not have been refus'd; and without it, could never be expected to be granted to a People so remarkably zealous for the common Cause. But his Lordship's Instructions, instead of directing him to insist upon this as a Condition of the Queen's coming into the Peace, order him only to represent to the Court of *Spain*, that it is no less for the King's Interest, than for the Queen's Honour, that a General Amnesty, without Exception, be granted to all *Spaniards* who have adher'd to the House of *Austria*, and in a particular Manner to the *Catalans*, with regard to their Persons, Estates, Dignities, and Privileges. These Instructions, tho' very defective, were not comply

ply'd with; for Lord Lexington, in the fourth Article of his Demands deliver'd to the Court of Spain, upon his Arrival there, expresses himself thus, That the Queen prays his Catholick Majesty, that a General Amnesty, without Exception, be granted; but leaves out the Words in his Instructions with Regard to their Person, Estates, Dignities, and Privileges.

The King's Answer was, That the General Amnesty relating to the General Peace, was not proper for the present Treaty; and therefore he left it to be then treated of; that he would make use of his great Clemency, provided the Queen would contribute to the Safety, Repose, and Interests of many faithful Subjects, who had follow'd his righteous Cause in Flanders and Italy; and that an express Article be inserted in the Peace, wherein it shall be order'd, That all Subjects who have done their Duty, by adhering to his Catholick Majesty, shall be establish'd in their Estates and Honours, of what Nature soever they be, which they enjoy'd when they were under his Obedience. Lord Lexington transmits his Answer to England, which, tho' containing a direct refusal of what was desir'd, and only general Assurance of Clemency from the King, on Conditions that could not possibly be expected to be comply'd with; yet his Lordship writes to Lord Dartmouth, That the Article about the Catalans was agreed to; and thinks what they desire is but Justice: And then goes on, Thus, my Lord, I have finish'd my Negotiation in the best Manner I could, and hope it will be to her Majesty's Satisfaction. No Dissatisfaction was shewn by the Ministry in England, either with this Manner of negotiating, or the Fruitfulness of it; but he is order'd to proceed in the Business, both as it was an Act of Humanity, which every one to the utmost of their Power ought to promote; and that the Interest of the King of Spain was most nearly concern'd by that Means to get the Germans out of the Country. Hereupon another Memorial for an Amnesty is presented, the Motive used to induce the King to grant it, is his own Interest, and to remove the Germans, without any Notice taken of the Queen's Honour being concern'd in the Affair.

The King answer'd, That the Catalans had deserv'd little from him; that they were now reduc'd to a small Extent in Guend, by the withdrawing of the Troops from Brisson and Portugal; that his Troops, and those of the King his Grandfather, were entering into their

their Country by three several Ways; therefore more in Compliance to the Queen, than for the Arguments that had been offer'd, he was willing to grant his Pardon to those Catalans, who, acknowledging his Clemency, and repenting them of their Error, should submit to his Dominion and Vassalage, within a Time to be prefix'd." Count Zinzendorf, in the Project for evacuating Catalonia, insisted upon the preserving to that People their Privileges; but the King of Spain refus'd it, and would only grant them an Amnesty. Lord Dartmouth, in his Letter to the Marquess de Monteleone and Lord Lexington, says, "He cannot express the Queen's Surprise, to hear, that the Privileges of the Catalans were not intended to be preserv'd to them by the Court of Spain; that those Privileges were necessarily included in the Meaning of a General Amnesty, already granted; and this was an Affair wherein the Queen's Honour was extremely concern'd, and that she was oblig'd by Motives of Conscience not to depart from it." Lord Lexington is hereupon order'd to insist again upon it in the strongest Manner, that when the King of Spain is convinc'd of her Majesty's Steadiness, and the Firmness of her Resolution to adhere to this Demand, no doubt he will yield to what has been so solemnly promis'd, and is in itself so reasonable. That the Marquess de Monteleone being restrain'd by his Instructions from treating upon this Point, the negotiating of it must entirely lie upon Lord Lexington. Accordingly his Lordship presents another Memorial for a General Amnesty with the Confirmation of all their Privileges. "The Amnesty, he says, was granted; but the Privileges entirely refus'd, and in such a positive Style, as he never met with, but in demanding a Tract of Ground about Gibraltar. In another Letter, speaking of the many Denials he met with in Spain, he says, 'Things are not here upon the same Foot as they were before the Suspension, for the King told me these Words, *We know that the Peace is as necessary for you as for us, and that you will not break it off for a Trifle.*'

It may seem unaccountable how the Queen's Endeavours could fail of Success, when she declar'd her Conscience was concern'd in this Matter, and that, who she desir'd a Peace, she would not act inconsistently with Honour and Justice to obtain it. But the Committee hereupon

observe, That the first fatal Step to the Ruin of the *Catalans*, was the Orders sent Lord *Lexington*, (contrary upon first Instructions) upon his Arrival at *Madrid* to acknowledge *Philip* as King of *Spain* in a private Audience, before any one Article of Peace or Commerce was settled with him, which put him in a Condition of refusing: this, and whatever else he should think fit. The Main Secret of *Spain* gain'd this important Point appears to be as follows: Lord *Dartmouth* had acquainted Mr. *Prior*, that Lord *Lexington* was not to acknowledge *Philip* as King of *Spain* till he had agreed to the Demands his Lordship was to make in the Queen's Name. However, Lord *Dartmouth* thinks it convenient the Sentiments of the French Court should be known upon this Matter as soon as possible. This Method of Proceeding with *Spain* was very much disliked in *France*, and Mr. *Prior* writes Lord *Dartmouth* a rather elaborate Letter, full of Monsieur *Forcy's* Reasons to persuade our Ministry to recede from that Point, and concludes with this remarkable one, "That the whole Treaty being eventual, this Acknowledgment of *Philip* as King of *Spain*, would fall as the other Points, unless the Conditions were made good, and the Peace agreed on, and ratify'd."

Hereupon Lord *Bolingbroke* determines this Matter in Favour of *Spain*, by impugning the former Directions to Lord *Dartmouth's* mistaking the Queen's Meaning; and writes Mr. *Prior* Word, that he was equally surpris'd and vexed, to find by the uncouth Way of explaining the Queen's Sense, that Mr. *Prior* had been led to imagine it was intended Lord *Lexington* should make any Difficulty of acknowledging the King on pain as such. "The proceeding this Way, by acknowledging the King in the first Place, (says his Lordship) seems natural, civil, and unexceptionable; but any other Scheme is absurd, and inconsistent with all the rest of our Proceedings." He then concludes, "For God's Sake, dear *Mssr.* hide the Nakedness of thy Country, and give the best Turn thy fertile Brain will furnish thee with, to the Blunders of our Ministers, who are not much better Politicians, than the French are Poets." Lord *Dartmouth* acquiesc'd, and dispatch'd Orders to Lord *Lexington*, to acknowledge King *Philip*, notwithstanding his former Instructions to the contrary.

Nor did the Ministry shew that Zeal for the Queen's Honour might be expected, with respect to the *Catalans*, but plainly gave this Matter up. Lord *Bolingbroke* in his Letter

Letter to the Queen's Plenipotentiaries at *Utrecht*, tells in this Manner, It is not for the Interest of *England* to preserve the *Catalan* Liberties; and observes, that the *Catalan* Privileges are the Power of the Purse and Sword; but that the *Castilian* Privileges, which the King of *Spain* will give them in Exchange for their *Catalan*, are, the Liberty of trading to the *West-Indies*, and a Capacity of holding those beneficial Employments the King has to bestow in *America*, which, says his Lordship, are of infinitely greater Value to those who intend to live in a due Subjection to Authority. Lord *Lexington* also, instead of supporting the *Catalan* Privileges, treated the People as Rebels; and to induce *Spain* to make Peace with *Portugal*, puts Monsieur *Orry* in Mind of the Necessity *Spain* is in of withdrawing their Troops from *Andalusia*, in order to end the Rebellion of the *Catalans*. When the Convention was forc'd upon the Emperor for the evacuating *Catalonia*, the Imperial Ministers at *Utrecht* insisted upon the preserving by that Treaty the Privileges of *Catalonia*, *Majorca*, and *Ivica*; but *France* and her Confederates insisting that that Matter being thus referred to the Peace, the Imperial Ministers at *Utrecht* acquiesc'd, upon the Queen of *Great Britain*'s declaring again, that she would interpose her good Offices in the most effectual Manner, to obtain the Privileges of *Catalonia*, *Majorca*, and *Ivica*: And the *French* King engag'd at the same Time, to join his Endeavours for that Purpose. Hereupon, the Negotiation in *Spain* was kept up till our Treaty of Peace with that Crown was ripe, by which the *Catalan* Liberties were to be abandon'd. This, Lord *Lexington* sign'd, contenting himself with protesting against that Article at the same Time he sign'd it; as he had writ Word before he intended to do, and that therefore the Queen was entirely at Liberty to reject it.

Notwithstanding the King of *Spain*'s former Refusal, Lord *Lexington* is directed to insist upon the *Catalan* Privileges, and is again told, that the Queen thought herself oblig'd by the strongest Ties, viz. those of Honour and Conscience, to insist upon it, for a People, whom the Necessity of the War had oblig'd her to draw into her Intereff: His Lordship had sign'd the Treaty with *Spain* before these Orders to present another Memorial arriv'd. He thereupon acquaints the Marquess of *Bedmar*, that he was sorry he was oblig'd to do any thing which he knew was against the King's Sentiments, but having receiv'd express Orders, he must follow his Duty, and presents a Memorial, setting forth, That the Queen had nothing more at heart, than

to obtain for the *Catalans* the same Privileges they formerly enjoy'd, which she thought herself oblig'd to depose by the two strongest Motives, viz. Honour, and Conscience; that she might not leave a Nation, which the Misfortune of War oblig'd her to draw into her Interest, in a worse Condition than she found them. That after all the Pains she had taken for procuring a solid and lasting Peace to *Europe*, she hop'd his Majesty would not leave her with the Grief of having been the Occasion of the Loss of the Privileges of that People; but rather that in Regard to the strict Friendship which was so near being establish'd between both their Majesties, as well as the Union so necessary to the Interests of both Nations, he would not make any Difficulty to grant her this Favour to her Majesty, which she had so much at Heart.

The Marquess de Bedmar's Answer to this Memorial was, "That this Point about the *Catalans*, having been debated in the Treaty lately concluded, and sign'd in this Court by his Excellency and himself; the King desires not see that any thing further is to be done in the Matter." This Treaty was sent to *England*, and ratify'd by the Queen. Lord Dartmouth says, that Lord Bolingbroke had the principal Share in the Negotiation; and that the Article of the *Catalans* was put in as soft Terms as was consistent with the Queen's Honour to allow. The Terms of the Treaty are, "That the *Catalans* shall have the same Privileges as the King's best belov'd Subjects (the *Castilians*) enjoy." When the King of *Spain* had receiv'd this convincing Proof of our Ministry's Attachment to his Interests, and that the Ties of the Queen's Honour and Conscience were of no Force with them, when oppos'd to his Desires, he takes a further Step, and directly proposes to Lord Lexington, that the Queen would assist him with Ships to block up *Barcelona*.

His Lordship's Answer was, "That he was afraid this Proposal would meet with this Difficulty, That her Majesty would be very unwilling to lend her Ships to exterminate a People that had taken up Arms, in a great Measure at the instigation of her Ministers; and that she would think she had done enough to gratify the King, in not insisting upon the preserving for them their ancient Liberties, without helping to destroy them." But the Regard our Ministry had to this Request of the King, will afterwards appear. The French Ambassador and



The Princess *des Ursins* proposed to Lord *Lexington*, and in Night before he left *Madrid*, the King sent for him, and engaged him, to write a Letter, concerted with, and approved by the King to the Regency of *Barcelona*, advising them to submit themselves to their King. His excellency assures them of his constant Endeavours to do the best he could do for them; that God had not permitted him to do more than he had done: That if they would take their Resolution soon, before he was out of *Spain*, he would write for them in the Manner they should desire; and concludes his Letter with new Assurances of his Concern for their Interests. To make this appear the more friendly to them, he tells them, "he had entrusted the Consul at *Alicant* to get his Letter conveyed to them, upon some Pretence or other;" and a Duplicate of it was also sent to the Count of *Levergne*, one of the King of *Spain's* Generals before the *Albano*, with Direction to have it sent in as by a Despatch, without his Knowledge. Mr. *Burch* his Lordship's Secretary, amongst other Reasons, gives this for the writing the Letter; "That if the *Catalans* had a mind to accommodate the Queen would have the Mediation; and if they had not, that then the Court of *Spain* would see, that her Majesty would be always ready to serve them." But this Artifice to induce the *Catalans* to abandon their Defence, in Hopes of his Lordship's good Offices, had no Effect upon Men determined to die for the Liberty of their Country. Nothing but Force could extort that from them; and therefore Sir *Patrick Lawley*, in September 1712, presents a Memorial, to the same Effect with what was proposed the Month before by Lord *Lexington* in *Spain*; setting forth that the *Catalans* and *Majorcans* had not submitted themselves to the King's Obedience, but had interrupted all Commerce and Correspondence in the *Mediterranean*; and submits it to the Consideration of the Queen, not only as Guarantee of the Treaty of Evacuation, but as it concerned the Interests of *Great Britain*; and therefore his Catholick Majesty hopes the Queen will order a Squadron of her Ships to reduce his Subjects to their Obedience, and thereby restore the Tranquillity of *Spain*, and of the *Mediterranean* Commerce. As soon as the Season of the Year would permit, a Fleet is accordingly fitted out for the *Mediterranean*, under the Command of Sir *James Wisbart*, whose first Instructions bear Date February, 28, and the Additional March 18, 1713-14; by which he is ordered to enforce a strict observance

servance of the Treaty of Evacuation in all its Parts  
 and upon any Complaints of the Queen's Subjects, of In-  
 terruptions of Commerce, or Depredations by the Vessels  
 of Catalonia, Majorca, Sardinia, Naples, and other Places,  
 to demand Restitution; and in Case of Refusal, to make  
 Reprisals. To repair with the Fleet before Barcelona, then  
 besieged by the Enemy, and demand immediate Payment  
 of the Value of the Queen's Stores in the Town, or a sufficient  
 Security for Payment in some reasonable Time. To take  
 care to time his Arrival before the Town, according to the  
 Advices from Lord Bingley, then design'd to be sent to Spain;  
 by the strongest Representations to induce the Regency of  
 Barcelona to accept of the Terms that shall be offer'd  
 for them. To take all the necessary Measures pursuant to  
 the Queen's Intentions to put an End to the Confusions  
 that now reign in those Parts: And by proper Methods  
 of Persuasion to induce the Inhabitants of Majorca to sub-  
 mit to the Terms that shall be offer'd them; and in Case  
 of Refusal, to employ his Squadron in countenancing and  
 assisting all Attempts which may be made for reducing  
 them to a due Obedience. Here the Committee take no-  
 tice, 1. That altho' the Queen had engag'd herself by the  
 Treaty of Evacuation, to interpose her good Offices in the  
 most effectual Manner, to obtain for the Catalans their Liber-  
 ties; yet instead thereof, the most effectual Methods were  
 used to the contrary, and Mr. Prior acquainted Mon-  
 sieur Torcy, that the Queen was assur'd the Catalans would sub-  
 mit upon the Terms before offer'd by the King of Spain,  
 without so much as mentioning the ancient Privileges  
 any more. 2. That the French King who had put himself  
 under the same Obligation as the Queen, by the said Tre-  
 aty, after this Account from Mr. Prior, of the Queen's Sen-  
 timents, thought fit also not to ask for their Privileges;  
 Mons. Torcy also alledging, that the King had little Interest  
 with the Court of Spain. 3. That Britain was under the  
 same Engagements by that Treaty, to support the Pri-  
 vileges of Majorca, as those of Catalonia, at the Time Sir  
 James Wisbart had direct Orders to attack them. 4. That  
 all these rigorous Measures were forming against the  
 Catalans, and Boscawen writes Word to Mr. Prior, That  
 by what we observe in the Catalan Agent here, of whom we  
 have never taken the least Notice as a publick Man, it is  
 pretty plain, that a reasonable Accommodation might be made,  
 as he expresses it, with that turbulent People. What was call-  
 ed Insolency in the Catalans, may appear by their An-  
 swer to the Duke of Popoli; the King of Spain's Gene-

ral.

