

from July 1714, to Jan. 1716.

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Said Emperor of *Germany*, and the States-General of the United Provinces, wherein a strict Conjunction and Alliance amongst themselves being thought necessary for repelling the Greatness of the common Danger, it was, among other Things, agreed, that there should be and continue between the said Confederates, a constant, perpetual, and inviolable Friendship and Correspondence, and that each Party should be obliged to promote the Advantages of the other, and prevent all Inconveniences and Dangers that might happen to them, as far as lay in their Power.

That the said Allies desiring nothing more earnestly than the Peace and general Quiet of all *Europe*, had adjudged that nothing could be more effectual for the Establishment thereof than the procuring an equitable and reasonable Satisfaction to his Imperial Majesty, for his Pretensions to the *Spanish* Succession, and that the King of *Great Britain* and the States General might obtain a particular and sufficient Security for their Kingdoms, Provinces, and Dominions, and for the Navigation and Commerce of their Subjects, that it should not be permitted to either Party, when the War is once begun, to treat of Peace with the Enemy, unless jointly, and by a Communication of Councils; and no Peace should be made, unless an equitable and reasonable Satisfaction for his Imperial Majesty, and a particular Security for the Kingdoms, Provinces, Dominions, Navigation, and Commerce of his Majesty of *Great Britain* and the States General, be first obtained; and unless Care be taken, by fixing 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 whereas his said 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 Manner that was possible, and, to that End, a defensive Treaty and Alliance was concluded and entered into between them, in or about *November* 1701, wherein, amongst other Things, it was further agreed, that by the Alliance with the Emperor, made in *September* then last, particular Care had

been taken for the Recovery of the *Spanish Low-Countries* out of the Hands of the most Christian King, the said Confederates expressly engaged to aid one another with all their Forces, for the Recovery of the same; and in Regard the principal Interest of the said Confederates consisted in the Preservation of the Liberties of *Europe*, that the before-mention'd Treaty with the Emperor shall be faithfully and sincerely executed, and both Sides shall guarantee 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, and 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 7th and 8th Articles of the Treaty of the 3d of *March 1667*, between *England* and *Holland*, which was thereby renewed and confirmed, and no Peace nor Truce, or Suspension of Arms, shall be negotiated or made, but according to the 9th and 10th Articles of that Treaty, by which it was agreed, That when the two Allies came 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 declared and proclaimed 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, and that each Ally shall continually and from Time to Time impart to the other every Thing that shall pass in the said Negotiation, and shall stipulate with the common Enemy for the same Rights, Immunities, Exemptions, and Privileges, for his Ally, as he should do for himself, if so be the said Allies do not agree to the contrary.

And whereas the *French King*, having got Possession of a great Part of the *Spanish Dominions*, exercised an absolute Authority over that Monarchy, having seized *Milan* and the *Spanish Low-Countries*, by his Armies, and made himself Master of *Cadix* and of the Entrance into the *Mediterranean* and of the *Spanish West-Indies*, by his Fleets, every where designing to invade the Liberties of *Europe*, and to obstruct the Freedom of Navigation and Commerce; and instead of giving the Satisfaction that was justly expected, had proceeded to further Violences and Indignities; and having influenced *Spain* to acknowledge the Pretender; and thereby to concur with him in the said Affront; her late sacred Majesty *Queen Anne*, taking Notice that she found her self obliged, for maintaining the Publick Faith,

for vindicating the Honour of the Crown, and to prevent the Mischiefs, which all *Europe* were threaten'd with, to declare a War against *France* and *Spain*, did accordingly, in the Month of *May* 1702, in the most publick and solemn Manner, proclaim the same, as his Imperial Majesty and the States-General did likewise do, in or about the said Month of *May*, in Pursuance of the before-mentioned Treaties.

And whereas many Kings, Princes, and States of *Europe* being invited by the said Grand-Alliance, and relying on the Faith thereof, did afterwards become Parties to the said Confederate War against *France* and *Spain*, and in the Treaty enter'd 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 *Portugal*, it was, among other Things, expressly stipulated, that no Peace nor Truce shall be made, but by the mutual Consent of all the Confederates, nor shall at any Time be made, whilst the second Grandson of the most Christian King, by the *Dauphin*, or any other Prince of the Line of *France*, continued in *Spain*.

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, renew'd and confirm'd, all Treaties and Alliances then subsisting between them; and to the End a just and reasonable Peace might the better be obtained, that might establish the Repose and Tranquility of *Europe*, it was agreed, that neither of the said Allies should make a Suspension of Arms, or a Peace with *France* or *Spain*, but in Conjunction and by common Consent.

And whereas the said War was, for several Years, carry'd on with Vigour and Unanimity, at a vast Expence of Blood and Treasure; for the Support of which, on the Part of *Great Britain*, many Millions were granted by Parliaments, who on many Occasions expressed their Sense of the Justice of it, and frequently gave their humble Advice to the Throne, that no Peace could be safe, honourable, or lasting, so long as *Spain* and the *West-Indies* continued in any Branch of the House of *Bourbon*.

And whereas the just Cause of her Majesty and her Allies, in Defence of the common Liberty, and in Vindication of the Honour of the Crown of *Great Britain*, was favoured by the Divine Providence with unparallel'd Successes and signal Victories; whereby, as well as by the Wisdom and Unanimity of their Councils, the Reputation

of the Confederate Arms was highly advanc'd, and *Great Britain* was esteem'd the Guardian of the Liberties of *Europe*.

And whereas, from the prosperous Condition of the Affairs of the Allies, nothing remain'd, in all humane Appearance, but that they should reap the Fruits of all their Victories, in a speedy, just, honourable, and lasting Peace; and on the other Hand, nothing was left to raise the Hopes of the Enemy, whereby to defeat that happy Prospect, but his secret Endeavours to disunite the Confederacy.

And whereas divers evil-minded Persons, Enemies to the true Interest 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 being admitted into her Council, and into Places of the highest Trust, and having form'd a wicked and treacherous Correspondence with the Emisaries of *France*, and set on Foot a private and destructive Negotiation of Peace, thereby intending to weaken and dissolve the Confederacy, which had so long and happily subsisted between her Majesty and her good and faithful Allies, to the Honour and Safety of the Nation, had prevail'd upon her said late Majesty for that Purpose, to declare her Resolution of entering into a Treaty of Peace with the Common Enemy, against the Consent and Opinion of all her Majesty's Allies, and also to appoint *John* then Lord Bishop of *Bristol*, and *Thomas* Earl of *Strafford*, her Plenipotentiaries, to transact the same at *Utrecht*.

And whereas her sacred Majesty, in Pursuance of the Treaties she stood engag'd in, and of her Declaration in the Month of *April* 1711, to the Grand Pensionary and the other Ministers of *Holland*, being still determin'd, in making Peace as in making War, to act in perfect Concert with her Allies, and, in Conjunction with them, to demand and procure from *France* a just Satisfaction for all their Pretensions, according to and in Performance of the many solemn Treaties and Alliances then subsisting between her Majesty and them, did, in Pursuance thereof, by her Instructions under the Sign Manual, dated the 21st of *October* 1711, to him the said *Thomas* Earl of *Strafford*, her Ambassador-Extraordinary and Plenipotentiary to the States General, direct him, that during the Course of the then intended Negotiation of Peace, it must be the most careful Endeavour, and the fix'd Principle of all the Confederates,

federates, to hold fast together, in order to obtain from the Enemy the utmost which could be hop'd for, in the present Circumstances of Affairs; and that he might assure the Confederates, that her Majesty, on her Part, would firmly adhere to that Rule, and that she was so far from making Peace without the Concurrence of the States-General, that she had declar'd her firm Resolution not to make it without their Satisfaction.