who summon'd them to surrender. They told him, *in* they would rather die than be Slaves; but if their ancient Liberties were confirm'd to them, they would open their Gates and receive him with all Gladness. The House of Lords express'd their Concerns in a publick Manner for the Miseries of the Catalans, and by their Address to the Queen; April 1714, made it their most humble and earnest Request to her Majesty, That she would be graciously pleas'd to continue her Interposition in the most pressing Manner, that the Catalans may have the full Enjoyment of their just and ancient Privileges continu'd to them. Her Majesty's Answer was, That at the Time she concluded her Peace with Spain, she resolv'd to use her Interposition upon every Occasion for obtaining those Liberties, and to prevent, if possible, the Misfortunes to which that People were expos'd by the Conduct of those more nearly concern'd to help them. Hereupon, for Form sake, and to allay the Indignation conceiv'd against the Ministry by the People in general, who compassionated the Calamities of those who fought for Liberty, the Demand of the Catalan Privileges is again put down in Lord Bolingbroke's Instructions, who was before order'd to go to Spain, but was never sent. So that the only Favour obtain'd from the Ministry by this earnest Address of the House of Lords, in Behalf of the Catalans, was an intimation sent by Lord Bolingbroke to the Admiral not to appear before Barcelona, nor to attack the Majorcans, till he should hear from Lord Bingley, and receive Directions from England. And also a Letter from his Lordship to Mr. Grimaldo, above two Months after the Address, tho' the Town was invest'd at the Time of making it, wherein he makes a kind and friendly Complaint, as he terms it, that the Catalan Privileges had not been yet granted them, nor any reasonable Terms offer'd, which they must either have accepted, or forfeited the Queen's Compassion, and that of the whole World. The Admiral mentions also his Scruples, whether his Orders would justify him in attacking Barcelona. He therefore writes to the Lord Bolingbroke and Lord Bingley upon it, and desires it to be in Bingley's Consideration, whether these Catalans might not refuse Conditions that may be most advantageous, if they find he is not to act by Force; and desires that his Orders to act before Barcelona, either by Force, or otherwise, may be very plain and clear, assuring him that he will most punctually obey those already given him, and such as he shall hereafter receive. When Sir James Wylie

riv'd at *Cadiz*, he gave the Governour a List of the Ships  
 under his Command for the *Mediterranean* Service, who  
 sent it immediately to *Madrid*; but tho' several Messages  
 came from Court to the Governour during the Admiral's  
 Stay there, no one Compliment was made him, to sig-  
 nify his Arrival was welcome, or any Question asked,  
 about what Services he was to perform, which a little  
 surprized him; that as soon as they had an Account at  
*Madrid*, of his Arrival at *Cadiz*, Mr. Orry was dispatch'd  
 to *Catalonia* with full Power to treat with the *Catalans*;  
 so that, says he, it would appear, that tho' the King of  
 Spain has all the Advantage of the Queen's Ships as much  
 as if they were actually before *Barcelona*, by representing  
 to those People, which they very well know, our Ar-  
 rival in these Parts; and how far we are from our Way  
 to the *Mediterranean*, yet the King would not seem to  
 owe the Success of such Agreement to the Queen, and her  
 Ships, but to *France* only." But this Negotiation of  
 Mr. Orry failing of Success, by the *Catalans* refusing to  
 submit without having their Liberties granted them, ob-  
 lig'd the Court of *Spain* to take more Notice than oth-  
 erwise they were inclin'd to do of the Admiral's coming.  
*Alicant* writes to Lord Bingley, then expected at *Madrid*,  
 that he had received a very civil Letter from Mr. Grimal-  
 do, who sent him the King's Order, for exempting the  
 Provisions for the Fleet from paying any Duty. He tells  
 him, that this Exemption was usually granted to the Ad-  
 miral himself that commanded, but being a Trifle, he sub-  
 mits it to his Lordship's better Judgment, whether the  
 granting him this, might not be a Means to prevent  
 any Thing that might be intended by the Court at *Madrid*,  
 more to his Advantage, and leaves it to his Lordship's  
 Consideration, what may be most for his Interest at that  
 Place; and hopes by his Friendship to find some Marks  
 of Favour from thence, in Regard to his Expence; in  
 this Expedition, so much intended for their Service, and  
 for which he has no Allowance from Home but his Pay,  
 which will not defray half his Charges. In another  
 Letter from Mr. James Wisbart to Lord Bingley, he acquaints  
 his Lordship that he had formerly desir'd him to  
 move the King of *Spain*, that the Grant of Exemption  
 of Duties for Provisions for the Fleet might be made  
 to himself, yet upon farther Consideration of the Mat-  
 ter, which is but of small Moment, and may appear  
 greater to the Courts of *Spain* and *England* than really it

he desires his Excellency, not to take any Notice of in, but let it stand as it does; and desires his Excellency's Countenance and Assistance upon any other Occasion that the Court of *Madrid* might take to express their good Will to him. Nor was it long before the Admiral gave the Court of *Spain* more particular Proofs that he was not unworthy of their expected Favours. After *Barcelona* had been invested a considerable Time by the *Spaniards*, and reduc'd to great Difficulties for Want of Provisions, the *French King*, tho' engag'd with the Queen by the Treaty of Evacuation, to employ his good Offices in the most effectual Manner, in Favour of the *Catalan Liberties*, thought fit to send his Troops against them, commanded by Marshal *Berwick*, who open'd the Trenches before *Barcelona* the first of July, O. S. 1714: And on the Eighth of the same Month, Sir *James Wisheart*, in the Queen's Name, writ them a threatening Letter, directed to the Deputies, and others who possess'd the Government there, telling them, 'that Complaints had been made of their disturbing the Commerce of the Queen's Subjects, and that they had insolently presum'd to take, carry up, and plunder their Ships, and used the Men in a barbarous Manner; he had therefore thought fit to send Captain *Gordon* with two Men of War, to represent to them these unwarrantable and presumptuous Proceedings, and by the Queen's Command demands immediate Satisfaction for the same, and the Punishment of the Officers of the Ships with the utmost Severity. If this be not punctually complied with, he leaves it to themselves to judge what the Consequences may be.'

The Deputies return'd Answer, 'That only one of those Vessels mention'd in Captain *Gordon's* Memorial, was taken by them into *Barcelona*, being laden with Salt, for which they paid the Price immediately to the Captain of it; that being believ'd, they thought they might do so with Justice, and by the Law of Nations; that they were far from living like Pirates, as their Enemies suggested in order to distress them, by preventing any one's coming with Provisions for their *Port*; that what *English* Vessels had enter'd their Port with Provisions, had been well treated, and had freely sold their Merchandize, and at a higher Price than they could have got any where else; and that they had that Day publish'd an Order, forbidding upon Pain of Death any of their Ships to molest any *English*, even tho' they were going with Provisions to the Enemy. They hope

“ Excellency will be satisfied with the Conduct which  
 “ is conformable to the Rights of People that are besieg’d;  
 “ assuring him, that when they shall know of any of  
 “ their Ships that shall have caus’d the least Damage to  
 “ any *English*, they will not only immediately inflict a  
 “ rigorous Punishment, but repair all the Damage, desi-  
 “ ring to live in the good Correspondence they have had  
 “ with his noble and generous Nation, with utmost De-  
 “ ference for the Queen, and ready to obey his Excellen-  
 “ cy’s Orders with all Affection and Respect. ”

The Government of *Barcelona*, in their Extremity writ  
 another Letter to the Admiral, dated *July 23*, setting forth,  
 “ That the Engagement *Catalonia* enter’d into, to receive  
 “ *Charles III.* for their King, was founded on the Protection  
 “ of the High Allies, but most particularly of *England*;  
 “ that they had for seven Years endeavour’d to serve the  
 “ *English* Nation in every Thing it was possible for them  
 “ to do, by contributing Troops, and considerable Sums of  
 “ Money without Interest. And tho’ they had pleas’d  
 “ themselves with the Thoughts of the Happiness to be  
 “ always Subjects of *Charles III.* yet by the ordinary  
 “ Change to which Human Affairs are liable, they now  
 “ see the Troops of the Duke of *Anjou*, aided by the  
 “ *French*, Masters of all the Principalities except *Barcelona*  
 “ and *Cardona*, committing through the whole the most  
 “ execrable Hostilities, Burnings and Plunderings, without  
 “ sparing the Effusion of innocent Blood, and without Di-  
 “ stinction of Age or Sex. That for a Year together the  
 “ Enemy’s Army had oppress’d *Barcelona* by Sea and Land,  
 “ making them continually suffer the Calamity of so long  
 “ a Blockade; during which Time, the Enemies have  
 “ thrown fourteen thousand Bombs into the Town, which  
 “ have ruin’d the greatest Part of the Houses: That now  
 “ they expect to be attack’d in Form, they cannot ex-  
 “ press their Affliction, to see the Danger of the Inhabi-  
 “ tants expos’d to be the Victims of that Cruelty with  
 “ which the Enemy threatens to treat them. Having no  
 “ Comfort left, they fly to the Queen of Great Britain,  
 “ beseeching her Protection by the inclos’d Letter to *Don*  
 “ *Dalmases*, their Envoy at *London*; and in the mean  
 “ Time, till an Answer can come, they beseech his Ex-  
 “ cellency from their Souls to mediate with the *French*  
 “ Troops who oppress them, for a Suspension of Arms,  
 “ since the Congress at *Baden* now sitting to conclude of a  
 “ general Peace, may still determine this Affair; they  
 “ doubt not that his Mediation will be able to procure  
 “ them



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than this Relief, since his Squadron is superior to that of the Enemy. They see no other Remedy in Nature for their Misfortunes, and therefore hope his Excellency will not refuse them; that if *Catalonia* has merited any Thing by its Services, and by its Conjunction with the *English* Nation, this is the Time to receive the Fruits of it; that it is worthy of his Excellency to comfort the Affected, and not to deny them this Favour in their great Necessity.

How the Admiral was affected with this Letter may appear by one of his to Lord Bingley, dated, *August* the 7th, wherein he acquaints him, That Mr. Grimaldo had signified to him from the King of Spain, that all the King's Ships of War being employ'd before Barcelona, His Majesty could not send any of them to meet his Flota then coming home; and therefore desir'd the Admiral to send three of his upon that Service, which was accordingly comply'd with. Of this he had acquainted Lord Bolingbroke, and hop'd to meet with Her Majesty's Approbation. The Catalans thus abandon'd, and given up to their Enemies, contrary to Faith and Honour, were not however wanting in their own Defence, but appealing to Heaven, and hanging up at the High Altar the Queen's solemn Declaration to protect them, underwent the utmost Miseries of a Siege; during which, what Multitudes perish'd by Famine and the sword? How many have since been executed? And how many Persons of Figure are still dispers'd about the Spanish Dominions in Dungeons, is too well known. However, the Calamities of the Catalans cannot be imputed to Great Britain in general, as bus'd by the Ministry, with repeated Assurances, that every Thing was doing for the Preservation of that unfortunate People.

The Committee find frequent Mention made of the Abbot Gualtier, who, altho' he does not appear to have had any publick Character, resided in England during the greatest Part of this Negotiation, and upon extraordinary Occasions, was very often sent backward and forward. But the Share he had in the more publick Transactions, was not his only Business. It is evident, that some Negotiations which requir'd more than ordinary Privacy, were verbally transacted, and upon all such Occasions, Abbot Gualtier was the Person to whom the French and English Ministers mutually refer'd each other. And as nothing could be a greater Secret than all Matters relating to the Pretender, this Province was particularly allotted to Ab-

bot

bot Gualtier, that thro' his Hands, and under his Convo-  
 yance, by French Couriers going continually betwixt France  
 and England, such Practices might be carried on with  
 great Safety, which in any other Manner had been too  
 dangerous an Undertaking. The first Time that any se-  
 cret Negotiation is expressly referr'd to Abbot Gualtier, is  
 found in a Letter, wherein Mr. St. John, March 4. 1711,  
 tells Monsr. Torcy, He had deferr'd writing to him *de late*, till  
 the necessary Dispositions were made among our People at Home, and  
 till the Queen had taken the only Resolution which could bring  
 us in a short Time to a good and solid Peace. I have now the  
 Satisfaction to tell you, that this Resolution is taken, and that  
 Mr. Harley will carry with him this Night, or to Morrow Morn-  
 ing, the final Instructions of the Queen to her Plenipotenti-  
 aries. I refer myself to Mr. Gualtier, to explain to you more  
 at large the Subject of this Gentleman's Commission, and what  
 the Queen hopes his Most Christian Majesty will do to co-operate  
 with her. Is not to be expected, that those who have been  
 so careful to suppress Matters of less Importance, would  
 leave behind them any Transactions that might tend di-  
 rectly to favour the Cause of the Pretender. But as the  
 Committee has observ'd several Passages which are a plain  
 Indication of the Regard with which the Cause and Person  
 of the Pretender were treated, as often as mention'd, they  
 thought fit to bring them together, and lay them before  
 the House in one View. There is a Paper that was left in  
 Lord Bolingbroke's Closet, dated at Versailles, Sept. 24. 1711,  
 endors'd, as other Office-Papers usually are. It gives an Ac-  
 count that the Pope's Nuncio had in his last Audience of  
 the King, made the following Declaration: *The Court of  
 Rome being fully inform'd, that France was endeavouring to  
 procure a Peace upon the most advantageous Terms that was  
 possible; and being persuaded, that if the Peace should be made,  
 England would not suffer that the King of France should per-  
 mit the Prince of Wales to continue in his Realms; the Court  
 of Rome offers to the King of France to give this Prince an  
 Asylum at Rome, or any other Part of the Ecclesiastick Domi-  
 nions. To which the King of France return'd in Answer,  
 That an Asylum for the Prince of Wales would be no Obstacle  
 to the Peace. That if the Allies did truly design to make a Peace,  
 he would accept of any reasonable Propositions they should make;  
 and in this Case an Article for the Prince of Wales would be  
 inserted in the Treaty.* June 7, 1712, the Bishop of Bristol gi-  
 ving an Account to Lord Bolingbroke of some Discourse he  
 had with some of the Ministers of the Allies, says, Mons-  
 sieur Consbruck, one of the Emperor's Plenipotentiaries, kept

also

also within the Tye of Decency, save only that he took it for granted, that one great End of all this Management on our Part, was to bring in the Pretender; which Apprehension one of the Ministers of the States lately own'd in private Discourse, to have been the Fundamental Reason of all their Conduct of late.

It cannot be forgot what great Strefs and Weight was laid upon the Removal of the Pretender out of the Dominions of France. This was what all the Nation with great Justice expected, and what the Queen declar'd was taken Care of, as an additional Security to the Protestant Succession. But his removing out of France, and being permitted to reside in Lorrain, was not only a great Surprize to all the Nation, but was receiv'd with such just Indignation, that the Parliament address'd the Queen upon this Occasion, That she would insist upon his Removal from Lorrain, that Residence being equally, or more dangerous to Great Britain, than his Abode in France. Her Majesty's Answer, That she would repeat her Instances, occasion'd in the House of Lords a becoming Repentment, that the Duke of Lorrain should presume to receive and entertain the Pretender to her Crown, in Defiance to her Majesty's Application to the contrary. But it will now appear in what Manner the Removal of the Pretender out of France, was settled, and that his residing at Lorrain was not only with the Approbation, but even by the Direction and Appointment of the English Ministry.

Mr. St. John, in his Letter to Monsi. de Torcy, May 24, 1712, Q. S. concludes with saying, He hopes, that with the general Repose we shall see reviv'd in a few Weeks, a good Understanding between two Nations, which may become to each other the most useful Friends, for the same Reasons they have been the most formidable Enemies. The Queen commands me to tell you, that she hopes, when you send an Answer to this Letter, we shall have an Account that the Chevalier had begun his Journey. In Answer to this, Monsi. de Torcy says to my Lord Bolingbroke, You may assure the Queen, that the Chevalier is ready to depart at a Moment's Warning, if he did but know where he was to go, and in what Place he might be in Safety. I own to you, that I know no Prince who is willing to receive him, for Fear of displeasing the Queen, or other Powers; it will be absolutely necessary, that there should be some Explanation upon this Subject, which I desire you to make to me by the Abbot Gualtier, if you do not judge it proper to do it your self.

Mr. St. John, June 6, 1712, O. S. writes a publick Letter in Answer to the several Points contained in Mon-

seur de Torcy's last Letter; but in that Letter takes no Notice at all of the Chevalier. But the Day after, June 7, 1712, he writes a private Letter, as he calls it himself, to Mons. de Torcy, and concludes, *The Abbot Gualtier will write to you on the Subject of the Chevalier.*

The Committee observe, there are two Copies of this private Letter, one deliver'd by Lord Bolingbroke, the other enter'd in Lord Strafford's Book: And in the Copy, of this Letter given in by Lord Bolingbroke, this Passage, *That Abbot Gualtier shall write about the Chevalier,* is omitted by his Lordship. June 22, 1712, N. S. Mons. de Torcy writes two Letters to my Lord Bolingbroke: In the publick Letter nothing is said of the Pretender; the private Letter concludes with saying, *I have the Honour to send you a Letter under the King's Hand, for her Britannick Majesty, and I refer you to what the Abbot Gualtier shall say to you, about the Departure of the Chevalier.*

Aug. 21, 1712, Lord Bolingbroke being then in France, in his Dispatch to the Earl of Dartmouth, says, *The Chevalier has fix'd his Departure for the first of next Month, N. S. they propose that he shall retire to Bar; and they intend to write to the Duke of Lorraine, to ask of the Emperor, and other Princes, a Security for his Person, during his Residence in that Place.* But on the 28th of December, 1712, N. S. it appears, that the Chevalier was still in France, upon which Account Mr. Prior writes thus to my Lord Bolingbroke: *Another Point upon which this Court is very solicitous, is, that the Chevalier remaining in any Town of France obstructs the Signing the Peace; yet he cannot go to Lorraine till the Emperor's Passports will secure him there. Your Lordship by the Persuasion of the Payers, will see the State of that Case; and I have only to add upon this Subject, that the Court of France expresses an Impossibility on their Side, to do more than they have done, and hopes we should have Interest enough with the Emperor, to obtain such Passports from him, as may secure as well the Person, who is to go into Lorraine, as the Duke of Lorraine, who is to receive him.*

Mr. Prior on the 29th, writes to the same Effect to my Lord Treasurer, and says, *The Monarch is a good deal troubled upon this Head, lest the young Man should fall into the Hands of the Hungarians & Barbarians. And Mons. d' Aumont has, I presume, Orders to speak to our Ministry upon it. As to the Dowry, I shall not only be dunn'd to Death, but hang'd; for the Dowager sends Messengers to me, which you in England do not think it extremely lawful to receive: But if it is to be paid, pray let it be done in a handsome Manner, that may*

show

*shew the Charity of the Queen, and the Generosity of her Lord Treasurer.*

The Papers referr'd to in Mr. Prior's Letter, contain an Account of what the Duke of Lorrain had done at the Desire of the King of France, to obtain from the Allies the necessary Safeguards for the Chevalier. He says, *That understanding that the Queen of Great Britain had already granted her Safeguard or Protection to the Chevalier de St. George, he believ'd they had no more to do, but to apply to the Emperor, and to the States General.* By this Account it is evident, that Abbot Gualtier manag'd the Affairs of the Pretender, with whom such Practices were verbally to be transacted, as our Ministry did not think proper to commit to writing. That the Place to which he was to go, because no Body would receive him at the Hazard of the Queen's Displeasure, and where he might remain in Safety, was to be prescrib'd from England. That this was not fix'd and determin'd till Lord Bolingbroke went into France: And if his Lordship's Instructions are consider'd, it will be hard to find in them any Thing, of that Importance and Secrecy, as to require his going in Person to settle it. His Lordship gives an Account from thence, that the Pretender was to go to Bar, and this is acquiesc'd in here, without the least Objection made.

The Ministry are told by Mr. Prior, That the Court of France hopes, by our Interest, such Passports would be procur'd as might secure his Person: And in the Paper sent to France from the Duke of Lorrain, it is asserted, That the Queen of Great Britain had already granted her Protection to the Pretender. But November the 6th, 1713, Lord Bolingbroke writes to Mr. Prior, *Her Majesty having repeated to the Duke of Lorrain the Instances which you know have been so often made to the Most Christian King, for removing the Pretender to her Crown out of his Dominions, I am directed to acquaint you therewith, that you may speak to the Minister of Lorrain, and to any other Minister whom you shall think proper, and let them know it is absolutely inconsistent with the Amity and good Correspondence that is between the Queen and their Masters, to receive into their Dominions, or to protect a Person, who disputes her Majesty's Title, and endeavours so disturb the Peace of her Kingdoms. That you may be able to shew them that this is the collective Sense of the whole Nation, as well as the Queen's Command to you, I herewith send you the Addresses of both Houses of Parliament. This can be understood as no more than a bare Compliance with the Addresses of Parliament.* And to shew

how little Resentment and Indignation was conceiv'd against the Duke of Lorrain for this Indignity offer'd to her Majesty, the Committee insert here a Letter wrote by Lord Bolingbroke to Mr. Prior, within four Days after his last mention'd Letter upon the Subject of the Pretender. This Letter, says Lord Bolingbroke to Mr. Prior, will be deliver'd to you by the Baron de Fortinier, who has been twice at our Court with the Character of Envoy from the Duke of Lorrain, and who is extremely well with your Friends on this Side of the Water, that I make no doubt but that he will be a welcome Acquaintance to you: I must at the same Time recommend the Interest of the Duke of Lorrain his Master to your Care. You know, Sir, how little that Prince has yet felt the good Effects of what was stipulated for him at Ryfwick: You know, Sir, how justly he pretends to an Equivalent from this Emperor for the Montferrat, which was given away from him to the King of Sicily. In a Word, you are enough appriz'd of his Wants, of his Expectations, and of her Majesty's earnest Desire, if by any Means she can, to contribute to the Ease, and to the Advantage of a Prince, who deserves much better Usage than he has on many Occasions met with.

There are several other Letters that were wrote after the Address of Parliament to press the removing of the Pretender from Lorrain; but 'tis needless to observe what little Effect was to be expected from such Representations made in the several Courts of Europe, which were known to be contrary to the Sense and Intention of the Court of Great Britain. And if any further Demonstration was wanting to shew their true Spirit and Inclination, it may be observ'd, that the Addresses in Parliament were made in July 1713; and the first Letter that Lord Bolingbroke wrote in Pursuance of those Addresses, was on the 6th of November, which was four Months after the Addresses were presented to the Queen.

The Committee insert here an Extract of a Memorial touching the Demolition of the Sluices of Dunkirk, deliver'd by Monsr. de Torcy to Lord Bolingbroke at Paris, in August 1712. It is not our Business now to examine whether the Queen of England, and the English Nation, were in the Right to demand the Demolition of the Fortifications, and the filling up the Harboyr of Dunkirk, that is a Thing resolv'd and agreed upon. It may perhaps come to pass in the Course of this Affair, for Reasons easily to be foreseen, that England shall repent having demanded the Demolition of a Place, and the Destruction of an Harbour, which might be of great Use in Conjunctions which perhaps are not very remote.



The Committee do not take upon them to explain what Conjunction France had in View, and which they thought not very remote, when *Dunkirk* might be of particular Service; but think it proper to conclude this Part of the Report with observing, that the Pretender did, immediately upon the Demise of the late Queen, publish a Declaration, which the Duke of Lorrain has acknowledg'd in his Letter of the 6th of December, 1714, that he receiv'd from the Pretender himself, wherein is this remarkable Passage. Yet contrary to our Expectations upon the Death of the Princess our Sister, (of whose good Intentions towards us we could not for some Time past well doubt; and this was the Reason we then sat still, expecting the good Effects thereof, which were unfortunately prevented by her deplorable Death) we found that our People, instead of taking this favourable Opportunity of retrieving the Honour and true Interest of their Country, by doing us and themselves Justice, had immediately proclaim'd for their King a foreign Prince, to our Prejudice, contrary to the Fundamental and Incontestable Laws of Hereditary Right, which their pretended Acts of Settlement can never Abrogate.

After this, the Committee insert at large a Letter from the Earl of Oxford and Mortimer to the Queen, dated June the 9th, 1710; with an Account of Publick Affairs from August the 8th, 1710, to June the 8th, 1714, all written with his own Hand. The Letter is as follows:

May it please your Majesty,

I Presume, in Obedience to your Royal Commands, to lay before your Majesty a State of your Affairs. Tho' I have very much contracted it from the Draught I made, and the Powers from whence it is taken, yet I find it swell under my Pen in transcribing, being willing to put every Thing before your Majesty in the clearest Light my poor Understanding can attain to. It was necessary to lay it before your Majesty in the Series of Time, from the Beginning to this present Time; and when that is compleatly laid before you, it remains only for me to beg God to direct your Majesty.

And as to myself, do with me what you please, place me either as a Figure, or a Cypher, displace me, or replace me, as that best serves your Majesty's Occasion, you shall ever find me, with the utmost Devotion, and without any Reserve,

MADAM,

Your most dutiful, most faithful, most humble,  
most obedient Subject, and unworthy Servant,

OXFORD.

*A Brief Account of Publick Affairs, since August the 8th, 1710, to this present 8th of June, 1714. To which is added, The State of Affairs Abroad, as they relate to this Kingdom; with some humble Proposals for securing the future Tranquillity of her Majesty's Reign, and the Safety of her Kingdoms.*

HER Majesty on the 8th of August, 1710, was pleas'd to alter her Treasury, and two Days after, in a new Commission, Robert Harley, by her Majesty's great Favour, was made Chancellor of the Exchequer. The State of Affairs at Home and Abroad are fresh in every ones Memory.

The Condition of the Treasury at that Time was laid before her Majesty in a large Representation. I beg leave to touch some few Heads. The Army was in the Field; no Money in the Treasury; none of the Remitters would Contract again; the Bank had refus'd to lend a Hundred Thousand Pounds to Lord Godolphin on very good Security; the Navy, and other Branches of Service, Eleven Millions in Debt, which enhanc'd the Price of every Thing proportionably; the Civil List in Debt about Six Hundred Thousand Pounds, and the yearly Income too little for the currant certain Expence, by the lowest Computation, One Hundred Twenty Four Thousand, Four Hundred Ninety Five Pounds, Two Shillings and Four Pence.

In a few Days this new Commission made Provision for paying the Army by the greatest Remittance that had ever been known; tho' the Opposition from every Office, which was full of Persons who were Enemies to the Change made by the Queen, was very strong, and very troublesome and vexatious; and such was the Situation of Affairs, that nothing but great Patience could ever have overcome these Difficulties; it being impossible, as well as unavoidable, to make Removes, but by Degrees.

As soon as it was possible, (and notwithstanding the Clamours then rais'd, it was the only proper Time) a new Parliament is call'd. Its first Meeting was November the 27th, 1710, Robert Harley had prepar'd the Funds ready, (before the Parliament met, as he has done every Session to this Day) not only for the Current Service of the Year, both by Sea and Land, but also for easing the Nation of above Nine Millions of Debt. This was thought so Chimerical

merical when *Robert Harley* did begin to open it, that it was treated with Ridicule, until he shew'd how practicable it was. It is true, this gave great Reputation Abroad, and enabled to treat advantageously of a Peace; it rais'd sinking Credit at Home; but at the same Time as it drew Down upon *Harley* from some, and the Rage of others, so it gave Offence to some of his Fellow Servants, who told him plainly, that he ought to have told his Secr., and if he would not get Money himself, he ought to have let his Friends share a Hundred Thousand Pounds, which would not have been felt or found out in so vast a Sum as Nine or Ten Millions.

To this Principle was owing the setting on Foot at this Time the unhappy Voyage to *Canada*: To all which Meetings *Harley* avoided coming, and gave Lord *Rochester* his Reasons, and after he desir'd his Lordship to be a Means to the Queen to hinder that Expedition; but it happen'd to be too late. But Lady *Massam* knows how much *Harley* was concern'd at it, tho' he did not know the true Spring of that Voyage, which will appear after in this Paper.

The Beginning of *February*, 1710-11, there began to be a Division amongst those call'd Tories in the House, and Mr. Secretary *St. John* thought it convenient to be lifting a separate Party for himself. To prevent this, Lord *Rochester* and *Harley* desir'd to have a Meeting, and to cool such rash Attempts; and it was contriv'd Mr. Secretary *St. John* should invite us to Dinner, (which was the last Time he ever invited *Robert Harley* being now above three Years) where was Duke of *Shrewsbury*, Earl *Poulet*, Lord *Rochester*, and others; and Lord *Rochester* took the Pains to calm the Spirit of Division and Ambition.

*Harley* was at this Time seiz'd by a violent Fever, and on his first coming Abroad, *March* 8, met with a Misfortune which confin'd him many Weeks. The Transactions during that Time are too publick, as well as too black, for *Harley* to remember or to mention.

In the End of *May* 1711, the Queen, out of her unbounded Goodness, was pleas'd to confer undeserv'd Honours on *Robert Harley*; and on the 29th of the same Month, was pleas'd to put the Treasurer's Staff into his Hands: A Post so much above *Harley's* Abilities to struggle with, that he had nothing but Integrity and Duty to recommend him to her Majesty's Choice; so he must have Recourse to her Majesty's transcendent Goodness and Mercy

to pardon all his Faults and Failings, both of Omission and Commission, during the whole Course of his Service.

But to return and resume the Thread of this Discourse: The 4th of *June* 1711, three Days after the Treasurer was sworn, he was surpriz'd with a Demand of Twenty Eight Thousand Thirty Six Pounds and Five Shillings, for Arms and Merchandize, said to be sent to *Canada*. When the Treasurer scrupled this, Mr. Secretary *St. John* and Mr. *Moor* came to him with much Passion upon this Affair; and about a Fortnight after, the Secretary of State signify'd the Queen's positive Pleasure to have that Money paid; and accordingly her Majesty sign'd a Warrant *June* 21, and the Treasurer not being able then, with all his Precaution, to discover further Light, the Money was paid *July* the 4th, 1711. Since the Return from that Expedition, the Secret is discover'd, and the Treasurer's Suspicion justify'd; for the Publick was cheated of above Twenty Thousand Pounds. There is Reason to be more particular upon this Head, because it is one of the Things never to be forgiven the Treasurer; and Lord Chancellor told him more to that Purpose; that they told him no Government was worth serving, that would not let them make those Advantages, and get such Jobbs.

One Thing more is crav'd Leave to be added, That the Treasurer was forc'd to use all his Skill and Credit to keep the Abuse of Commons from examining this Affair last Parliament.

*June* the 12th, 1712, the first Session of last Parliament ended. From this Time, to the Beginning of the next Session, the Treasurer's Hands were full of negotiating the Peace in all Courts Abroad; and besides the ordinary and necessary Duty of his Office at Home, he had frequent Occasion of calming the Quarrels and Grudges Mr. Secretary had some times against Lord *Darimouth*, some times against Lady *Massam*, and sometimes against the Treasurer himself.

The second Session of the last Parliament began *December* the 7th, 1711. This was attended with great Difficulties and Dangers, as well from the Practices of the Discontented here, as the Designs carry'd on by Mr. *Buys*, Prince *Eugene*, and *Bohemian*; in which Designs concurr'd the Emperor, and other States and Princes who gain'd by the War. This put her Majesty under a Sort of Necessity to preserve the whole, and to take a Method which had been

been used before to create some new Peers. So many having been brought formerly out of the House of Commons of those who used to manage Publick Affairs, it was propos'd to Mr. Secretary, That if he would be contented to stay in the House of Commons that Session, her Majesty would have the Goodness to create him a Peer, and that he should not lose his Rank. The second Session ended the 21st of June, 1712; and notwithstanding *Botham's* Memorial, and all other Attacks both from Abroad and at Home, Supplies were provided, and every Thing relating to the Publick put upon a good Foot, and the Malecontents began to despair, as appear'd by the Duke of *Marborough* retiring Abroad, and other Particulars.

After the Session was ended, the Queen, as she had promis'd, order'd a Warrant for Mr. Secretary *St. John* to be a Viscount; this happen'd to put him in the utmost Rage against the Treasurer, *Lady Massam*, and without sparing the greatest. It did avail very little, to tell him how much he had got in Place; for had he been created with the other Lords, it would have fallen to his Share to have come next after Lord *Trevor*; but the Treasurer with great Patience bore all the Storm, of which Lord *Massam* was often a Witness of the outrageous Speeches; and Mr. *Moor* very lately told the Treasurer, that Lord *Bolingbroke* said very lately to him, that he ow'd him a Revenge upon that Head. This Discontent continu'd, until there happen'd an Opportunity of sending him to *France*; of which there was not much Occasion; but it was hoped, that this would have put him in good Humour; which it did, until in *October* 1712, there were Knights of the Garter made. This created a new Disturbance, which is too well remember'd, and breaks out now very often in outrageous Expressions publicly against all then seated.