And also by her Instructions under the Sign Manual, to the then Bishop of *Bristol*, and him the said *Thomas Earl of Strafford*, her Plenipotentiaries, to treat of a good and general Peace, her said Majesty, amongst other Things, did direct them, upon their Arrival at *Utrecht*, to concert with the Ministers of the Allies, in what Manner it might be most proper to open the Conferences, and what Method to observe in the Progress of the Treaties; upon that, and all other Occasions, earnestly to represent to those Ministers the great Importance of appearing united, and for that Reason to recommend to them, that if any Difference or Dispute should arise, the same should be accommodated amongst themselves, that *France* might have no Hold to break in upon them; but, on the contrary, whenever they meet the Enemy's Ministers in the Congress, every Opinion that is deliver'd, and every Instance that is made, may be back'd by the concurrent Force of the whole Confederacy.

That if it should be thought proper to begin by the Disposition of the *Spanish* Monarchy, they were to insist, that the Security and reasonable Satisfaction, which the Allies expected, and which his most Christian Majesty had promis'd, could not be obtain'd, if *Spain* and the *West-Indies* be allotted to any Branch of the House of *Bourbon*. Notwithstanding all which Premises,

Art. I. He the said *Thomas Earl of Strafford*, being of her Majesty's Privy-Council, and her Ambassador Extraordinary to the States-General, and appointed one of her Plenipotentiaries to treat with the Ministers of *France*, of a good and general Peace, in Concert with the Ministers of her Majesty's Allies, who for that Purpose were assembled at *Utrecht* with those of *France*, with full Powers to transact the same, having no Regard to the true Ends of his said Commissions and Powers, to the Honour or Safety of her Majesty or her Kingdoms, to the many solemn Engagements she was 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 then common Enemy, in Defiance of the Tenor of the several Treaties before-mention'd, 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 Assurances, which had been so lately renew'd, between her Majesty and the States-General, to act in perfect Concert with each other, in making Peace, as in making War; and of several Instructions from her Majesty, under the Sign Manual, to him the said Earl, in Pursuance thereof, was not only wanting in his Duty and Trust to her Majesty, by not advising against, and as far as was in his Power, by not opposing the going into any private, separate Negotiation with *France*; but on the contrary, when a separate, dishonourable, and destructive Negotiation of Peace was enter'd into, between the Ministers of *Great-Britain* and *France*, without any Communication thereof to her Majesty's Allies, according to their several Treaties, he the said Earl, did not only take upon himself, and presume from Time to Time, to advise and exhort, that the same should be continu'd and carry'd on, but did likewise frequently concert private and separate Measures, with the Ministers of *France*, in Order to impose upon and deceive her Majesty's good Subjects, and her Allies; and was instrumental in promoting the said separate Negotiation, exclusive of all the Allies, and to their manifest Prejudice and Detriment.

And further, he the said Earl, when the Ministers of *France* at *Utrecht*, refused to answer in Writing, and on many other Occasions proceeded in a fallacious and unjustifiable Manner, in transacting the Negotiations of Peace, was not only wanting in his Duty, in not representing to her Majesty and her Ministers against the same, and in not supporting in the Manner he ought to have done, her Majesty's good Allies, in their reasonable Demands from *France*; but, on the contrary, commended the *French* Prudence, in taking such Measures, and even suggested himself the Measures for *France* to make Use of, to create Dissensions amongst the Allies, and separate Negotiations between each of the Allies and *France*, thereby to dissolve the whole Confederacy.

By which wicked and treacherous Practices, he the said Earl prostituted the Honour of her Majesty and the Imperial Crown of these Realms, and grossly violated his Powers and Instructions, the many Treaties which her Majesty then stood engag'd in to her Allies, and the repeated As-

surances,

urances, which the said Earl had, by her Majesty's Order, and in her Name, given to the said Allies, to act in perfect Concert with them throughout the whole Negotiation of Peace, thereby rendering the Design of the Confederacy, and the mutual Support expected from the same, altogether Useless, and giving up the Affairs of Europe into the Hands of France.

Art. II. Whereas the maintaining a perfect Union and good Correspondence between her late Majesty and the Illustrious House of Hanover, was of the utmost Importance, for preserving to these Kingdoms the invaluable Blessings of their Religion, and Civil Liberties, by securing the Succession to the Crown to a Race of Protestant Princes, ever renown'd for their great Justice and Clemency, and thereby defeating the traiterous Designs of the Pretender; and for that Purpose, the great Wisdom of divers Parliaments, which had fix'd and confirm'd the said Succession, had also laid the Obligation of an Oath upon the Subjects of these Realms, to support and maintain the same, to the utmost of their Power.

He the said ~~Thomas~~ Earl of Strafford, not regarding the many ill Consequences to her Majesty and these Kingdoms, which would naturally ensue from a Dis-union, or Coolness of Affection, between Princes so nearly ally'd in Blood and Interest, instead of doing what in him lay to prevent the same, did, on the contrary, in his Letters from Holland, to her Majesty's Ministers of State in Great Britain, by divers false Representations and scurrilous Reflections upon his present most gracious Majesty, then Elector of Hanover, endeavour to alienate her Majesty's Affections from his said Electoral Highness, and to create or widen fatal Differences or Misunderstandings between them. And when, by the wicked and pernicious Advice of him the said Thomas Earl of Strafford, and divers other evil Counsellors, her late Majesty was at last prevail'd upon to make a fatal Cessation of Arms with the then common Enemy, without any Concert with his said Electoral Highness, and against the Consent, and contrary to the most earnest Representations of all her Allies; for the Execution of which, he the said Earl was sent over to the Army in the Netherlands, where the Generals of the Auxiliaries paid by her Majesty, whose Honour and Consciences would not permit them to abandon the Confederates, and leave them as a Sacrifice to France, refused to withdraw with the Duke of Ormonde, without particular Orders from their respective Masters; which Proceedings

of the confederate Generals, being wickedly represented by the said evil Counsellors in Conjunction with the Ministers and Envoys of *France*, as an Indignity offer'd to her sacred Majesty; he the said *Thomas Earl of Strafford*, to create Uneasiness and Dissension between her late Majesty, and his then Electoral Highness, did by his Letter, on or about the 17th of *July*, 1712, to her Majesty's then Secretary of State, maliciously and wickedly suggest, and affirm, that the said Separation of the confederate Generals, from the Duke of *Ormond*, ought to be imputed to his said Electoral Highness.