In *November*, on the Death of Duke *Hamilton*, he was much against Duke *Shrewsbury's* going, for Reasons very plain, which then were in Negotiation; for before the last Session of that Parliament began, a new Model was fram'd, or a Scheme of Ministry; which how they afterwards came to fall out, will appear in its due Place.

The third and last Session began *April* the 9th, 1713, which was as soon as the Peace was concluded, and could be proclaim'd. It is not decent to take Notice, That during this whole Negotiation, the Treasurer was oblig'd by his own Hand, and his own Charge, to correspond in all the

the Courts concern'd in the Negotiation; and very often he had the good Luck to set right several Mistakes, and to obtain some Things very little expected; but the only Merit of this belongs to her Majesty, the Credit of whose Favour brought it about, and gave Power to the Treasurer to act with Success.

During this Session, the Lords of the Cabinet, and others, met every Saturday at the Treasurer's, in order to carry on the Queen's Business, as they had done the Year before on Thursdays. Many Offers were made, and repeated by the Treasurer, in order to attack former Offenders, and quiet the Minds of the Gentlemen, and of the Church Party; and the only Reason for this failing, was, because of the Project laid for their new Scheme, and putting themselves at the Head, as they call'd it, of the Church Party.

This being the last Session of Parliament, and some Gentlemen fearing their Elections, and some for other Reasons, dropt the Bill of Commerce. The Treasurer saw this Opportunity, and immediately took it, and prevail'd with Sir Thomas Hanmer, and others, to come into the Payment of the Civil List Debts, incur'd before the Change of the Treasury, tho' the present Treasurer was rail'd at and malign'd; which he chose to bear patiently, rather than own the true Reason, that there was no Money to do it with, which would have ruin'd all at once. This Step of paying the Debts, put the Malecontented into the utmost Rage, which they did very publicly express in both Houses. This last Session of that Parliament, and the third since the Change of the Ministry, ended July the 16th, 1713.

The Peace with France being over, and it growing necessary to put her Majesty's Affairs into a further and more settled Regulation, and to ease the Treasurer of the Burthen, as well as Envy, of such a Bulk of Business, her Majesty was pleas'd to approve of the Scheme of the Duke of Ormond's staying here to attend the Army Affairs, which was necessary at the Time of Disbanding; Duke Shrewsbury to go to Ireland, upon his Return from France; Lord Findlater to be Chancellor of Scotland; Lord Mar third Secretary; Lord Dartmouth Privy Seal; Mr. Bromley Secretary of State, and Sir William Wyndham Chancellor of the Exchequer. I am sure the Queen very well remembers the Rage this caus'd, as perfectly defeating their Scheme, and shewing that her Majesty would put her Affairs upon a solid Foot; the Lord Chancellor said it

was



was against Law; and to this Day will not treat Lord Findlater with Decency; and Lord Mar has met with many ill Treatments, as well as Mr. Secretary Bromley. But that the Treasurer might leave them without Excuse, and make her Majesty's Affairs, if possible, easy with and to retire in her Service, as soon as he was recover'd enough to write, he wrote a large Letter to Lord Bolingbroke, containing his Scheme of the Queen's Affairs, and what was necessary for Lord Bolingbroke to do, as belonging only to his Province.

This Letter was dated July the 25th, 1713, and was answer'd July the 27th by Lord Bolingbroke; the Copy was shewn to Lady Massam, who came to visit the Treasurer, then confin'd to his Chamber; and she then thought it was a very good one, and what was proper for the Occasion. I believe the whole would be of Use to give Light to her Majesty into the Ground and Foundation of the Follies and Madnes which have since appear'd; the whole is ready for her Majesty's Perusal when she pleases.

In this Letter the Treasurer gives an Account to Lord Bolingbroke of the Occasions, or rather the Pretences for giving Disturbance to the Queen's Servants. He proposes the Remedy, and what was requisite to be done by him as Secretary in his own Province, and also Assurance of the Treasurer's Assistance to the utmost, and of his Desire to consult with him (Lord Bolingbroke) how to unite the rest of our Friends. Being then sick, the Treasurer took the Liberty to put Lord Bolingbroke in Mind of the several Particulars which then requir'd Dispatch, and were solely belonging to his Province, without any other Interposition, than that of taking your Majesty's Direction. Amongst others, that of a Circular Letter upon the Articles of both Houses relating to the Pretender. This was not done in three Months. His Lordship wrote Word it was done July the 27th.

In the same Letter the Treasurer propos'd, that (according to the Treaty of Peace) Care should be taken of the following Particulars, viz. Newfoundland, Hudson's Bay, Acadia, St. Christophers, the Assiento, and other Things contain'd in the Treaties of Commerce. These Particulars the Treasurer thought to have been executed, until within a few Weeks he heard the contrary by Accident, and that the Time in the several Treaties was elaps'd. Upon this, the Treasurer, on Wednesday June 2, told

Mr.

Mr. Moor of this, and that every body would be liable to Blame who are in the Queen's Service.

*Thursday, June 3, 1714,* Lord Bolingbroke writes to the Treasurer a Letter, which begins thus: *Mr. Moor has been this Morning with me, and has put into my Hands a Paper which he calls, (I think not improperly) a Charge upon me.* This Paper contains the Neglect abovemention'd in the Treasurer's Letter of *July 25, 1713,* eleven Months before; and yet these Faults are now charg'd upon the Treasurer.

Hereupon the Committee observe, that his Lordship has here taken to himself the Credit of corresponding by his own Hand, and at his own Charge, in all the Courts concern'd in the present Negotiations, and that very often he has had the good Luck to set right several Mistakes, and to obtain some Things very little expected. That he boasted of his laying hold of a seasonable Opportunity in Parliament, upon rejecting the Bill of Commerce, to prevail with the Members of the House of Commons to come in to the Payment of the Civil List Debts; and has also charg'd several Persons, then in high Stations in her Majesty's Service, with Corruption and Imbezilment of the Publick Money; and presumed to recommend himself to her Majesty, by having us'd all his Skill and Credit to keep the House of Commons from examining into the same. And the Committee having receiv'd Information, that large Sums of Money had been directed for special Services relating to the War, by Signs Manual, and Warrants upon the same, counter-sign'd by his Lordship; which Sums were afterwards paid to his Lordship's Order: The Committee thought fit to lay before the House, Copies of the said Signs Manual, and Warrants, and Orders thereupon.

The Committee having likewise observ'd several Transactions, Orders, and Directions, given by the Ministers in the Queen's Name, in no Manner agreeable to her Majesty's Sentiments and Intentions, as express'd in several Messages to Parliament, and Speeches from the Throne, concerning the Terms of Peace which she was pleas'd to communicate to both Houses; thought it their Duty to enter into a particular Examination of this Matter, and to compare her Majesty's Declarations, with the Measures that her Ministers presm'd to take in carrying on these important Negotiations. The first Time the Queen made Mention of the Peace to the Parliament, was *December 11, 1711,* when nothing had been concluded between *England and France,* but the Special Preliminaries sign'd by the Earl

Earl of Dartmouth and Mr. St. John on the Part of England, and Monsieur Mesnager on the Part of France, September the 27th, 1711, and the General Preliminaries sign'd by Monsieur Mesnager only, which were sent over by the Earl of Stafford, as the Foundation of a General Peace.

After these Preliminaries were sign'd, Mr. St. John press'd Monsieur de Torcy, that the King of France would explain himself with Regard to the Allies; and such Explications as the King of France thought fit to make, are contain'd in the Answer to the Memorial brought by M. Gualtier, November 18, 1711. Upon which, her Majesty at the opening of that Session, in laying before the Parliament the State of the Treaty then on Foot, said, 'That notwithstanding the Arts of those who delight in War, both Place and Time are appointed for opening the Treaty of a General Peace. Our Allies, especially the States General, whose Interest I look upon as inseparable from my own, have, by their ready Concurrence, express'd their Confidence in me.' The Queen thought the States had readily concurr'd with her; but it must be remembered, that the States had in the strongest Manner represented against the Propositions sign'd by Mons. Mesnager, as too general and uncertain, not being a sufficient Foundation, upon which a Negotiation might be hazarded; they dreaded the fatal Consequences of opening the general Conferences, before the Articles offer'd by France were made specifick, and before they knew what they were to trust to, for their own Barrier, and their Commerce. But instead of acquainting the Queen with these Representations, or acting according to her Majesty's Sentiments, Mr. St. John, October 9, declares, 'Certain it is, that her Majesty is so far determin'd in her Measures, that those will deceive themselves, who may imagine by Delay to break them.' And October 29, 'The Queen remains firm in her first Resolution, of causing the Conferences to be open'd upon the Articles sign'd by Mons. Mesnager.' And November 2, 'The Queen will not finally concert a Plan for the Prosecution of the War with the States, until they join with her in agreeing to open the Conferences of Peace.' And November 15, Lord Stafford says, '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.' By these Threats, and extraordinary Measures, the States are compell'd by the Queen's Ministers, to consent to open the Conferences; when at the same Time her Majesty was persuaded,

persuaded, that they readily concurr'd in what had been propos'd to them. Her Majesty declares, she looks upon the Interest of the States General to be inseparable from her own. Mr. *St. John* declares, That *Britain* had gone so much too far in weaving her Interest into <sup>the</sup> of the Continent, that it would prove no easy Task to disentangle them, without tearing and rending.

The Queen says further, 'The Princes and States which have been engag'd with us in this War, being by Treaties entitl'd to have their several Interests secur'd at a Peace, I will not only do my utmost to procure every one of them all reasonable Satisfaction, but I shall unite with them in the strictest Engagements so continuing the Alliance, in order to render the General Peace secure and lasting.' And in her Message of the 17th of *January* following, her Majesty again expresses the Care she intended to take of all her Allies, and the strict Union in which she propos'd to join with them. By these Declarations it appears, her Majesty's own Resolution was to unite with the Allies in the strictest Engagements. But her Ministers had taken upon them, in the private Propositions sent over by Mr. *Prior*, to insert an Article, That the Secret should be inviolably kept between England and France, till allow'd to be divulg'd by the Consent of both Parties. And altho' France had offer'd to treat with England and Holland, either separately or jointly with the rest of the Allies, <sup>as the</sup> Choice of England the Queen's Ministers excluded the Allies, and in the Conference held with Monsieur *Mesuager*, they are much surpriz'd to find that he had Orders to insist that the Queen should enter into particular Engagements, upon diverse Articles, which depend not upon her, and which regard the Interest of the Allies; and they insist, that it was absolutely necessary to remit the Discussion of the particular Interests of the Allies to General Conferences. And when Mr. *St. John* was pressing Monsieur *de Tercy*, to give them some Explications of what was design'd for the Allies, he assures him, If the King would offer a Plan of Specifick Preliminaries, the Queen will never communicate it to her Allies. And upon another Occasion he declares, The Negotiation was begun and carry'd on upon a Supposition, that the Queen must desist from many Conditions, which in Rigour she was oblig'd to procure for her Allies.

In the Message of *January* 17, the Queen declares, Her Plenipotentiaries had begun, in pursuance of their Instructions, to concert the most proper Ways of procuring

just Satisfaction to all in Alliance with her, according to their Treaties, and particularly with Relation to Spain and the Indies. And her Majesty had said before, in Answer to an Address from the House of Lords, presented December 11, 1711, *I should be sorry any one could think I would not do my utmost to recover Spain and the Indies from the House of Bourbon.* The Committee cannot doubt but her Majesty was determin'd to recover Spain from the House of Bourbon: But that her Ministers had no such Thoughts, and did not in the least endeavour it, appears in every Part of the Negotiation. In the first Propositions sent over by Mr. Prior, Demands are made of the King of France, to be perform'd by the King of Spain, which the King of France was to engage for. And as appears by an Entry in Lord Strafford's Book, Mr. Prior had Orders to see if they had full Powers from Spain. In the special Preliminaries, sign'd by the Earl of Dartmouth and Mr. St. John, it is said expressly, *The King promises in the Name of the King of Spain his Grandson, and according to the Powers which his Majesty has receiv'd from that Prince, that Port Mahon, and Gibraltar shall remain to the English.* These Steps had been taken by the Queen's Ministers, even before her Majesty had made these Declarations; which the Committee cannot therefore but conclude, that her Majesty was not inform'd of. And altho' the Queen's Plenipotentiaries were obliged by their Instructions to insist, that Spain and the West-Indies should not be allotted as any Branch of the House of Bourbon; when the Plenipotentiaries of France, February 11, 1711-12, gave in their Specifick Explanation of the General Preliminaries, sign'd by Mons. Mesnager, the King of France made his first Offers in the Name, and by Virtue of Powers from his Grandson King Philip, as King of Spain, Mar. 4, 1711-12. At a Meeting of the Ministers of the Allies at Utrecht, Count Zinzendorff insisted, that the Restitution of the whole Spanish Monarchy should be expressly mention'd. Upon which Occasion, it appears, by a Letter from the English Ministers, March 6, That they were the only Ministers that did not make any Mention at all of Spain, and that they were sensible of the disadvantageous Consequences of doing so. All the Attempt that the Queen's Ministers ever made towards obtaining this great Point, which her Majesty declares she should be sorry any one could think she did not do her utmost to procure, was to demand Assurances, that the Crowns of France and Spain should never be united. The Method of preventing this

Union was never mention'd by the Queen's Ministers in order to be treated of, nor the Sense of *France* and *Spain* ever ask'd upon it, till the latter End of *March*, 1712.

In this Message her Majesty further adds, 'The World will now see how groundless those Reports are, which have been spread abroad by Men of evil Intentions, to serve the worst Designs; as if a Separate Peace had been treated, for which there has not been the least Colour given.'

In this Declaration, her Majesty is advis'd by her Ministers, in Order to clear them from the just Suspensions which all the World had conceiv'd of the separate Measures they were engag'd in, not only to declare there had not been the least Colour given for such Jealousies, but to brand all that entertain those Apprehensions, with the Character of Men of Evil Inclinations, that had the worst Designs to serve. But that most just Cause hath been given for these Reports, is sufficiently evident, from what was just now observ'd. The Ministry had insisted, That the Secret should be inviolably kept between *England* and *France*, exclusive of all the Allies. A separate Negotiation between *England* and *France* had been carry'd on, by Papers sent backward and forward, and much Time spent therein, as is said in Lord *Strafford's* Instructions. Mr. *Prior* had been sent into *France*, and Monsieur *Mesnager* had been in *England*, and not the least Communication was given for five Months together, to any of the Allies, of these Transactions, which were depending from *April* 1711, to *September* following. When the general Preliminaries were sign'd, which were sent over as a Foundation to open the general Conference, a Set of Special Preliminaries between *England* and *France* was sign'd on both Parts, which were conceal'd, publickly disown'd, and never appear'd till this Enquiry; and all these Transactions had pass'd, however disguis'd to her Majesty, before the Time that her Ministers advis'd the Queen to impose so grossly upon the Nation, as to declare in Parliament, there had not been the least Colour given for these Surmises. Her Majesty is advis'd to declare, That to report that a Separate Peace had been treated, proceeds from Evil Intentions, and to serve the worst Designs. But the Committee observe, that after this Declaration of the Queen, her Ministers propos'd to *France*, agreed with *France*, and sent positive and repeated Orders to the Queen's Plenipotentiaries, not only to treat, but to conclude a Separate Peace with *France*.



June 20, 1712, Mr. St. John acquaints Mons. de Torcy, The Queen will make no Difficulty to conclude immediately 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 between the Queen and the Most Christian King. In Answer to this, Mons. de Torcy tells Mr. St. John, Upon Condition the Queen does immediately make a separate Peace, and keep no Measures with her Allies, the King has determin'd to send his Orders to permit the English Troop to enter into Dunkirk.

July 12, 1712, 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 Britain and France. And August 4, 1712, Mons. de Torcy acquaints Mr. St. John, That the King consented to the Duke of Savoy's having Sicily upon certain Conditions; wherein one express Condition is, That a Peace be concluded between England and France, Spain and Savoy. And at last, when the Treaty drew near to a Conclusion, and almost all the Allies were ready to sign, February 20, 1712-13, positive Orders are sent to the British Plenipotentiaries to conclude and sign with France; and on the 28th, Lord Bolingbroke repeats those Orders.