And farther, he the said Earl, by frequently affirming, and sometimes in the most solemn Manner, to the Ministers of his said Electoral Highness, as well as others, the most notorious and manifest Untruths, contrary to the Intentions and Interests of her Majesty, and vainly intending thereby to deceive and impose upon his said Electoral Highness, and the rest of her Majesty's good and faithful Allies, in Matters of the highest Importance, and particularly, by solemnly affirming, on or about the 16th of *July*, 1712, to Monsieur *Blücher*, General of the *Hanover* Forces, and the rest of the confederate Generals, that her Majesty had made no Truce with *France*, whereas he the said Earl then well knew the same was made, and concluded several Weeks before, did thereby, as well as by the beforemention'd Proceedings, not only prostitute and dishonour the high Characters he was then invested with, but, as far as in him lay, did dissolve the mutual Confidence and good Understanding so necessary to be maintain'd between her said late Majesty and the illustrious House of *Hanover*, for the Safety and Prosperity of *Great Britain*, and the common Liberty of *Europe*.

Art. III. Whereas in the pernicious Negotiations of Peace carry'd on by him the said Earl and other evil Counsellors, with the Ministers of *France*, the French King had propos'd to acknowledge her Majesty's Title to the Crown of these Realms, and the Protestant Succession in the illustrious House of *Hanover*, when the Peace should be sign'd between *Great Britain* and *France*, and not before: Whereupon the House of Lords, by an humble Address to her Majesty, on the 15th of *February* 1711, begg'd Leave to represent their just Indignation at that dishonourable Treatment of her Majesty, as also their utmost Repentment at the Terms of Peace offer'd to her Majesty and her Allies by the Plenipotentiaries of *France*; for which

which Addresses her Majesty was pleas'd to return them her hearty Thanks, for the Zeal they had therein express'd for her Honour.

• He, the said Earl, was not only wanting in his Duty to her Majesty and Zeal for the Protestant Succession, in not advising her Majesty against treating with *France*, upon such dishonourable Terms; but did himself, with other evil Counsellors, privately, wickedly, and treacherously, concert and agree with the Ministers of *France*, that the said Proposals, so derogatory to the Dignity of her Majesty, and dangerous to these Kingdoms, should be the Conditions upon which *France* would agree to treat of a Peace with *Great Britain*.

And farther, he the said Earl, in Contempt and Defiance of the Judgment of the House of Peers, which had receiv'd her Majesty's gracious Approbation, and acting the Part of an Embassy of *France*, instead of a Plenipotentiary of *Great Britain*, being thereunto encourag'd, and founding his Presumption on a Letter to the then said Bishop of *Bristol*, and him the said Earl, from *Henry St. John*, Esq; then Principal Secretary of State, on the 16th of *February* 1711, the next Day after the said Address of the House of Peers was made, and informing them of the Indignation express'd in *Great Britain* at the Offers of *France*; but that by the Management of *Mr. Thomas Harley* (then Secretary of the Treasury) the House of Commons was perfectly and absolutely secur'd to the Measures of Peace; did wickedly, deceitfully, and perfidiously concert and agree with the Ministers of *France* at *Utrecht*, that the said French Ministers, should write a collusive Letter to him the said Earl, and the then said Bishop of *Bristol*, wherein her Majesty should be stiled Queen of *Great Britain*; which Letter was not to be made any Use of at *Utrecht*, or taken as an Acknowledgment by *France* of her Majesty's Title to the Crown, but was agreed to be transmitted to *Great Britain*, thereby to deceive and impose upon her Majesty and the Parliament, as if *France* had then actually acknowledg'd the same; which said Letter was accordingly written by the Ministers of *France*, and transmitted to *Great Britain* by him the said Earl: Whereby her Majesty, the Parliament, and the whole Nation, were most grossly and scandalously abused and drawn into the said destructive Measures of Peace, to the great Dishonour of her Majesty and these Kingdoms, and to the apparent Danger of the Protestant Succession.

Art. IV. That he the said *Thomas Earl of Strafford*, in Defiance of the many Treaties between her Majesty and her Allies, for the Recovery of the Monarchy of *Spain*, to the House of *Austria*, thereby to preserve a due Ballance of Power in *Europe*; and in Contempt of the Advice and Opinion of Parliament, that no Peace could be safe, honourable, or lasting, so long as *Spain* and the *West-Indies* continued in any Branch of the House of *Bourbon*; and also in direct Violation of her Majesty's Instructions of the 23d of *December 1711*, in Pursuance thereof; whereby he the said Earl was expressly commanded to insist in the Conferences of Peace with the Ministers of *France*, that the Security and reasonable Satisfaction which the Allies expected, and which his most Christian Majesty had promis'd to grant, could not be obtain'd if *Spain* and the *West-Indies* be allotted to any Branch of that House; did not only presume to treat about the Peace with the Ministers of *France*, without insisting, as he ought to have done, that *Spain* and the *West-Indies* should not be allotted to the said House of *Bourbon*, but also when the Ministers of his Imperial Majesty and of the King of *Portugal*, in Conformity to the mutual Obligations and Treaties between her Majesty and them, and with each other, demanded of *France*, that *Spain* and the *West-Indies* should be restor'd to the House of *Austria*, and requested him the said Earl to join with them to strengthen that Demand, did decline and refuse to do the same.

By which perfidious and unwarrantable Practices of him the said *Thomas Earl of Strafford*, incurable Jealousies and Discords were created between her Majesty and her Allies; that mutual Confidence which had so long and so successfully been cultivated between them, and which was so necessary for their common Safety, was absolutely dissolv'd; the just Ballance of Power in *Europe* was wickedly betrayed; and apparent Advantages were given to the common Enemy, to impose what Terms of Peace he should think fit, upon her Majesty and the whole Confederacy.

Art. V. Whereas her late Majesty, on the 7th of *December 1711*, having earnestly recommended from the Throne, that Provision might be made for an early Campaign, in Order to carry on the War with Vigour, and as the best Way to render the Treaty of Peace effectual; and accordingly Supplies were granted and Magazines provided, at a great Expence; and in Pursuance thereof, her Majesty having given early Assurances to her Allies

of her sincere Intentions, and likewise expressly instructed her General the Duke of *Ormond*, not only to renew the same Assurances, and declare her Resolution of pushing on the War with the utmost Vigour, but to concert with the Generals of the Allies the proper Measures for entering upon Action; which Assurances were accordingly given by the said Duke, and the Confederate Army was thereupon order'd to be assembled, which at that time was the strongest that had been in the Service, during the whole Course of the War, and greatly Superior to that of the Enemy.

Notwithstanding which Premises, he the said *Thomas* Earl of *Strafford*, then of her Majesty's Privy Council, being inform'd of the reasonable Prospect which, by the Blessing of God, the Army of the Confederates then had, of gaining new Conquests over the Army of *France*, in Order to disappoint the Expectations of the Allies, and to give Success to the secret and wicked Negotiations, then carrying on by himself and other evil Counsellors, with the Ministers of *France*, on divers very false and groundless Suggestions and Allegations, and in Violation of many Treaties, then subsisting between her Majesty and the States General, as well as several other Princes, at several Times, and particularly by his Letter of the 30th of *April* 1712, to *Henry* Viscount *Eolingbroke*, then *Henry* St. *John*, Esq; one of her Majesty's Principal Secretaries of State, did wickedly and treacherously suggest and advise, that a Cessation of Arms should be made with *France*, by her Majesty, without and even against the Consent of her good Allies and Confederates.

In Pursuance of which wicked Counsels and Advices, Directions were afterwards privately sent, in her Majesty's Name, to the Duke of *Ormond* in *Flanders*, to avoid engaging in any Siege, or hazarding a Battle, till farther Orders, although nothing had been then settl'd in the said private Negotiation, for the Interest and Security of *Great Britain*.

And farther, he the said *Thomas* Earl of *Strafford*, at that Time also of her Majesty's Privy Council, did advise her late Majesty that he himself should be sent, and accordingly he was afterwards sent from *England* to the Army under the Duke of *Ormond* in *Flanders*, with Direction, in her Majesty's Name, to cause a Cessation of Arms to be made and proclaim'd between her Majesty's and the *French* Army, and Preparation to be made by the Troops of *Great Britain*, from the confederate Army, which were accord-

accordingly perform'd and executed, by the Advice and Direction of him the said Earl, without the Consent, and contrary to the earnest Representations of her Majesty's Confederates, and in open Violation and Defiance of the many Treaties then subsisting between her Majesty, and her good and faithful Allies.

By which wicked and perfidious Counsels, and Practice of him the said *Thomas Earl of Strafford*, the Progress of the victorious Arms of the Confederates was stopped, and a most favourable Opportunity lost for conquering the Enemy, all Hopes of Confidence between her Majesty and her Allies were entirely destroy'd, and the *French King* made absolute Master of the Negotiations of Peace.

Art. VI. That he the said *Thomas Earl of Strafford*, having, in concert with other false and evil Counsellors, wickedly advis'd and procur'd the said fatal Cessation of Arms, and likewise obtain'd for *France*, the Separation of the Troops of *Great Britain* from the confederate Army, in farther Execution of his treacherous Purposes, to advance and promote the Interests of *France*, and being determin'd, as far as in him lay, not only to render all future Correspondence, and good Harmony, between her Majesty and the States General, utterly impracticable; but designing by all possible Means, to weaken and distress the said States, in Order to bring them under an absolute Necessity of complying and submitting to the Measures of *France*; and well knowing, that taking Possession of *Ghent* and *Burges*, was the readiest Means of effecting the same, did wickedly and treacherously advise, that a Party of the Queen's Troops, should be sent to march through some of the Towns belonging to the States General, in Hopes, that the Commanders of the said Towns, incens'd by such unjust and unnecessary Provocations, and through the Apprehensions of the ill Consequences, that such Attempts and Proceedings might subject them to, would be induc'd to refuse them Admittance, and thereby give a Pretence, for putting in Execution the perfidious Designs and Resolutions, which had been concerted by him the said Earl, and other evil Counsellors, with the Ministers of *France*; in Pursuance of which wicked Advice, a Party of her Majesty's Troops, was accordingly sent with Orders to march through some of the fortify'd Towns, belonging to the States General, and on Pretence of their being deny'd Passage through the same, the said treacherous and destructive Design, was immediately put in Execution, and *Ghent* and *Bruges*, were seiz'd

seized upon by the Troops of *Great Britain*, whereby all Means of Communication, between *Holland* and the Confederate Army being entirely cut off, or put into the Hands of those, who had so lately and shamefully betray'd the common Cause, apparent Advantages and Encouragement were given to the *French* Army; and her Majesty's good and faithful Allies were deterred from forming, or prosecuting any Designs against the common Enemy, since the same could not be put in Execution without their Knowledge and Consent, who on many Occasions, had given the most evident Proofs of their Disaffection to the Confederates, and of their firm Adherence to the Interests of *France*.

All which Crimes and Misdemeanours were committed, and done by him the said Earl, against our late Sovereign Lady the Queen, her Crown and Dignity, the Peace and Interest of this Kingdom, and in Breach of the several Trusts reposed in him the said Earl.

And he the said Earl of *Strafford*, was of her late Majesty's Privy Council, her Ambassador Extraordinary to the States-General, and one of her Plenipotentiaries, to treat of a good and general Peace with *France*, during the Time that all and every the Crimes before set forth were done and committed.

And the said Knights, Citizens, and Burgesses, by Protestation saving to themselves the Liberty to exhibit at any Time hereafter, any other Accusations or Impeachments against the said *Thomas* Earl of *Strafford*, and also of replying to the Answers, that the said *Thomas* Earl of *Strafford*, shall make unto the said Articles, or any of them, or of offering Proof of the Premises, or any other Impeachments or Accusations, that shall be exhibited by them, as the Case shall (according to the Course of Parliament) require: Do pray that the said *Thomas* Earl of *Strafford*, be put to answer the said Crimes and Misdemeanours, and receive such condign Punishment, as the same shall deserve. And that such Proceedings, Examinations, Trials and Judgments, may be upon every of them, had and used, as are agreeable to Law and Justice.

These Articles having been read in the House of Peers, the Earl of *Strafford*, made a long Speech, wherein among other Things, 'He complain'd of the Hardship that had been put upon him, by seizing his Papers in an unprecedented Manner. That he design'd to have drawn up and printed an Account of all his Negotiations, whereby, he did not doubt, he would have made it appear, to all

all the World, that he had done nothing but in Discharge of his Duty, and of the Trust reposed in him; That if either in his Letters or Discourses, while he had the Honour to represent the Crown of Great Britain, he had dropt any unguarded Expressions, against some foreign Ministers, he hoped the same would not be accounted a Crime by a British House of Peers. Concluding with desiring, that a competent Time be allow'd him to answer the Articles now brought against him; and that he might have Duplicates of all the Papers, that either had been laid before the Committee of Secrecy, or were still in the Hands of the Government, which might be for his Justification'. The Lord Viscount Townshend in particular, said, 'That his Complaint about the taking his Papers from him, was altogether groundless and unjust; that infinite Instances of the like Proceeding might be produced; that no State could be safe without it; and, in short, that extraordinary Cases justify extraordinary Methods. As to the Earl of Strafford's Demand, to have Duplicates of all the Papers that had been laid before the Commons, he (the Lord Townshend) thought it unreasonable, and made with no other Design than to gain Time; and make the Commons lose the Opportunity of bringing him to his Trial. That those Papers were so voluminous (consisting of thirteen or fourteen Volumes in Folio) that they could not be copied out in many Weeks; and as the Earl might have had access to them, ever since they were laid before the Parliament so he was still at Liberty to peruse them, and extract out of them what he thought proper for his own Defence.' The Duke of Devonshire and the Lord Chancellor Compton back'd the Lord Townshend; and, on the contrary, the late Lord Chancellor Harcourt, and the Bishop of Rochester, spoke for the Earl of Strafford: But what availed the latter most was said by the Earl of *Ilia*, who represented, 'That in all civilized Nations, all Courts of Judicature, except the Inquisition, allow'd the Persons arraign'd all that was necessary for their Justification; and that the House of Peers of Great Britain ought not, in this Case, to do any thing contrary to that Honour and Equity, for which they are so justly renowned throughout all Europe.' Hereupon it was resolved, that the Earl of Strafford should have Copies of all such Papers as were in the Secretary's, and other Offices, which he should think proper for his Defence; that he should have free Access to the Papers that had been laid before the Commons;

Commons; and that a Month's Time be allow'd him, to answer the Articles of Impeachment against him.