The Committee close this Head with repeating a Passage from one of Lord Bolingbroke's Letters to Mr. Prior, wherein he says, If such Quarrels as these were not instantly accepted, our separate Peace would, sitting the Parliament, be address'd for, made, approv'd, and the Cause of France for once become popular in Great Britain.

On the 6th of June, 1711, the Queen says, I am now come to let you know upon what Terms a General Peace may be made. On the same Day Lord Bolingbroke acquaints Mons. de Torcy, That tho' the King of France had not answer'd the Queen's Demands, according to Expectation, the Queen would not defer going that Day to the Parliament; and making all the Declarations that were necessary to render the Nation unanimously inclin'd to the Peace.

The Queen says, The Difficulties had been increas'd by other Obstructions, artfully contriv'd to hinder this great and good Work. Whereas it is notorious, that the Ministers had receiv'd but the Day before, the Account that King Philip had consented to make the Renunciation, upon which Account only the Queen's speaking to the Parliament had been deferr'd.

The Queen says, I have not omitted any Thing which might procure to all our Allies what is due to them by Treaties, and what is necessary for their Security. Lord Bolingbroke, on the same Day, in his Letter to Mons. de Torcy, says, Lord Strafford is going back to Utrecht, and in the next actions he is to carry, will put the Queen's Plenipotentiaries in a Condition to keep no longer those Measures to which they have hitherto been oblig'd to submit; but from henceforth they may openly join with those of France, and give Law to them who will not submit to just and reasonable Conditions.

The Queen says, Nothing has mov'd me from steadily pursuing in the first Place the true Interest of my own Kingdoms. Lord Bolingbroke just before, on the 24th of May, had propos'd to Mons. de Torcy, That the Queen being much more intent upon the General Peace, than any particular Advantages, Commissaries should be appointed to settle after the Peace such Points relating to Trade, as requir'd a longer Discussion than the present Crisis would admit.

The Queen says, That to prevent the Union of the two Crowns, she would not be content with what was speculative, but insisted upon something solid: Altho' Mons. de Torcy had before declar'd to the Queen's Ministers, That to accept of this Expedient which they propos'd, would be to build upon a sandy Foundation.

The Queen says, The Nature of the Proposal for a Renunciation ~~is~~ such, that it executes itself; and that France and Spain ~~are~~ thereby more effectually divided than ever. But Mons. de Torcy had before assur'd the Queen's Ministers, That this Renunciation would be null and void by the fundamental Laws of France; and they would deceive themselves who accepted of it, as an Expedient to prevent the Union of the two Crowns.

The Queen says, Provision is made, that the same Privileges and Advantages as shall be granted to any other Nation by France, shall be granted in like Manner to us. But it appears, by a Letter of Lord Bolingbroke's in January following to the Duke of Shrewsbury, that France refus'd to let our Trade stand upon the Foot of *Gens amicitissima*; declar'd the Tariff of 1664, which was granted to the Dutch, except the four Species, was too beneficial for us, and refus'd to grant it, until another Tariff should be made in Great Britain, exactly conformable to that of 1664, whereby our Duties would be reduc'd as theirs are in France by that Tariff.

As to our Commerce with France, the Queen says here, June the 6th, 1712, It was in a Method of being settled. And Mr. Prior says of it in May following, near a Twelvemonth after, We had like to have made an Athanasian Business of it at Utrecht, by that Explanation of our own Way of understanding our own Commerce. Their Letters to you are full of Surmises and Doubts, that all was unhinged; and their Letters to us again, that Explanations, however made, were only to save Appearances, and signify'd nothing: This Melange, I say, and my endeavouring to understand it, had like to make me run mad, if the Duke of Shrewsbury's extreme good Sense, and Mons. de Torcy's not only honest, but right Understanding, had not redress'd us.

The Queen says, The French consented to deliver up Newfoundland and Placentia. But it must be remember'd, that in the Preliminaries sign'd in September preceding, the French had reserv'd to themselves a Liberty of taking and drying Fish in Newfoundland.

The Queen says, An absolute Cession was to be made of Nova Scotia, or Acadia. But Cape Breton, which was always understood to be, and is declar'd by the Queen's Instructions to the Duke of Shrewsbury, to be Part of Nova Scotia, is expressly given up to France.

The Queen says, The Trade to Spain and the West-Indies may in general be settled, as it was in the Time of the late King of Spain, Charles the Second. But when the Project of the Treaty of Commerce came from Madrid, Lord Bolingbroke says of it, They had sent a blind, lame, misshapen, indigested Monster, instead of that fair Offspring which we had Reason to expect from our Candour.

The Committee observe, That if all the other Parts of the Speech be strictly examin'd, it will be found, that the Ministry did so grossly deceive the Queen, in order to impose upon the Parliament by her Authority; that there is scarce a Paragraph that does not contain some unfair, or at least equivocal Representation of the State of the Negotiations. And when the Queen was advis'd by her Ministers to make this Communication to the Parliament, as the Terms upon which a General Peace might be made, it is very evident, they had no Assurances that France would make good what they prevail'd upon the Queen to declare in so solemn and publick a Manner. For on June the 12th, the Bishop of Bristol is directed by Mr. St. John to discourse with the Ministers of the Allies, agreeably 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; whether they will be willing, and in what Manner they will be willing, to give this Communication to the Allies.* In answer to which, the Bishop of Bristol writes Word, *June the 28th, That the French Plenipotentiaries declar'd they had no such Orders, and without them they could not do it: And in this Refusal of owning the Queen's Speech, as containing the Masters Offers, and in absolutely denying to treat upon it, the French Plenipotentiaries persever'd, even after the Dutch had consented to treat upon that Plan, and to accept the Queen's Speech pro Materia tractandi.*

*The Committee having proceeded thus far in the Perusal and Examination of the Books and Papers refer'd to them, thought it not proper to defer this Report until they had perfected what remains, especially upon the Affairs of Dunkirk and the Assiento.*

*June 9.* After Reading of several Petitions, Mr. Hampden reported the Resolutions of the Committee of Privileges and Elections, touching the Election for the Borough of *Horsham in Sussex*, which were agreed to, viz. That *Sir Henry Goring, Bart. and Charles Eversfield, Esq;* were nor, and that the Honourable *Arthur Ingram, Esq;* and *Arthur Ingram, Esq;* were duly elected Burgesses for that Borough. Then the Resolutions of the said Committee touching the Election for the Borough of *Widborough in the County of Suffolk* being reported, were most of them disagreed unto by the House.

*June 10.* The Commons resum'd the adjourn'd Consideration of the Report from the Committee of Secrecy, and the rest of the Report being read, (which lasted till about four a-Clock in the Afternoon) *Sir Thomas Hanmer* mov'd, That the Consideration of the said Report be adjourn'd till the 21st of the same Month, and was seconded by the leading Men among the Tories, who mov'd also, that the said Report be printed, to be perus'd by all the Members of the House. Hereupon Mr. Robert Walpole said, 'He could not but wonder, that those Gentlemen who had shew'd so great Impatience to have the Report laid before the House, should now press for adjourning the Consideration of it. That as for the Committee of Secrecy, as they had not yet gone through all the Branches of their Enquiry, they could have wish'd some longer Time had been allow'd them to peruse and digest several  
' impor-

important Papers. That in order to that, they would have deferr'd three Weeks or a Month, the laying their Report before the House; but that some Gentlemen having reflected on the pretended Slowness of the Committee, *That* the said Report was now before them, they must e'en go through with it." General Stanhope added, That for his own Part, he would readily agree to give those Gentlemen all the Time they could desire to consider of the Report; but that since they themselves had precipitated this Affair, he was of Opinion, they ought to prosecute it with Vigour, lest, by stopping on a sudden, they should fortify the Notion, which the Friends of the late Ministry had, with great Industry, propagated among the People, *That the Report of the Committee of Secrecy would vanish into Smoke*; the rather, because these malicious Insinuations had rais'd the Spirits and Insolence of the Disaffected, and were the principal Cause of the present Ferment among the giddy Multitude. That he agreed with the Member who had mov'd for the printing of the Report, that not only the House, but the whole World, might be convinc'd of the Fairness and Impartiality of their Proceedings; but that the Crimes of some Persons nam'd in the Report were so obvious to every Body, that they ought, in his Opinion, immediately proceed to the impeaching of them." Some propos'd the adjourning the Debate till that Day Sev'nnight; and others would have been contented to deferr it for three Days only; but the Court Party were staunch and resolute against all Delays; and the Question being put about seven a-Clock in the Evening, on the Motion made by Sir Thomas Hanmer, was carry'd in the Negative by 200 Voices against 160. This Point being gain'd, Mr. Walpole said, 'He made no Question, that, after the Report had been twice read, the whole House was fully convinc'd, that Henry Lord Viscount Bolingbroke was guilty of High Treason, and other High Crimes and Misdemeanors. That therefore he impeach'd him of those Crimes; but if any Member had any Thing to say in his Behalf, he doubted not but the House was ready to hear him.' Hereupon there was, for some Minutes, a deep Silence in the House. Mr. Hungerford broke it with saying, 'That, in his Opinion, nothing was mention'd in the Report, in Relation to the Lord Bolingbroke, that amounted to High Treason:'. And General Ross said, 'He wonder'd no Body spoke in Favour of my Lord Bolingbroke: That, for his own

Part, he had nothing to say at present; but reserv'd to himself to speak in a proper Time." The Resolution for impeaching Henry Lord Viscount Bolingbroke of High Treason, and other High Crimes and Misdemeanours, being pass'd, and Candles brought in according to Order, the Lord Coningsby stood up, and said, "The worthy Chairman of the Committee has impeach'd the Hand, but I do impeach the Head; he has impeach'd the Clerk, and I the Justice; he has impeach'd the Scholar, and I the Master: And so impeach'd Robert Earl of Oxford, and Earl Mortimer of High Treason, and other High Crimes and Misdemeanours. Hereupon Mr. Auditor Harley made a long pathetick Speech; wherein he endeavour'd to justify his Brother, as having done nothing but by the immediate Commands of the late Queen; urging, that the Peace was a good one, and approv'd as such by two Parliaments: Concluding, that the Facts mention'd in the Report, and which were charg'd on the Earl, could not be constru'd to amount to High Treason, but only in strict Rigour, to Misdemeanours. He was back'd by Mr. Auditor Foley, the Earl's Brother-in-Law, who complain'd of the Hardship put upon that Nobleman, in charging him with High Treason, before they had examin'd the Report: But what was yet more favourable for the Earl, was spok'd by Sir Joseph Jekyll, one of the Committee of Secrecy, who said, "That as to the Lord Bolingbroke, they had more than sufficient Evidence to convict him of High Treason, upon the Statute 25 Edw. III. but that as to the Earl of Oxford, he doubted whether they had either sufficient Matter, or Evidence to impeach him of Treason." But another honourable Member of the Committee of Secrecy having assur'd the House, That besides what had appear'd before them, and was mention'd in the Report, they had other Evidence, *Viva voce*: It was likewise resolv'd, without dividing, That this House will impeach Robert Earl of Oxford, and Earl Mortimer of High Treason, and other High Crimes and Misdemeanours: And order'd That it be referr'd to the Committee of Secrecy, to draw up Articles of Impeachment, and prepare Evidence against Henry Viscount Bolingbroke and Robert Earl of Oxford, and Earl Mortimer. After this it was order'd likewise, that the further Consideration of the said Report be adjourn'd to that Day Sevennight; and that the said Report, with the Appendix, be printed.



The next Morning the Earl of Oxford went to the House of Peers, and appear'd serene and unconcern'd; but finding that some Lords avoided him; he retir'd out of the House.

June 12. The Commons order'd, That Mr. Speaker do send a printed Copy of the Report from the Committee of Secrecy to the Sheriff of every County, and to the returning Officer of every City and Borough sending Members to Parliament.

June 13. Sir John Cope presented to the House, a Bill for securing the Freedom of Parliaments, by limiting the Number of Officers to sit in the House of Commons, which was read the first Time, and order'd a second Reading.

June 14. The farther Hearing of the Merits of the Election and Return for the Borough of Monmouth, was order'd to be discharg'd: And the Clerk of the Crown attending with the Return for that Borough, the same was read; and it appearing to be made by the Mayor of Newport, and several Burgeses of Monmouth, Newport, and Ask, without the Precept of the Sheriff of the County of Monmouth being annex'd thereto, it was order'd, That the Clerk of the Crown do take the said Return off the File, which he did accordingly. Then the House being inform'd, That the Mayor of Monmouth was in Town with the Return for the said Borough, annex'd to the Precept to him directed, it was order'd, That the Mayor of the Borough of Monmouth do forthwith deliver to the Clerk of the Crown the Return (with the Precept annex'd) of a Burgess to serve in this present Parliament for the said Borough; and that the Clerk of the Crown do annex the same to the Writ return'd by the Sheriff of the County of Monmouth.

June 15. The Commons read the third Time, pass'd, and sent up to the Lords, the Bill for relieving William Paterson, Esq; &c. And in a Committee of the whole House on the Supply, resolv'd to grant to his Majesty, 123698l. 10s. for Half-Pay for the Year 1715 upon Account, to the Officers of the Land-Forces and Marines disbanded, being his Majesty's natural born Subjects, or naturaliz'd.

2dly, 2691l. 10s. for Half-Pay for the Year 1715, to the Officers of Lieutenant General Hamilton's Regiment of Foot, being his Majesty's natural born Subjects, or naturaliz'd.

. And 3dly, 250,000l. towards satisfying the Debt due for Subsidies and Arrears upon Account of the Land Forces;

which Resolutions were on Saturday the 18th of June reported and agreed to by the House.

Then Mr. *Walpole*, from the Committee of Secrecy, acquainted the House, That he was directed by the Committee to move the House, that the Persons taken into Custody, (pursuant to the Order of the House, the 9th Instant) might be examin'd in the most solemn Manner, according to former Precedents. Upon which it was order'd, That such Members of the Committee of Secrecy who are Justices of the Peace for the County of *Middlesex*, should examine *Matthew Prior*, Esq; and *Thomas Harley*, Esq; at the said Committee, touching Matters contain'd in the several Books and Papers remitt'd to them.

June 17. The Commons resolv'd to address his Majesty, that he would be pleas'd to direct, when his Majesty should think it necessary, that more Farthings and Half-Pence should be coin'd, that they be made of the finest *British* Copper, and as near the intrinsic Value as is possible; and that if any Advantage was to be made thereby, it might be apply'd to the Service of the Publick. Then Mr. *Walpole* acquainted the House, That (pursuant to their Order) *Matthew Prior*, Esq; had been, the Day before, examin'd before the Committee of Secrecy, and during a long Examination, there appear'd Matters of such Importance, that the Committee had directed him to move the House, that he might be confin'd in close Custody, and no Person permitted to come to him: Upon which it was order'd, That *Matthew Prior*, Esq; (now in Custody of the Serjeant at Arms) be confin'd in close Custody, and no Person permitted to come to him without Leave from Mr. Speaker.

The same Day that Order was made, printed Copies of the Report from the Committee of Secrecy were deliver'd to the Members of both Houses: Upon which Mr. *Bromley* mov'd, that the farther Consideration of the said Report be adjourn'd till the 1st of June, that the Members might have Time to peruse the said Report, which was order'd accordingly.

June 18. The Commons proceeded to hear the Merits of the Election for the Borough of *Wesby* in the County of *Hereford*, and having heard the Counsel, and examin'd Witnesses on both Sides, it was resolv'd, That *Paul Foley*, Esq; the sitting Member, was not duly elected, and that *John Birch*, Serjeant at Law, the Petitioner, was. After this, upon a Motion made by Mr. *Walpole*, a Bill was order'd

order'd to be brought in, To examine, state, and determine the Debts due to the Army.