It was expected, that the Earl of Oxford would, on the 23d of August, have given in his Answer to the Articles exhibited against him; but, on that Day, a Petition from the said Earl, praying for a longer Time, being presented to their Lordships, they were pleased to agree to give him that Day seven-night, and order'd that he should then attend at their Bar in Person, and deliver in his Answer. But on the 30th of August, having petition'd for a longer Delay, their Lordships granted him till this Day, being the 3d of September, when the Earl of Oxford caused the following Answer to be deliver'd to the House of Lords:

The ANSWER of Robert Earl of Oxford and Earl Mortimer, to the Articles exhibited by the Knights, Citizens, and Burgesses in Parliament assembled, in the Name of themselves, and of all the Commons of Great Britain, in Maintenance of their Impeachment against him, for High Treason, and other High Crimes and Misdemeanours, supposed to have been by him committed.

THE said Earl saving to himself all Advantages of Exception to the said Articles, and of not being prejudiced by any Words, or Want of Form, in this his Answer; and also saving to himself all Rights and Privileges belonging to him, as one of the Peers of this Realm, for Answer to the said Articles, saith, he admits 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 Security, and to prevent the immoderate Growth of the Power of France, which might prove dangerous to the neighbouring Princes and States: And that it was therefore laid down as a fundamental Principle and Maxim of Union amongst the Allies, that France and Spain should never be united under the same Government, and that one and the same Person should not be King of both those Kingdoms: And he apprehends, that the principal View and Aim of the Allies was to settle and maintain an equal Ballance of Power in Europe; and since the Conjunction of Spain to the Dominions of France might possibly ensue, from the Duke of Anjou's being possess'd of that Crown, the Dispossessing him was desir'd, as the most likely Means to prevent that Conjunction; and, for the same Reason, the Union of Spain with the Empire must have been equally fa-

tal, and the Prevention of it equally the Design of the Alliance; nor could the Continuance of *Spain* in the House of *Bourbon* be, in any Respect, prejudicial to the Allies, if the Union of that Crown with *France* could be prevented. As new Dangers of such Union have been apprehended, new Treaties and Stipulations have been enter'd into amongst the Allies, to obviate such Dangers, and particularly the Treaty for an intended Partition seems to have been concluded upon that View: And though he acknowledges the Wisdom of Parliament in condemning that Treaty, as prejudicial and fatal, in its Consequences, to *England*, and the Peace of *Europe*; yet he presumes it was not condemn'd, because Part of the Dominions of the Crown of *Spain* were thereby allotted to the House of *Bourbon*, but because such considerable Parts of those Dominions, as the Kingdoms of *Naples* and *Sicily*, the Province of *Guipuscoa*, and other Territories, were allotted to that Branch of the House of *Bourbon*, to whom the Crown of *France* was to descend, which might have been a great and dangerous Addition to the then formidable Strength of that Crown; and because it was made against the repeated Remonstrances of *Charles* II, then King of *Spain*, who declar'd by his Ambassador, that such Partition-Treaty could have no other Effect than to force *Spain* to throw it self into the Arms of *France*, to prevent the Dismembering of the *Spanish* Monarchy: And that it had this Consequence, appear'd upon the Death of that Prince, who seems to have been induced, by that Consideration, to bequeath the entire Monarchy of *Spain* to the Duke of *Anjou*, a younger Branch of the House of *Bourbon*, who accordingly, upon the Demise of the said King *Charles* II, took Possession of the Monarchy of *Spain*. But this Accession of the Duke of *Anjou* to the Crown of *Spain* did not produce the Alliance in the Article mention'd, between *Leopold* then Emperor of *Germany*, his late Majesty King *William* III. of ever-glorious Memory, and the States General, as immediately necessary at that Juncture; for King *William*, as well as the States General, acknowledg'd the Duke of *Anjou* as King of *Spain*, thereby allowing that the Duke of *Anjou*'s Enjoyment of the Monarchy of *Spain*, while he was but a younger Branch of the House of *Bourbon*, was not destructive of the Liberties of *Europe*, or the Preservation of a due Ballance of Power. And afterwards, when the French King had seiz'd the *Spanish* Netherlands, King *William*, by Advice of Parliament, came in, to the Assistance of the States, as Auxiliary only, by sending, up-
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on their Request, ten thousand Men, which England was obliged by Treaties to furnish, in Case the States were attack'd; after which, many Conferences passed at the Hague, betwixt the Ministers of England and the States, and those of France, in order to find out some Expedient, by which, upon a reasonable Division of the Dominions of Spain, a new War might be prevented: And the States, in the Course of those Conferences, often asserted, that tho' they had acknowledg'd Philip King of Spain, yet such an Acknowledgment was not contrary to the Demand of a reasonable Satisfaction to be given to the Emperor, for his Pretensions to the Spanish Succession: Which was in Effect to declare, that the Satisfaction demanded for the Emperor was such as would leave King Philip in Possession of Spain. But these Conferences broke off about August 1701, without Effect, and, in September following, King William enter'd into the Grand Alliance with the Emperor and the States General, whereby it was agreed, that, in the first Place, Endeavours should be used, by amicable Means, to obtain the Satisfaction desir'd for the Emperor, who probably, at that Time, would have accepted a very easy Composition for his Pretensions: But when the French King acknowledged the Pretender as King of England, which not long after happened, his Majesty King William, and the Parliament of England, justly provoked by this Affront, resolv'd to enter into the War which had been begun by the Emperor alone, in Italy, the Year before. And the late Queen mentions this Indignity as the chief Motive of her engaging in it, as appears by her Declaration of War against France and Spain, in May 1702.

The said Earl admits the several Treaties set forth in the Preamble to the said Articles, and that such Advice was given by Parliament, and such Speeches were made from the Throne, as in the said Preamble are mentioned; but, for more Certainty, begs Leave to refer himself to the several Treaties, Addresses of Parliament, and Speeches, when they shall be produc'd: And he humbly Hopes your Lordships will allow him to observe, that those Treaties manifestly shew, that the Design of the Allies, in endeavouring the Recovery of Spain from the House of Bourbon, was to prevent the Union of those two potent Kingdoms, in one and the same Person. In the Grand Alliance 1701, the avow'd Ends thereof are, the procuring an equitable and reasonable Satisfaction to his Imperial Majesty for his Pretension to the Spanish Succession, the Security of the Dominions of the King of Great Britain and States General,

with the Navigation and Commerce of their Subjects; the preventing the Union of *France* and *Spain* under the same Government: And the Territories and Provinces pointed out in the fifth Article, were the furthest Views of that Alliance; whereby it was thought his Imperial Majesty would receive the utmost Satisfaction which he could reasonably demand, for his Pretension to the *Spanish* Succession. No mention is made of the Recovery of the whole Monarchy of *Spain* to the House of *Austria*, either in the Grand Alliance, or in the defensive One made the same Year, between his Majesty King *William* and the States General: And when, in the Treaty between the Emperor, the Queen of *Great Britain*, and the States General, on the one Part, and the King of *Portugal* on the other, about May 1703, it was concerted to place Arch-duke *Charles*, the present Emperor, upon the Throne of *Spain*, he was then but a younger Branch of the House of *Austria*; and there is great Reason to believe, that the Queen, as well as other Princes of *Europe*, and in particular the King of *Portugal*, did not think a Treaty to procure the Crown of *Spain* for the Arch-duke, when a younger Branch of the House of *Austria*, did lay any Obligation of procuring that Monarchy for him, when he became first of that House, and was elected Emperor; since the Imperial and Hereditary Dominions, join'd to the whole *Spanish* Monarchy, would have given such excess of Power to one Prince, as would have been formidable to *Europe*, and a Means to destroy that Balance of Power which her Majesty, in all her Treaties, had constantly labour'd to preserve; and it is a known and an allow'd Rule, by the Law of Nations, in Reference to Leagues between Princes, that if there happens a material Change in what was the principal Ground and Cause of the Treaty, the Obligation thereof ceases. If therefore, in the Preliminary Articles in 1709, and afterwards in the Conferences at *Gertruydenberg*, a Cession of the *Spanish* Monarchy to King *Charles III.* who was then younger Brother to the Emperor, was thought reasonable to be insisted on; yet the said Earl humbly submits to your Lordships great Judgments, whether there was equal Reason for insisting on such Cession, when King *Charles III.* was become Head of that House, and had Possession of the Empire and all the Hereditary Countries of *Austria*, as a Condition without which no Peace should be made. The States General were so far from admitting or yielding that the Monarchy of *Spain* should, in all Events, be given to the House of *Austria*, that by the said Earl

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hath heard, they refus'd to admit it to be inserted as a Condition of their Barrier Treaty, when propos'd by her Majesty's Ambassador at the *Hague*, and chose rather to put a stop to the Proceedings of that Treaty, and hazard the Advantages they thereby expected, than comply with that Proposal. The Advice of Parliament is of great Weight, to which her late Majesty always gave, and the said Earl always paid, a just Regard; and he doubts not but the House of Peers had proper Inducements when they gave their Advice to the Throne, *that no Peace would be safe, honourable, or lasting, so long as the Kingdom of Spain and the West-Indies continued in the Possession of any Branch of the House of Bourbon*: But if he may be permitted to offer his humble Conjecture of the Motives of that Advice, he conceives it might proceed from an Apprehension of a future Union of those two Crowns, as likely to ensue, in Case Spain should continue in the Possession of any who might become Heir to the Crown of France, and that even the Conjunction of the Empire and Spain would be less dangerous than such an Union. But when her Majesty communicated to her Parliament, the 6th of June 1710, the Terms upon which a Peace might be made, and thereby inform'd them, *that France had been brought to offer, that the Duke of Anjou should, for himself and his Descendants, renounce for ever all Claim to the Crown of France; and that, at the same Time, the Succession to the Crown of France was to be declared, after the Death of the then Dauphin and his Sons, to be in the Duke of Berry and his Sons, in the Duke of Orleans, and his Sons, and so on to the rest of the House of Bourbon; and that the Succession to Spain and the West-Indies, after the Duke of Anjou and his Children, was to descend to such Prince as should be agreed upon as the Treaty of Peace, for ever excluding the rest of the House of Bourbon*; both Houses of Parliament, by their respective Addresses to her Majesty, in the same Month, express'd their entire Satisfaction: And as the House of Commons desir'd her Majesty to proceed in the Negotiations then depending for obtaining a speedy Peace; so the House of Lords assur'd her Majesty, that they entriely rely'd on her Majesty's Wisdom to finish that great and good Work. And after her Majesty had concluded a Peace on those Terms, both Houses of Parliament, severally, congratulated her Majesty on the Conclusion of the Peace; and also join'd in an Address of the 22d of April 1714, expressing their just Sense of her Majesty's Goodness to her People, in delivering them by a safe, honourable, and advantageous Peace

with France and Spain, from the heavy Burthen of a consuming Land War, unequally carry'd on, and become at last impracticable.

He the said Earl acknowledges, that her Majesty was pleas'd about *August 1710*, to re-admit him, among others, to a Place in her Council, and to require his Services in Offices of Trust; to which he submitted purely in Obedience to her Majesty's Commands, with great Reluctance, from the Prospect of the Difficulties with which he was likely to struggle. But as he never ask'd any Employment, nor us'd any wicked Arts, or base Insinuations, to obtain the same from her Majesty; so in all Employments with which her Majesty was pleas'd to Honour him, he sincerely endeavour'd to discharge his Duty with the utmost Integrity; having always with the truest Zeal desir'd and endeavour'd, as far as he could, to promote the Honour and Service of her Majesty, whose Aim he knew to be the Welfare of her Kingdoms in the first Place, and (as far as she judg'd it consistent with that) the common Good of her Allies.

In or about the Month of *September 1710*, her Majesty (whose undoubted Prerogative it was) thought fit to dissolve the Parliament then in being, and call a new One. In the Year 1711, Propositions were made by France to her Majesty for a Peace, without the Contrivance, or previous Knowledge of the said Earl: Her Majesty, out of her Affection for her People, having it much at her Heart to establish Peace in her own Days, express'd her Concern for the Disappointment of former Negotiations, and her earnest Desire to put a speedy End to the War, and to the Effusion of Christian Blood, and to ease her Subjects from the heavy Burthen of their Taxes; the said Earl doth acknowledge, that he thought a Peace was very much for the Interest and Advantage of *Great Britain*: And in his humble Opinion, the most favourable Juncture for obtaining advantageous Terms of Peace, was immediately after the signal Victories, gained by her Majesty's Arms, in the Year 1706. For after the Reduction of the Dominions of the Electors of *Bavaria* and *Cologne*, with other important Conquests in *Germany*. After the entire Destruction of the three great Armies of France, in *Flanders*, *Spain* and *Piedmont*: After the Allies had recover'd the *Spanish Netherlands*, *Milan* and other Territories in *Italy*, it might have been hoped, from the great Distress in which the Enemy then was, a just and reasonable Peace would have been obtained; since so much was at that time gained from the Enemy,

Enemy, and so much more, in all Probability, would have been yielded by them, as would have fully answered the Ends of the Grand Alliance. Peace was at that Time sought by the Enemy; and the said Earl, who had the Honour to be then one of her Majesty's principal Secretaries of State, owns he then advised the accepting of it. And he humbly begs Leave to observe, that the War had been continued upon so unequal a Foot, that the Burthen of it annually encreas'd, and at the Time when these Proposals were made by *France*, was become almost insupportable. It had indeed been stipulated by the Grand Alliance, that the Allies should assist one another with all their Forces, according to a Specification to be agreed on in a particular Convention for that Purpose: But it doth not appear any such Convention was made, otherwise than as the House of Commons were inform'd by one of the principal Secretaries of State to his late Majesty King *William*, that by the Proportion adjust'd with the States, *England* was to furnish two Parts of five by Land, and the States the other three; and *England* was to furnish five Parts of eight by Sea, and the States the other three; but the States not always allowing themselves to be under an Obligation to furnish such Proportions, gave Occasion to *England's* bearing an unequal Part in the War, with respect to the Allies. The States had that prudent Regard to the frugal ordering their Affairs, that they frequently insisted, they ought not to be press'd beyond their Ability, and made themselves the sole Judges of what came within the compass of it, and by that Means avoided the supplying any Quota, or Proportion, which they thought improper for them to furnish. In the mean Time, the Charge of the War was greatly encreas'd upon the Subjects of *Great Britain*. In the Year 1702, it was under four Millions, from thence it gradually increas'd till 1706, the Charge of which Year amounted to above five Millions and a half, and still advancing till the Year 1711, it was then grown to near seven Millions, and at the same Time there was a Debt contracted, not provided for by Parliament, amounting to seven or eight Millions; the very Interest of which, and other Debts, wherein the Nation was involved, amounted to three Millions *per Annum*, and the Revenues of *Great Britain* were under such Anticipations, that it was found difficult to raise above two Millions and an half for the growing Service, to be paid within the Compass of the Year. So that, when the Duties and Difficulties upon Trade, and the Continuance of the Taxes up-