On the 21st of June, the House having, according to Order, consider'd further of the Report from the Committee of Secrecy, Mr. Secretary Stanhope stood up and said, 'He wish'd he were not oblig'd to break Silence on that Occasion; but that as a Member of the Secret Committee, and of that great Assembly, which ought to do the Nation Justice, he thought it his Duty to impeach James Duke of Ormond of High Treason, and other High Crimes and Misdemeanours;' and was seconded by Mr. Boscawen, Controller of his Majesty's Household. Hereupon Archibald Hutcheson, Esq; one of the Commissioners of Trade, made a long Speech in Behalf of the Duke of Ormond, wherein he set forth, 'his noble Birth and Qualifications; and the great Services which both he and his illustrious Ancestors had perform'd to the Crown and Nation; urg'd, That in the whole Course of his late Conduct, he had but obey'd the late Queen's Commands; and concluded, That if all that was alledg'd against his Grace in the Report could be made out, it would, in the Rigour of the Law, amount to no more than High Misdemeanours.' This Speech made a great Impression on the Assembly; and Mr. Hutcheson was seconded by General Lumley, who said, among other Things, 'That the Duke of Ormond had, on all Occasions, given signal Proofs both of his Affection and Love for his Country, and of his personal Bravery and Courage, particularly at the Battle of Landen, where he was wounded and taken Prisoner; and that the late King William was extremely satisfy'd with his Grace's gallant Behaviour. That his Grace had generously expended the best Part of his Estate in the Wars, living in a most noble and splendid Manner, for the Honour of his Country: That therefore, in Consideration both of his great Services, and his illustrious Relations, if he had not been so unfortunate as to fail in any Part of his Conduct, they ought not to proceed against him with the utmost Rigour of the Law; the rather, because he ever meant well, and was drawn into ill Measures by crafty Ministers.' Sir Joseph Jekyll spoke likewise in Favour of the Duke of Ormond: He said, 'That if there was Room for Mercy, he hoped it would be shewn to that noble, generous, and courageous Peer, who, for many Years, had exerted those great Accomplishments for the Good and Honour of his Country. That

' That if of late he had the Misfortune to deviate from  
 ' his former Conduct, the Blame ought not, in Justice  
 ' and Equity, be laid to him, but to them principally,  
 ' who abusing his Affection, Loyalty, and Zeal for the  
 ' Service of his Royal Mistress, had drawn him into per-  
 ' nicious Counsels: That therefore, as the Statute of the  
 ' 25th Edw. III. on which the Charge of High Treason  
 ' against his Grace was to be grounded, had been miti-  
 ' gated by subsequent Laws, the House ought not, in his  
 ' Opinion, to take Advantage of that Act against the  
 ' Duke, but only impeach him of High Crimes and Mis-  
 ' demeanours." Sir Joseph added, in the Course of this  
 Debate ' That some Persons endeavour'd to aggravate the  
 ' Duke of Ormond's Faults, by charging upon him the  
 ' Riots and Tumults which the Populace committed daily  
 ' in many Places; but that he durst averr, that his Grace  
 ' did no Ways countenance those disorders; and if the  
 ' Disaffected made use of his Name, unknown to him, his  
 ' Grace ought not to suffer for it." General Ross laid  
 great stress upon Sir Joseph Jekyll's Opinion, and said all  
 he could in his Commendation, and the Duke's Defence.  
 Sir William Wyndham, Thomas Onslow, Esq; Mr. Ward, Mr.  
 Hungerford, and some other Members of both Parties,  
 spoke also on the same Side: But Mr. Lyddal, Mr. Hamp-  
 den, and Mr. Thompson, Recorder of the City of London,  
 did strongly support General Stanhope's Motion, answer'd  
 all that had been alledg'd in the Duke's Favour; and a-  
 mong other Things represent'd, ' That he ever affected  
 ' Popularity; that he could not be ignorant of the Tu-  
 ' mults and Riots of which his Name was the Signal;  
 ' and that since he did not publicly disown them who  
 ' made Use of his Name, his Silence was a tacit Appro-  
 ' bation of their Proceedings, and seem'd to summon the  
 ' People to a general Insurrection.

Sir Edward Northey, Attorney General, did not disown,  
 but that in the Report of the Committee of Secrecy,  
 there were some Matters on which an Impeachment of  
 High Treason might be grounded against the Duke of  
 Ormond; but did not think it proper to explain himself  
 further on that Occasion. Mr. Lechmere, Solicitor Gen-  
 eral, spoke plainer, and mention'd a Case parallel to the  
 Duke's, which had been adjudg'd Treason. By this Time,  
 the Debate had lasted from about One till near Nine in the  
 Evening; and a Motion that was made for adjourning  
 being wav'd, Candles were order'd to be brought in, which  
 being done accordingly, the Debate was prolong'd till  
 about

about Half an Hour past Ten, when the Question was put, and resolv'd by a Majority of 234 Voices against 187, that this House will impeach *James Duke of Ormond* of High Treason, and other High Crimes and Misdemeanours. After which it was order'd, That it be refer'd to the Committee of Secrecy to draw up Articles of Impeachment, and prepare Evidence against *James Duke of Ormond*; and that the further Consideration of the said Report be adjourn'd to the next Morning. It was observ'd, that scarce any Debate was manag'd in that House with more Calmness and Decency, than this about the Duke of *Ormond*, not an angry or passionate Word having dropt from any that spoke for or against his Grace. It was likewise observ'd, that many Whigs and Courtiers went out of the House, to avoid giving their Votes; which they could not do without either wronging their Consciences, or doing Violence to the Tenderness and Affection they bore to that unfortunate Nobleman.

June 22. A Bill was order'd to be brought in, *For raising the Militia for the Year 1715, tho' the Month's Pay formerly advanc'd be not repaid.* Then the Commons resum'd the Consideration of the Report from the Committee of Secrecy, and Mr. *Aislaby*, Treasurer of the Navy, who spoke first, Took Notice of the general Concern that had appear'd the Day before in the House, for the noble Person that was impeach'd; because they were persuad- ed, 'twas rather through Weakness than Malice that he had follow'd pernicious Counsels; but that, in his Opinion, few, if any, would speak in Favour of another Lord, whom he was to impeach. That the Person he meant, was *Thomas Earl of Strafford*, one of the Plenipotentiaries of *Great Britain* at the Congress at *Utrecht*; whose Conduct had been vastly different from that of his Colleague, the present Bishop of *London*. That this good and pious Prelate seem'd to have been put at the Head of that Negotiation, only to palliate the Iniquity of it, under the Sacredness of his Character; but was little more than a Cypher in the Absence of the Earl of *Strafford*. That the Bishop not being in the Secret, had acted with Reserve and Caution, and would do nothing without the Queen's special Commands; whereas the Earl of *Strafford* not only was forward to venture and undertake any Thing, (as he expresses himself in one of his Letters) to be the Tool of a Frenchify'd Ministry; but in many Instances had gone beyond his Instructions, and advis'd the most pernicious Measures. That

That having impartially weigh'd the different Conduct of these two Ministers, he was glad that nothing could be charg'd upon the Bishop, which gave them an Opportunity to convince the World, that the Church is not in Danger; but mov'd that *Thomas Earl of Strafford* be impeach'd of High Crimes and Misdemeanours." Mr. *Aislaby* afterwards enlarg'd upon this Charge, which he reduc'd to three principal Heads, viz.

1st, 'The Earl of *Strafford*'s advising the fatal Suspension of Arms, which was soon after attended with several Misfortunes that befel the Allies; and at last reduc'd them to the Necessity of submitting to the Terms of an unsafe, dishonourable Peace.

2dly, 'Advising the seizing of *Ghent* and *Bruges*, in order to distress the Allies, and favour the Enemy.

And 3dly, 'The Insolence and Contempt with which he had treated the most serene House of *Hanover*, and their Generals and Ministers.

Mr. *Bailie*, a *Scotch* Member, having seconded Mr. *Aislaby*, Sir *William Wyndham* endeavour'd to justify the Earl of *Strafford*, as to the first Head, by saying, 'That the Peace, which was but the Sequel and necessary Consequence of the Suspension of Arms, had been approv'd as such by two successive Parliaments, and declar'd advantageous, safe, and honourable.' Mr. *Shippen*, Mr. *Ward*, (the Lawyer) and Mr. *Snell*, spoke also in Favour of the Earl of *Strafford*; as did also Mr. *Hungerford*, who, among other Things, said, 'That tho' the Bishop of *London* had an equal Share with the Earl of *Strafford* in the Negotiation of Peace, he was, it seems, to have the Benefit of his Clergy.' General *Ross* having likewise said something to excuse the Suspension of Arms, General *Cadogan* answer'd, 'That considering the Situation of both Armies, the Confederates lost the fairest Opportunity they ever had in *Flanders* to destroy the Enemy's Army, and to penetrate into the very Heart of *France*; but added, 'That nothing less could be expected from a Princess and a Ministry, who had entirely deliver'd themselves into the Hands of *France*.' Sir *James Campbell* spoke also against the Earl of *Strafford*: But the Member who distinguish'd himself most in this Debate, was Sir *James Dalrymple*, who summ'd up what had been said on both Sides; and having illustrated the present Case by parallel Instances and proper Observations, urg'd, that both by the Civil and Statute Laws, the Earl of *Strafford*



Strafford was, at least, guilty of High Crimes and Misdemeanours. Hereupon, about Seven a-Clock in the Evening, the Question was put, and (by a Majority of 268 Voices against 100) resolv'd, That this House will impeach Thomas Earl of Stafford of High Crimes and Misdemeanours; and order'd, 1st, That it be refer'd to the Committee of Secrecy to draw up Articles of Impeachment, and prepare Evidence against the said Earl. And 2dly, That the further Consideration of the said Report be adjourn'd to that Day Sev'nnight; when it was further adjourn'd for a Week longer.

June 13. Mr. Farrer presented the Bill for raising the Militia, &c. which was read the first Time, and order'd a second Reading. Then the House proceeded to the Hearing the Merits of the Election for the County of Bedford, which was adjourn'd to another Day, and afterwards took up several other Sittings.

On the 24th of June, after the Reading of the Reports upon the several Petitions of the Merchants, who had suffer'd in the late dreadful Fire in Thames-street, a Bill was order'd to be brought in, For Relief of Merchants, Importers of Tobacco and Wine, concern'd in Bonds given in Part of the Duties on the same. Then the Commons read the first Time an ingross'd Bill from the Lords, entitl'd, *An Act to explain the Act made in the twelfth Year of King William the Third, entitl'd, An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject*; which was order'd to be read a second Time the 29th of that Month. After this, Mr. Carter, a Member of the House, communicated to the Commons the Informations he had receiv'd from several Hands of a great Rior at Manchester, in which the Pretender had been proclaim'd; and then mov'd the House, That the Act of the 13th and 14th Years of his late Majesty King William the Third, entitl'd, *An Act for the further Security of his Majesty's Person, and the Succession of the Crown in the Protestant Line, and for extinguishing the Hopes of the pretended Prince of Wales, and all other Pretenders, and their open and secret Abettors*, might be read; which being done accordingly, it was order'd, *Nemine Contradicente*, That a Bill be brought in, For the further Security of his Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and for extinguishing the Hopes of the pretended Prince of Wales, and his open and secret Abettors: And that Mr. Carter, Mr. Boscawen,

Lord

Lord Coningsby, and Mr. Hejsham, do prepare and bring in the same.

June 27. The Call of the House of Commons was then adjourn'd to that Day Sev'nnight.

On the 28th of June Mr. Secretary Stanhope acquainted the House, that he had a Message from his Majesty, sign'd by his Majesty; and he presented the same to the House, which Mr. Speaker read as followeth:

#### GEORGE R.

**H**IS Majesty having receiv'd an Address from the Commissioners appointed for building fifty new Churches in and about the Cities of London and Westminster and Suburbs thereof, representing, how difficult they find it to proceed in perfecting the Establishment of such Churches, for want of a due Maintenance for the Ministers who're to attend the Service of the same; and praying him to recommend to the Care and Wisdom of the Parliament to provide such Maintenance: That this good Work may not be render'd ineffectual for want of such a Provision, his Majesty does most heartily recommend it to this House, to consider of the best Means of settling such a Maintenance, as may bring this pious Design to Perfection, for the Honour of the Church of England, and the Advancement of our Holy Religion.

Hereupon the Commons resolv'd to take his Majesty's gracious Message in Consideration, on Monday the 4th of July.

June 29. The ingross'd Bill from the Lords, to explain a Clause in the Act of Succession, relating to the Naturaliz'd Foreigners, was read a second Time, and committed to a Committee of the whole House on Monday the 4th of July; and order'd, That the proper Officers of the Courts of Chancery, King's Bench, Common Pleas, and Exchequer, and the Clerks of the Peace for the County of Middlesex, and the Cities of London and Westminster, do lay before the House Lists of what Persons took the Oaths, in order to their Naturalization, pursuant to the Act for Naturalizing foreign Protestants, in the said Courts, and at the General Quarter-Sessions of the said County and Cities respectively.

June 30. The Commons read the first Time an ingross'd Bill from the Lords, entitl'd, *An Act for settling the Precedency of Robert Marquess of Lindsey, Great Chamberlain of England, when created a Duke of Great Britain; and of such as shall succeed to the said Honour; which was order'd*

to be read a Second Time. Then the House read the first Time two other Bills: One for Relief of Merchants, Importers of Tobacco and Wine, &c. And another, for erecting a Court of Judicature to determine Differences touching Houses and Buildings burnt down, demolished, or defaced, in and near James-Street in the City of London. After this Mr. Farrer from the Committee appointed to inspect the Laws expired or near expiring, reported which of them were fit to be revived or continued; and the House having agreed to the Resolutions of the said Committee, order'd that a Bill or Bills be brought in upon the same.

July 1, a Bill was order'd to be brought in to restrain Waggoners, Carriers, and all others, from drawing any Carriage with more than Five Horses in Length.

It was also order'd, *Nemine contradicente*, that a Bill be brought in, for preventing Tumults and Riotous Assemblies, and for the more speedy and effectual punishing the Rioters: After which a Complaint being made to the House, by the Right Hon. Robert Walpole, Esq; of a printed Pamphlet, intitled, *The Evening Post*, from Tuesday, June 28, to Thursday, June 30, 1715, wherein is printed a Copy of a Letter subscribed R. W. to the Lord S—— at the Bath (which printed Letter had been cried about the Streets, as if wrote by the said Mr. Walpole to the Lord Sunderland, and had also been maliciously and industriously sent all over the Kingdom) the said *Evening Post*, and another printed Copy of the said Letter, were delivered in at the Table, and the printed Copy in the said *Evening Post* was read, as follows:

My LORD,

I Have receiv'd Your Lordship's Letter, the Contents of which are rather a Concern to me than a Surprise; in the General Corruption, I had little Reason to believe the Neighbourhood where your Lordship is, should escape untainted.

By this Post you will have an Account from Lord T—— of what has been done in these Parts, with some Particulars of the Oxford Riot; the Inclos'd (My Lord) is a Copy of a Letter sent to Dr. Charlette; but it is not Writing that will ever be able to reduce that University to a State of Discipline or Order; other Means are necessary.

I am now to tell Your Lordship, the Committee has finish'd their Report, and will lay it before the House in a few Days; what the Result will be I am doubtful, but we have now nothing for it but a bold Push, and accordingly have determin'd

to allow no Time to the Enemy to examine or consider the Report.

The Impeachment will be for High Treason, and other Crimes, and I wish we have not in this Resolution strain'd the Matter too far. Not that I believe we are in any Danger of not seeing Your Lordship confirm whatever Accusation we shall bring before you; the People, who think they have a Right to look into our Actions, know their Strength, know how far they have gone, and that they can secure themselves only by going further.

If on any drunken Holiday the Government is over-run with Rioters and Seditious Assemblies, what Opposition may we not reasonably expect, when we are leading the Favorites of the Faction to the Scaffold?

If we fail in our Attempt, we must be content to bear the Toke we have been preparing for our Enemies: If we should succeed, we shall never more be troubled with that Spirit that has been so long grievous to us.

The Guards are sent for to be in a Readiness, but I am very doubtful how far they will come into what is necessary, should there be Occasion for them; and must therefore go along with those who hold a Necessity of raising Assistance from Foreign Troops.

My Lord, I shall say no more, *Jacka est Alea*; and Fortune in a few Weeks will dispose of us one Way or other.

Lord S. — at the Bath.

I am &c.

R. W.

Upon the Reading of this Letter it was resolv'd, *Nemine contradicente*, That the said Letter inserted in the said Evening Post, is a false, scandalous, and traitorous Libel, highly reflecting on His Majesty and both Houses of Parliament. And order'd, That a Committee be appointed to enquire into the Author, Printer, and Publisher of the said false, scandalous, and traitorous Libel. And a Committee was accordingly appointed. Then a Complaint being also made to the House of a Paragraph in the said Pamphlet call'd *The Evening Post*, relating to *John Bournis*, a French Schoolmaster, who was whipp'd for speaking seditious Words against His Majesty; the said Paragraph was read, as follows:

*John Bournis*, the French Schoolmaster, who was whipp'd from Stocks-market to Aldgate, for speaking seditious Words against His Majesty, was last Week, upon giving Sureties for his good Behaviour, discharged out of Newgate, but died the next Day of the King's Evil.

After which it was order'd, First, That it be an Instruction to the said Committee, That they do enquire into the

the Author of the said Pamphlet called *The Evening Post*.  
*Secondly*, That E. Berrington, Printer of the said Pamphlet  
 called *The Evening Post*, be taken into the Custody of the  
 Serjeant at Arms attending this House. And *Thirdly*, That  
 J. Morphew, Publisher of the said Pamphlet be taken into  
 Custody of the Serjeant at Arms attending this House.

July 4. The Commons agreed to the Resolutions of the  
 Committee of Privileges and Elections, in Relation to  
 the Election for the Town of *Haverford-West*, viz. That  
 Sir George Barlow, Bart. sitting Member was not, and, on  
 the contrary, that John Barlow of *Lawrenny*, Esq; was du-  
 ly elected a Burgess to serve in this present Parliament  
 for the said Town. And That the Proceedings of the  
 Mayor and Common Council of the Town of *Haverford-  
 West*, in making Burgesses without the Consent of the Comma-  
 nality, was illegal, and contrary to the Rights of the said Town;  
 and that the Burgesses so pretended to be made, have not there-  
 by acquired any Right of Voting in any future Elections. Af-  
 ter this, the Call of the House was adjourn'd to that Day  
 Sevennight; and then the House proceeded to take into  
 Consideration his Majesty's gracious Message of the *Tuesday*  
 before, and the same being again read by Mr. Speaker, it  
 was resolv'd *Nemine Contradicente*, ' That an Address be  
 presented to his Majesty, to return the humble Thanks  
 of this House for his Majesty's most gracious Message; in  
 which he is pleased, out of his great and tender Concern  
 for the Honour of the Church of England, and for the  
 Advancement of our most Holy Religion, heartily to  
 recommend to this House to consider of the best Means  
 of settling a Maintenance for the Ministers who are to  
 attend the Service of Fifty New Churches in and about  
 the Cities of London and Westminster; and to assure his  
 Majesty, that this House will effectually enable him to  
 pursue and perfect so pious and so glorious a Work.' A  
 Committee was appointed to draw up an Address, upon  
 the said Resolution, to be presented to his Majesty and or-  
 dered, That his Majesty's most gracious Message be referred  
 to the said Committee: After which the House resolv'd  
 itself into a Grand Committee, upon the ingrossed Bill  
 from the Lords, intituled, *An Act to explain the Act made*  
*in the 12th Year of King William the Third, intituled, An*  
*Act for the further Limitation of the Crown, and better Secu-*  
*ring the Rights and Liberties of the Subject.* This Bill was,  
 in Effect, to explain the Clause, inserted in the Act of Suc-  
 cession, to exclude Foreigners from Places of Trust Civil  
 and Military, in Favour of such Protestant Foreigners, as  
 were

were naturalized before the said *Act* for the further Limitation of the Crown, took Place; But a Clause having been inserted in the said Bill, whereby a Door seem'd to be left open for the Admission of Foreigners into Places, many of the *Whig* Members, headed by Mr. *Hampden*, look'd upon that Bill as dangerous to our happy Constitution; And the *Tories* who resolv'd to oppose it, thinking this a proper Opportunity to make it drop, mov'd that the Consideration of it be put off to another Day. But the Question being put thereupon was carried in the Negative by two Votes only, viz. 141, to 139. Then the Committee went through the Bill, and made an Amendment to the Clause before-mention'd, the Report of which was put off till the 6th of July.

On the 5th the Commons resolv'd to address His Majesty, 'That he would be pleased to confer some Dignity in the Church on Dr. *Barker* Chaplain to this House.' Which Address being, the same Day, presented to the King by Mr. *Boscawen*, he the next Day, acquainted the House, That His Majesty was pleas'd to answer, *That he would confer some Dignity in the Church upon the said Doctor, as was desired.* Then Mr. *Lowther* reported from the Committee of the whole House, to whom the engrossed Bill from the Lords, intitled *An Act to explain the Act made the 12th Year of the King of King William III.* intitled, *an Act for the further Limitation of the Crown, &c.* was committed, the Amendment they had directed him to report to the House; which he read in his Place, and afterwards deliver'd in at the Table, where the same was twice read: And a Motion being made, that the Bill be recommitted, there arose a Debate that lasted near Three Hours: Mr. *Shippen*, with some others rais'd several Objections against the Bill, but were answer'd by Mr. *Walpole*, Mr. *Boscawen*, and some other Court-Members; and the Question being put upon the said Motion, was carried in the Negative by 130 Votes against 140. And then the Amendment (with an Amendment made therunto) was agreed to by the House.

On the 7th of July, the Commons being acquainted, That *George Carpenter Esq;* since his Election for the Borough of *Whitchurch*, was appointed his Majesty's Envoy to the Court of *Vienna*, and that he desired to know the Sense of the House, Whether he was intitled in the Disability of the Act of the 6th Year of her late Majesty: The Clause in the said Act relating thereto was read;

and



and the Question being put, That *George Carpenter, Esq;* being appointed his Majesty's Envoy at the Court of *Vienna* had his Election for the Borough of *Whitchurch* in the County of *Southampton*, his Election for the said Borough was thereby become void? It passed in the Negative.

Then *Mr. Walpole*, from the Committee of Secrecy, acquainted the House, 'That the Committee had, in Obedience to the Commands of the House, prepared *Articles of Impeachment* for *High Treason* and other *High Crimes and Misdemeanours*, against *Robert Earl of Oxford* and *Earl Mortimer*; and that the Committee had commanded him, at the same time, to acquaint the House, that they should, in a short Time, have further Articles to lay before the House against the said Earl; and that the Committee had directed him to report the *Articles* (already prepared) to the House.' And he read them in his Place, and afterwards deliver'd the same in at the Table, where they were once read.

After this it was moved that the further Consideration of the said *Articles* be adjourn'd to that Day Sevennight; but it was carry'd without dividing, and order'd, That the said Report be read a second time the next Day.

Accordingly, on the 8th of July, the First Ten of the *Articles of the Impeachment* against *Robert Earl of Oxford* and *Earl Mortimer*, were read a 2d Time; and upon the Question severally put thereupon (with Amendments to some of them) there was a long Debate from Two till Eight in the Evening, when they were agreed to, by a Majority of 280 Voices, against 125. Then a Motion being made and the Question put, That the further Consideration of the said Report be adjourn'd till the next Morning, the same was carry'd in the Negative, by 247 Votes against 139. Whereupon the Eleventh Article was read a second time, and amended by the House; and, after Candles had been brought in, there arose a great Debate, upon the Question, Whether the said Article was *High Treason*? *Sir Robert Raymond*, formerly Solicitor-General, *William Bromley, Esq;* *Sir William Wyndham*, the Auditors *Harley and Foley, M<sup>a</sup> Ward*, and *Mr. Hungerford* (who had already spoke in Favour of the Earl of *Oxford*) maintain'd the Negative. And was strongly supported by *Sir Joseph Fekyil*, one of the Committee of Secrecy. The latter said, among other Things, 'That it was ever his Principle to do Justice to every Body, from the Highest to the Lowest; being persuaded, That it was

the Duty of an honest Man never to act by a Secret of Party. That he hoped he might pretend to have some Knowledge of the Laws of the Kingdom, and as, in the Committee of Secretaries, he had taken the Liberty to differ from the Colleagues, he would not scruple to declare now to the whole House, that, in his Judgment, the Charge in Question did not amount to High Treason. Most of the other Members of the Committee of Secrecy were offended at this Speech, which both revealed and censured their Proceedings: And then upon Mr. Walpole answer'd, with some Warmth, That there were both in and out of the Committee of Secrecy, several Persons, who did not, in the least, yield to the Member that spoke last, in Point of Honesty; and who, without derogating from his Merit, were superior to him in the Knowledge of the Laws; but who, at the same Time, were satisfied that the Charge specified in the Eleventh Article amounted to Treason. Mr. Walpole was back'd by General Stanhope, the Lord Coningsby, General Cadogan, Mr. Boscawen and Mr. Aislaby; and the Eleventh Article being amended, the same was agreed to by the House, by a Majority of 247 Votes against 127. Mr. Auditor Harley endeavour'd to justify his Brother; First, By urging that he ever acted by the late Queen's positive Commands; to prove which, he offer'd to produce two Letters from Her Majesty; and 2dly, The Necessity of making a Peace. Having upon this Occasion, advanc'd, that the Dutch prolong'd the War, and that their Deputies in the Army had often prevented the giving the Enemy a Decisive Blow. General Cadogan answer'd that the Dutch were more concern'd than any Prince or State in the Grand Alliance to put an End to the War; and undertook to prove, that there had not been any Campaign in Flanders, except that in which the Duke of Ormond command'd, that was not mark'd, and famous to all Posterity, for some signal and glorious Event, to the Advantage of the common Cause. Then the rest of the Sixteen Articles were severally read a second Time, and with Amendments to some of them, agreed unto by the House, who ordered, First, That the said Articles be engross'd. Secondly, That a Clause be prepared saving Liberty to the Commons to exhibit any further Articles against the said Robert Earl of Oxford and Earl Mortimer; and that he may be sequester'd from Parliament, and committed to safe Custody. This Clause was, according to Order, offer'd the next Day, July the 8th, to the House; and

and being twice read, and agreed to, was order'd to be engrossed with the Articles of Impeachment. Whilst this was doing, the Commons order'd Mr. Boswell to go to the Lords with a Message, to desire that their Lordships would continue sitting some time; with which Desire their Lordships readily comply'd.

The same Day, July 9, a Petition of the Mayor, Bayliffs and Burgees of the Borough of Liverpoole in the County Palatine of Lancaster, was presented to the House, and read, praying, 'That Leave may be given to bring in a Bill for Building and Endowing a Church upon the Scite of the late Castle of Liverpoole, held by Lease from the Dutchy of Lancaster.' And Mr. Secretary Stanhope having acquainted the House, That he had Directions from his Majesty to signify his Majesty's Consent that such a Bill may be brought in, a Bill was order'd to be brought in, according to the Prayer of the said Petition.

Then the Ingrossed Articles of Impeachment against Robert Earl of Oxford and Earl Mortimer, were read; after which it was order'd, First, That the Lord Coningsby do carry the said Articles to the Lords; 2dly, That the Lord Coningsby be directed (before he exhibits the said Articles to the Lords) to impeach Robert Earl of Oxford and Mortimer, to the Effect following, viz.

My LORDS,

THE Commons assembled in Parliament having received Information of divers traitorous Practices and Designs of a great Peer of this House, Robert Earl of Oxford and Earl Mortimer; have commanded me to impeach the said Earl of Oxford and Earl Mortimer, of High Treason, and other High Crimes and Misdemeanours: And I do here, in their Names, and in the Names of all the Commons of Great Britain, impeach Robert Earl of Oxford and Earl Mortimer, of High Treason, and other High Crimes and Misdemeanours. I am further commanded by the House of Commons to pray and demand of Your Lordships, That the Earl of Oxford and Earl Mortimer may be sequester'd from Parliament, and forthwith committed to safe Custody.

After this, Mr. Solicitor General having been sent to the Lords with a Message, to desire, that their Lordships would direct the Painted Chamber, the Lobby, and the Passage to the House of Peers might be clear'd from any Crowd, which was done accordingly, by Five a-Clock in the Afternoon, the Lord Coningsby, attended by most of

the Whig Members, went up to the House of Peers, as their Bar impeach'd Robert Earl of Oxford, and Earl Mortimer, in the Forme abovemention'd; and then left with their Lordships the following

ARTICLES of IMPEACHMENT, against Robert Earl of Oxford and Earl Mortimer

WHEREAS many solemn Treaties and Alliances have been formerly enter'd into, between the Crown of England and other Princes and Potentates of Europe, for their mutual Safety, and from the Considerations of the common Danger which threaten'd all Christendom, from the immoderate Growth of the Power of France: And whereas the Preventing the Monarchy of Spain from coming into the Hands of the House of Bourbon, has, for many Years, been a fundamental Principle and Maxim of Union among the Allies, in order to preserve a just Ballance of Power in Europe: And to that End, as the Designs of France on the Monarchy of Spain have, from Time to Time, appear'd, new Treaties and express Stipulations have been enter'd into, amongst the Allies, to strengthen themselves against that approaching Danger: And on this Foundation, a Treaty for an intended Partition, whereby a Small Part only of the Dominions of the Crown of Spain was allotted to the House of Bourbon, was condemn'd by the Wisdom of Parliament, as being highly prejudicial and fatal in its Consequences to England, and the Peace of Europe. And whereas the Duke of Anjou, Grandson to the King of France, on the Demise of Charles II. King of Spain, took Possession of the entire Monarchy of Spain, whereby the Ballance of Power, the Protestant Religion, and the Liberties of Europe, were threaten'd with immediate Danger: Whereupon Leopold, then Emperor of Germany, his late Majesty King William the Third, of ever-glorious Memory, and the States-General of the United Provinces, finding, at that most critical Juncture, that a strict Conjunction and Alliance between themselves was become necessary, for repelling the Greatness of the Common Danger from so great an Accession of the Power to the then Common Enemy, did, in the Year of our Lord 1701, make, form, and conclude, a new Treaty and Alliance, whereby it was agreed, That there shall be and continue between the said Confederates, His Sacred Imperial Majesty, His Sacred Royal Majesty of Great Britain, and the Lords the States-General

of the *United Provinces*, a constant, perpetual, and inviolable Friendship and Correspondence, and that each Party shall be obliged to promote the Advantages of the other; and prevent all Inconveniences and Dangers that might happen to them, as far as lies in their Power: That the said Parties desiring nothing more earnestly than the Peace and general Quiet of all *Europe*, have judg'd, that nothing can be more effectual for the Establishment thereof, than the procuring an equitable and reasonable Satisfaction to his Imperial Majesty for his Pretension to the *Spanish Succession*; and that the King of *Great Britain* and the States-General may obtain a particular and sufficient Security for their Kingdoms, Provinces, and Dominions, and for the Navigation and Commerce of their Subjects: That the said Confederates therefore shall, in the first Place, endeavour, by amicable Means, to obtain the said Satisfaction; but if, contrary to their Expectations and Wishes, the same is not had, the same Confederates do engage and promise to one another, that they will assist each other with all their Forces, according to a Specification to be agreed upon in a peculiar Convention for that Purpose: That the Confederates, in order to the procuring the Satisfaction and Security aforesaid, shall, among other Things, use their utmost Endeavours to recover the Provinces of the *Spanish Low Countries*, that they may be a Fence and Rampart, commonly call'd a Barrier, separating and dividing *France* from the *United Provinces*, for the Security of the States-General, as they have serv'd in all Times, till of late, that the Most Christian King has seized them by his Forces; as likewise the Duchy of *Milan*, with its Dependencies, as a Fief of the Empire; and contributing to the Security of his Imperial Majesty's hereditary Dominions; besides the Kingdoms of *Naples* and *Sicily*, and the Lands and Islands upon the Coast of *Tuscany* in the *Mediterranean*, that belonged to the *Spanish* Dominions, and may serve to the same Purpose, and will be also of Advantage to the Navigation and Commerce of the Subjects of the King of *Great Britain*, and of the *United Provinces*: That in case the Confederates shall be forced to enter into a War, for obtaining the Satisfaction aforesaid for his Imperial Majesty, and the Security of his Majesty of *Great Britain* and the States-General, they shall communicate their Designs to one another, as well in Relation to the Actions of the War, as all other Thing wherein the common Cause is concern'd: That it shall

not be permitted to either Party, when the War once begun, to treat of Peace with the Enemy, unless jointly, and by a Communication of Councils; and no Peace shall be made, unless an equitable and reasonable Satisfaction for his Imperial Majesty, and the particular Security of the Kingdoms, Provinces, Dominions, Religions, and Commerce, for his Majesty of Great Britain, and the States-General, be first obtained; and unless Care be taken, by fitting Security, that the Kingdoms of France and Spain shall never come and be united under the same Government, nor that one and the same Person shall be King of both Kingdoms; and particularly that the French shall never get into the Possession of the Spanish Indies, neither shall they be permitted to sail thither on the Account of Traffick, directly or indirectly, on any Pretence whatsoever: And lastly, unless full Liberty be granted unto the Subjects of the King of Great Britain, and the States-General, to exercise and enjoy all the same Privileges, Rights, Immunities, and Franchises of Commerce, by Sea and Land, in Spain, the Mediterranean, and all Lands and Places which the King of Spain last deceased did possess at the Time of his Death, as well in Europe as elsewhere, which they used and enjoyed; or which the Subjects of both, or either of them by any Right acquired by Treaties, Agreements, Customs, or any other Way whatsoever, might have used and enjoyed before the Death of the late King of Spain: That at the same Time that the said Agreement or Peace shall be made, the Confederates shall agree among themselves about all the Things that they shall think necessary for maintaining the Navigation and Commerce of the Subjects of Great Britain and the States-General, in the Lands and Dominions they may acquire, and that were possessed by the late deceased King of Spain, and also in what Manner the States-General may be secured by the aforesaid Fence or Barrier.