on Land, which had lain so heavy above twenty Years, are consider'd, the said Earl believes it could not be thought for the publick Interest to prolong the War, without an absolute Necessity.

During this Time, the States had manag'd with so good Oeconomy, that the said Earl had not heard of any additional Duty laid by them upon Trade from the Year 1702, to the Year 1711. What Acquisitions were made upon the Continent, during the Continuance of the War, tho' at the Expence of *British* Blood and Treasure, accru'd to the Share of the Allies; and the *Dutch* being under no Prohibition of Commerce with *France*, had a farther Advantage of the *British* Merchants, in Respect to a free Trade. Altho' the Princes of the Empire were engag'd by previous Treaties, to furnish their Quota's to the common Cause; yet when they were often press'd to do it, they alledg'd in Excuse, that those Troops which they were oblig'd to furnish at their own Expence, were in the Pay of the Crown of *Great Britain*. The Emperor left it to her Majesty to provide for those Troops, which by the *Portugal* Treaty, in the Year 1703, he was to furnish; the King *Portugal* not only neglected the Proportion of 12,000 Foot and 3,000 Horse, which by the said Treaty he was to provide at his own Expence, but even refus'd to permit the 11,000 Foot and 2,000 Horse, for which he had a Subsidy from her Majesty to be paid by Musters, according to an Article of that Treaty; and when press'd to furnish his full Number of Troops, alledg'd his Inability, for Want of that Part of the Subsidies which the States ought to have paid him. So that almost the whole Charge of the War in *Spain* was left upon her Majesty, the States having sent few or no Troops thither after the Battle of *Almanza*, and all the other Allies being likewise defective in their Proportions.

This was the Condition of Affairs, with Respect to the Charge of the War; nor did there appear from the then Situation of Affairs, any more promising Prospect, with Regard to the Event: For altho' it had pleas'd God to bless her Majesty's Arms with wonderful Success, at which the said Earl most sincerely rejoyc'd; yet it did not appear, that after the Year 1706, our Successes in other Parts had countervail'd our Losses in *Spain*; for after two great Battles, wherein we had been there defeated, after our Forces had been twice oblig'd to retire from *Madrid*, and after the taking the *British* Troops at *Brihuega*, the Recovery of *Spain*, (which was the main Article that retarded the Conclusion

clusion of the Peace at *Gertruydenberg*) seem'd almost desperate, especially since the *French* in the Year 1711, by their plentiful Vintage and Harvest, had well nigh recover'd the Effects of the Famine; and since some of the Allies at the same Time made pressing Instances for recalling Part of the Troops, as they had done frequently, during the Course of the War; from whence it appears, how just the Grounds were, upon which both Houses of Parliament represented to her Majesty, That the War had been unequally carry'd on, and was at last become impracticable. And the said Earl humbly hopes, he shall not be thought to have design'd any Disservice to his Country, if, in such Condition of Affairs, he did not dissuade her Majesty from hearkening to the Overtures of Peace made to her from *France*; or if, during such Negotiations, he endeavour'd, by corresponding with her Majesty's Knowledge and Approbation, in any Courts concern'd therein, to rectify any Mistakes, or contribute in any Measure towards the Conclusion of a General Peace: But the said Earl believes, that in all the Negotiations towards such Peace, the Allies had such Knowledge and Communication of all the Measures therein taken by her Majesty, as the Treaties her Majesty was engag'd in requir'd: That the Propositions transmitted from *France*, about April 1711, were immediately communicated to the Pensionary and Ministers of *Holland*: That her Majesty did at the same Time assure them of her Resolution, to act in Concert with them, in making Peace as in making War. That when the States had express'd their Desires to be equal with those of *Great Britain* for a general and lasting Peace, and had declar'd, that they were ready to join in proper Measures to procure it, and desir'd *France* might explain itself more particularly upon the Points contain'd in those Propositions; her Majesty endeavour'd to obtain such Explanations, and afterwards communicated them to the States: And if her Majesty had thought it not expedient to proceed in the Method of a Preliminary Treaty, which had prov'd so ineffectual in the Years 1709 and 1710, but thought it might be sufficient to have Articles sign'd by a Minister of *France*, by his Sovereign's Command, to open Conferences for a Peace; the said Earl humbly hopes, that this Proceeding will be so far from being an unreasonable Deviation from the Methods of former Transactions in that Kind, that it will be justify'd by many Precedents of such Treaties. The said Earl can affirm, that during the whole Negotiation, so far as he

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was concern'd, he acted with a sincere Intention, to obtain a General Peace, for the Welfare and Honour of her Majesty and her Kingdoms, and such as might give reasonable Satisfaction to her Allies, and answer all the Obligations her Majesty was under by any Treaties with any of the Confederates; and is not conscious to himself, that he hath in any Respect transgress'd that Duty, which, as a Privy Counsellor, or Officer of State, he did owe to her Majesty, or to the Publick. He is not insensible, that many of the Articles, wherewith he stands charg'd, are complicated with such Circumstances, Aggravations, and Inferences, as may render it difficult for him to acknowledge some Facts alledg'd, without acknowledging or seeming at least to acknowledge those Circumstances or Inferences. And as he is not conscious to himself of being guilty of any Crime he stands charg'd with, so he takes it to be agreeable to the common Course of Proceedings of this Nature, and to your Lordship's Justice, that he should not admit any Circumstances, which may tend to the Accusation of himself; he therefore begs Leave, that he may be allow'd to distinguish between the Facts themselves, and the Inferences drawn from them; and that whenever he acknowledges any Fact, he may not be understood to acknowledge those Consequences which are in the Articles deduc'd from it, unless it shall appear, that the Consequence was the Aim and Design of the said Earl, or is the necessary Result of any Act he hath done.