And whereas his late Majesty King William, and the States-General, seriously considering, that France was then become so formidable from the Accession of Spain to the Duke of Anjou, that, in the Opinion of all the World, Europe was in Danger of losing her Liberty, and undergoing the heavy Yoke of Universal Monarchy; and that the surest Means of effecting that Design were to divide the King of Great Britain from the States-General, for which Purpose all imaginable Efforts would be made, they therefore thought it necessary to unite in the strictest



est Manner that was possible; and to that End a Defensive Treaty, and Alliance was concluded and enter'd into between them, in or about the Month of November, 1701; wherein it was, among other Things, agreed, That in case the said High Allies should be jointly engaged in War, by Reason of this Defensive Alliance before-mentioned, in the Fifth Article, or on any other Account, there shall be an Offensive, and Defensive, and Perpetual Alliance between them, against those with whom the War shall be; and all their Forces shall be employed by Sea and Land, and they shall act in Conjunction or separately, as it shall be agreed between them.

But since, in the Alliance with the Emperor, made in September last, particular Care was taken of the Recovery of the *Spanish Low-Countries* out of the Hands of the most Christian King, the said Confederates expressly engage to aid one another with all their Forces for the Recovery of the same. And in Regard the principal Interest of the said Confederates consists in the Preservation of the Liberties of Europe, the before-mentioned Treaty with the Emperor shall be faithfully and sincerely executed, and both Sides shall guard the same, and use their Endeavours to confirm and render it more strong from Time to Time: That in making Peace, particular Care shall be taken of the Commerce and Traffick of both Nations, as also for their Security, as well in Regard to the *Low-Countries* as the Countries adjacent: That when the War is begun, the Confederates shall act in Concert, according to the seventh and eighth Articles of the Treaty of the 3d of March, in the Year of our Lord 1677 between England and Holland, which is hereby renewed and confirmed; and no Peace, nor Truce, or Suspension of Arms, shall be negotiated or made, but according to the ninth and tenth Articles of that Treaty; by which it was agreed, That when the two Allies come once to an open War, it shall be lawful for neither of them afterwards to come to any Cessation of Arms with him, who shall be declar'd and proclaim'd an Enemy, without it be done conjointly, and with common Consent: That no Negotiation of Peace shall be set on Foot by one of the Allies, without the Concurrence of the other: That each Ally shall continually, and from Time to Time, impart to the other every Thing that passes in the said Negotiation, and shall stipulate with the common Enemy the same Rights, Immunities, Exemptions, and Privileges

rogatives for his Allies, as he does for himself, if so the said Allies do not agree to the contrary.

And whereas the French King having got Possession of a great Part of the Spanish Dominion; exercised an absolute Authority over that Monarchy, having seized upon Milan and the Spanish Low-Countries by his Armies, and made himself Master of Cadix, of the Entrance into the Mediterranean, and of the Ports of the Spanish West-Indies; his Fleets, every where desiguing to invade the Liberties of Europe, and to obstruct the Freedom of Navigation and Commerce; and instead of giving the Satisfaction that ought justly to be expected, had proceeded to further Violences, and had taken on him to declare the Pretended Prince of Wales, King of England, Scotland, and Ireland, and had also influenced Spain to concur in the same Affront; her late Majesty Queen Anne taking Notice, that she found herself obliged, for maintaining the Publick Faith, for vindicating the Honour of the Crown, and to prevent the Mischiefs which all Europe was threatened with, to declare War against France and Spain; did accordingly in the Month of May 1702, in the most publick and solemn Manner, declare War against France and Spain; and in the said Declaration, placing her entire Confidence in the Help of Almighty God, in so just and necessary an Undertaking, declared, That she would, in Conjunction with her Allies, vigorously prosecute the same both by Sea and Land, being assured of the ready Concurrence of her Subjects, in a Cause they had so openly and heartily espoused. And his Imperial Majesty and their High Mightinesses, pursuant to the Treaties aforementioned respectively, in or about the said Month of May, 1702, did likewise declare War against France and Spain.

And whereas the Kings of Portugal and Prussia, the Electors of Hanover, Saxony, Treves, Mentz, Palatine of the Rhine, the Duke of Savoy, the Prince of Hesse, the Dukes of Wolfenbuttle, Mecklenburg, and Wirtemberg, the Circles of Slesia, and Franconia, and of the Upper Rhine, the Bishops of Munster and Constance, and other Princes and Powers, being invited by the said Grand Alliance, and relying on the Faith thereof, did afterwards become Parties to the said Confederacy War against France and Spain; and in the Treaty entered into in or about the Month of May 1703, between his Imperial Majesty, the Queen of Great Britain, the States General, and the King of Prussia, it is, amongst other Things expressly stipulated, That

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Peace nor Truce shall be made, but by the mutual Consent of all the Confederates; nor shall any, at any time, be made, whilst the second Grandson of the most serene King by the Dauphin or any other Prince of France continues in Spain, nor unless the King of Portugal shall fully possess and enjoy all the said Kingdoms, Isles, Castles, Cities, Towns, &c. with their Territories and Dependencies in Spain, or elsewhere, which it now possesses. And in the Treaty of *Norlingen*, ratify'd by her late Majesty, it is, amongst other Things, expressly agreed, that it shall not be allow'd to make particular Treaties, but the Peace shall be jointly treated of, and shall not be concluded without obtaining, as far as possible, the Re-Union of the Lands belonging to the Circle, and until at least the Security of the associated Circles be absolutely provided for, in the best Manner that is possible, and better than it has formerly been.

And whereas, to give the greatest Strength that was possible to the Union, so necessary to both Nations, her late Majesty and the States, by a Treaty in the Month of June, 1703, renewed and confirmed all Treaties and Alliances then subsisting between them; and therein it is, amongst other Things, expressly and particularly stipulated, That as the said most serene Queen, and the Lords the States-General, are now in War with *France* and *Spain*, and are reciprocally bound to assist each other, and mutually to defend, maintain, and preserve their Countries and Subjects in their Possessions, Immunities, and Liberties, as well of Navigation and Commerce, as other Rights whatsoever by Sea and Land, against and in Opposition to all Kings, Princes, and States, and particularly against *France* and *Spain*, to the End a just and reasonable Peace may the better be obtained, that may establish the Repose and Tranquillity of *Europe*, it is agreed between the most serene Queen of *Great Britain*, and the said Lords the States-General, that neither of the said Allies shall make a Suspension of Arms, or Peace, with *France* or *Spain*, or any other King, Prince, or State, who shall molest or attack either of the said Allies, but in Conjunction, and by common Consent.

And whereas the said War was for several Years carry'd on with Vigour and Unanimity by her Majesty and her Allies, at a vast Expence both of Blood and Treasure; for the Support of which, on the Part of *England*, many Millions have been granted by Parliament, who, on many Occasions since, continu'd not only to express their Sense

of

of the Justice and Necessity of the War, but did frequently give their humble Advice to the Throne, that no Design could be safe, honourable, or lasting, so long as the Kingdom of Spain and the *West-Indies* continu'd in the Possession of any Branch of the House of Bourbon.

And whereas it pleas'd Almighty God to grant to the Confederate Arms, under the Command of their great and victorious General the Duke of Marlborough, such unparalleled Successes, as exceeded even the Hopes and Fears of the Enemy; and by the many signal Victories of *Schellenberg*, *Hohlfeldt*, *Audenarde*, and *Ramillies*, as well as by the Conquests of the Electorates of *Ravenna* and *Cologne*, and the Reduction of the *Spanish Netherlands*, and many other great Advantages both by Sea and Land; and by the Wisdom and Unanimity of their Counsels, the Glory of the Confederate Arms, and the Reputation of *Great Britain* in particular, was rais'd to an higher Pitch than in any former Age.

And whereas her late Majesty, in Conjunction with her Allies, wisely foreseeing that whenever the Enemy should be brought to make Overtures of Peace, the surest Way to put an End to the War, and prevent *France* from putting in Practice her usual Intrigues, was by previously insisting on such Conditions from *France*, that nothing might remain to be done in a general Assembly, but to give them the Form of a Treaty; and for those Reasons a Preliminary Treaty was concluded on, and was afterwards sign'd by the Plenipotentiaries of his Imperial Majesty, of her late Majesty the Queen of *Great Britain*, and of the Lords the States General of the United Provinces, and afterwards ratify'd by their Principals; wherein the Interests of the several Allies were adjust'd, in order to a general Treaty of Peace with *France*; and therein, the Restitution of the *Spanish Monarchy* to the House of *Austria*, being one of the chief Causes for carrying on the War, is laid down as an immutable Foundation among the Allies.

And whereas in the Year of our Lord 1709, the King of *France* having first signify'd his Consent to the Restoration of the *Spanish Monarchy* to the House of *Austria*, sent his Ministers to the  *Hague*, to treat with the Ministers of the principal Allies on a General Peace; and in the Conferences held thereupon, the Interests of all the Allies, as adjust'd in the said Preliminaries, were positively and expressly agreed to by the Ministers of *France*, and particularly that of the Restitution of the entire *Spanish Monarchy*.

to the House of *Austria*; and the said Negotiation afterwards broke, on no other Dispute, but on the 37th Article of the Preliminary Treaty concerning the Mode and Manner of evacuating *Spain*. And whereas the Conference being resum'd at *Gertruydenberg*, in the Year of our Lord 1716, the said 37th Article became the only Subject of the Negotiation which was there set on Foot, for the finding out some Equivalent, by which the same Security might be given to the Allies, as they had by the 37th Article of the said Preliminaries; and tho' it was unquestionable, that before any Negotiation was begun, that while the Preliminaries were treating, that by those Preliminaries themselves, that before the last Negotiation was resum'd, and all the while it lasted, the Restitution of *Spain* and the *Indies* was laid down as a firm and immoveable Foundation of the Negotiation, and no Question remain'd concerning it with the Ministers of the Allies, or those of *France*, but touching the Security for its Execution; and tho' all reasonable and prudent Overtures were made by the Allies for settling an Equivalent, yet the Conferences were broke off by *France* without any Satisfaction therein.

And whereas the sincere Intentions of all the Allies to have settled the Peace of *Europe* on solid and equitable Foundations, were notorious and incontestable, and the Rupture of the said Negotiations could only be imputed to the Enemy; her sacred Majesty, in Conjunction with her Allies, renew'd their Resolutions to continue and push the War with Vigour, and to make all possible Efforts, as the only Means left to force a good and general Peace. And as her Majesty, in her Speech from the Throne, on the 15th of November, 1709, taking Notice of the Endeavours of the Enemy, during the said Negotiations, to amuse and create Jealousies among the Allies, declar'd her Resentment thereat, and earnestly recommended the carrying on the War, and a vigorous Prosecution of the Advantages obtain'd, that she might put the last Hand to that great Work, of reducing the exorbitant and oppressive Power, which had so long threaten'd the Liberties of *Europe*: And it having pleas'd Almighty God, after the said Preliminary Treaty, to bless the Confederate Army, under the Command of their consummate General the Duke of *Marlborough*, with new and signal Conquests, the Reduction of *Tournay*, the Victory of *Tafnieres*, the taking of *Mons* and *Doway*, *Bethune*, *St. Venant* and *Aire*, and the penetrating the Lines near the *Scarpe*.

And

And whereas from the prosperous Condition of the Affairs of the Allies, and the Wisdom, Firmness, and Unanimity of their Counsels, nothing remain'd, in human Appearance, but that they should reap the benefit of all their Victories, in a speedy, just, honourable, and lasting Peace; and on the other Hand, nothing was to be done to raise the Hopes of the Enemy, whereby to defeat the happy Prospect, but the Success of their secret Endeavours to dissolve the Confederacy.

And whereas Robert Earl of Oxford and Earl Mortimer, with other evil-minded Persons, Enemies to the true Interests of their own Country, as well as to the common Liberties and Welfare of Europe, having by many wicked Arts, and base Insinuations, obtain'd Access to her late Majesty Queen Anne, and in or about the Months of July or August, 1710, being admitted into her Councils, and into Places of the highest Trust; and to make Way for their wicked Enterprizes, did, by their evil Counsel and Advice, prevail on her Majesty to dissolve a Parliament, which had given the most unquestionable Proofs of their great Wisdom, and of their true Zeal for the common Cause; for which, as well as for the many Marks of Duty and Affection given to her, her Majesty return'd her hearty Thanks, and express'd her great Satisfaction.

And whereas the said Robert Earl of Oxford and Earl Mortimer, and others his Accomplices, had form'd a treacherous Correspondence with the Embassadors of France, by Means whereof, certain Propositions were transmitted from France to England, sign'd by Mons. de Torcy, Secretary of the King of France, in the Month of April, 1711, to be the Basis of a Treaty of a General Peace; which Propositions, tho' her Majesty was prevail'd on by the false Counsels of the said Robert Earl of Oxford and Earl Mortimer, and others, to receive as a sufficient Foundation for a Treaty of a General Peace, and as such, to communicate them to the Grand Pensionary, and the Ministers of Holland, her Majesty however was graciously pleas'd, at the same Time, to declare to them her Pleasure by her Secretary of State, that being resolv'd in making Peace as in making War, to act in perfect Concert with the States, she would not lose a Moment in transmitting a Paper of that Importance; and that tho' the Propositions were general, and contain'd an Air of Compassion to her Majesty, and the contrary towards the States, yet that could have no ill Consequences, as long as her Majesty



archy left, and the States understood one another, and acted with as little Reserve as became two Powers so nearly ally'd in Interest; and that the Pensionary should be declar'd, that that Rule should be inviolably kept on our Part. Which gracious Declaration of her Majesty, as well as the said Propositions, being maturely consider'd by the Grand Pensionary and the Ministers of *Holland*, an Answer was return'd from them to her Majesty, full of Duty and Thankfulness, for the obliging Manner in which she was pleas'd to communicate the said Propositions, and with the utmost Assurances of mutual Confidence, so necessary to prevent the Designs of the Enemy; but that more particularly the States desir'd, equally with *Great Britain*, to have a general, definitive, and lasting Peace, and declar'd, that they were ready to join in all the most proper Measures to procure it; that the Propositions were yet too general; and that the States desire, as *Great Britain* did, that *France* would explain herself more particularly upon the Points therein contain'd, and impart a Plan which she thinks the most proper to secure the Interest of the Allies, and settle the Repose of *Europe*; after which a more particular Negotiation might be enter'd into. Notwithstanding all which Premises,

*Article*. He the said *Robert Earl of Oxford* and *Earl Mortimer*, having no Regard to the Honour or Safety of her late Majesty, or her Kingdoms, or to the many solemn Engagements she was then under to the old and faithful Allies of this Nation, or to the common Liberties of *Europe*; but being devoted to the Interest and Service of the *French King*, the common Enemy; and being then Lord High Treasurer of *Great Britain*, and one of her Majesty's most honourable Privy Council, contrary to his Oath, and in Violation of his Duty and Trust, and in Defiance of the Tenour of the several Treaties aforementioned, or some of them, as well as of the frequent Advices of Parliament, and the many Declarations of her Majesty from the Throne; but more particularly in Defiance of the solemn and mutual Alliances which had been so lately renew'd between her Majesty and the States, to act in perfect Concert with them in making Peace as in making War, did, on or about the Months of *July* or *August*, in the Year of our Lord 1711, maliciously and wickedly form a most treacherous and pernicious Contrivance and Confederacy, with other evil-dispos'd Persons, then also of her Majesty's Privy Council, to set on Foot

a private,