Art. I. In Answer to the first Article, The said Earl saith, That he always had the greatest Regard to the Honour and Safety of her late Majesty and her Kingdoms, to all the Engagements she was under to the Allies of this Nation, and to the common Liberties of Europe; that he never was devoted to the Interest or Service of the French King; that he is not conscious to himself of having acted, whilst he had the Honour to be her late Majesty's High Treasurer, or one of her most Honourable Privy Council, contrary to his Oath, or in Violation of his Duty and Trust, or with Disregard to, much less Defiance of any Treaties in the said Article mention'd, of the Advices of Parliament, her Majesty's Declarations from the Throne, or any mutual Assurances which had been made or renew'd between her Majesty and the States, to act in perfect Concert with each other in making Peace as in making War; and he utterly denies, that in or about the Months of July or August, 1711, or at any other Time, he did form any Conspirance or Confederacy, to set on

Foot a private, separate, dishonourable, or destructive Negotiation of Peace between Great Britain and France, nor doth he know of any such Contrivance or Confederacy form'd by any of her Majesty's Privy Council, or that such Negotiation was at any Time set on Foot. But the said Earl says, he does believe, that about the Month of April, 1711, her late Majesty did receive from France some Proposals in order to set on Foot a Treaty for a general Peace, sign'd by Mons. de Torcy, Secretary of State to the most Christian King, which, as he believes, were immediately communicated by her Ambassador in Holland to the States General; whereupon, as he has been inform'd, they thank'd her Majesty for her Confidence in them, declar'd themselves to be weary of the War, and ready to join in any Measures her Majesty should think proper for obtaining a good Peace; and that they hoped her Majesty would bring the French to explain more particularly the several Points contain'd in the above-mention'd Proposals, or to that Effect; and that after such Request, her Majesty sent Matthew Prior, Esq; to the Court of France, in order to obtain as full and ample an Explanation as he could of the first general Offers: But the said Earl denies, that he did advise her Majesty to send the said Mr. Prior to the Court of France, to make Propositions of Peace, without communicating the same to her Allies; or that the said Mr. Prior did by his Advice or Privy, communicate any Propositions to the Ministers of France, wherein the Interest of Great Britain, or the common Interest of Europe were betray'd; nor doth the said Earl know, that the said Mr. Prior had any Power to communicate Propositions to the Ministers of France, which betray'd either the Interests of Great Britain, or the common Interest of Europe. Therefore the said Earl insists, that there is no Ground to charge him with the treacherous or pernicious Contrivances in this Article mention'd. And if any Article was inferred in any Propositions to be communicated by the said Mr. Prior, that the Secret should be inviolably kept, till allow'd to be divulg'd by the mutual Consent of both Parties; yet the said Earl denies, that such Article was inferred by his Advice; and if any such there was, he cannot, however, believe it was design'd to exclude her Majesty's Allies from their just Share in the said Negotiations, and hopes he may be allow'd to observe, That in Case any Instructions were given for not divulging Propositions which concern'd Great Britain in particular, the same were far from manifesting such Design as is before-mention'd, since it is well known

known to be the undoubted Right of every Member of a Confederacy to demand particular Advantages for themselves, not inconsistent with their Alliances, and which are not to take Place but on the Conclusion of a General Peace. And it has been usual for those to whom the first Overtures of Peace are to be made, to make Demands for themselves in the first Place, as the States particularly did in the Negotiations at the *Hague*, in the Year 1709, and at *Gertruydenberg* in the Year 1710. And tho' he apprehends that an Agreement not to divulge the Propositions, without the mutual Consent of both Parties, could not be to the Prejudice of her Allies; yet he believes, that in order to prevent any unreasonable Jealousies among them, even those Propositions which related to *Great Britain* in particular, were communicated to them; and that it will likewise appear, that the Propositions sign'd by *Monsieur de Torcy*, transmitted in the Month of *April* 1711, in the said Articles mentioned, whereby it is said, the French King offered to treat with the Plenipotentiaries of England or Holland alone, or jointly with those of the Allies, at the Choice of England, were Proposals relating only to the Manner of Treating, when the Conferences should be opened; and that her Majesty was so far from taking upon her to treat singly for the Allies, that she chose to have all the Parties admitted to the Congress, where they might have an Opportunity of treating and adjusting their respective Interests; that being, in her Opinion, the fairest Method of proceeding, most advantageous to the Confederates, and most likely to prevent Jealousies and Discords among them. And the said Earl saith, that he does not know that any Negotiations of Peace were contriv'd, or set on Foot, by any Persons employ'd in her Majesty's Service, which were in any Respect more advantageous to *France*, than *France* had asked, or which had a Tendency to give the Enemy a Power to create Misunderstandings between her Majesty and her Allies, or to destroy the Confidence between them.

Art. II. In Answer to the second Article, the said Earl saith, that he believes *Monsieur Mesnager*, a Subject of the French King, did sometime in the Year 1711, with her Majesty's Leave, come into the Kingdom of *Great Britain*, and bring with him a Letter from the said French King to her late Majesty, acknowledging her Majesty Queen of *Great Britain*, and likewise expressing a Desire to re-establish Peace with her, and that he was furnish'd with full Power from the said French King for that Purpose. The said

ſaid Earl further ſaith, that it hath been the uſual and allow'd Practice in moſt Nations, eſpecially in *England*, for Privy-Councillors, by verbal Orders from the Sovereign, to confer within the Realm with Miniſters of foreign Princes, and he conceives ſuch Practice to be agreeable to the Laws of this Realm; and that full Powers are uſually granted to Miniſters who are ſent abroad for the Juſtification of the Perſons with whom they ſhall treat, rather than to juſtify ſuch Miniſters themſelves; and the ſaid Earl denies, that he did in the Month of *September 1711*, or at any other Time, ſecretly and unlawfully, or without Authority, confer or treat with the ſaid *Sieur Meſnager* on the Negotiations of Peace between *Great Britain* and *France*, or that he did adviſe or promote the making a private and ſeperate Treaty or Agreement between the ſaid Crowns; but he hath been inform'd, and doth believe, that there was a Paper ſtiled, *An Answer to the Preliminary Demands of Great Britain more particularly*, ſign'd by *Monſieur Meſnager* only, to which was ſubjoin'd a Declaration of the Queen's Acceptance of thoſe Preliminary Articles, as Conditions his moſt Chriſtian Maſteſty conſented to grant, which were to be reduced into the uſual Form of Treaties, and explain'd after the moſt clear and moſt intelligible Manner, to the common Satisfaction of *Great Britain* and *France*, and this only in Caſe of a General Peace: And this Declaration or ſome other Declaration to the like Effect, he believes might be ſign'd by the Lord *Dartmouth* and Mr. Secretary *St. John*, as in the ſaid Articles is ſet forth. But the ſaid Earl muſt crave Leave to ſubmit it to the Judgment of your Lordſhips, whether a Paper of that Sort (if any ſuch there was) containing Offers from *France*, which were not to take Effect but in Caſe of a General Peace, can be called a ſeperate Treaty. He believes the Allies had early Knowledge and Participation of the ſaid Propoſals, from the Miniſters of *Great Britain*; but denies that the Interests of *Great Britain* were thereby given up to *France*, or the Duke of *Anjou* admitted to be King of *Spain*; ſince, in the Declaration annexed to the ſaid Propoſal, he believes it is expreſſed, that her Maſteſty might in Juſtice expect the Securities and Advantages mention'd in thoſe Propoſals, what Prince ſoever he ſhould be to whom the Monarchy of *Spain* ſhould be allotted; and the ſaid Earl, recollecting as well as he can, what were her Maſteſty's Views at that Time, is perſuaded that her Maſteſty had then a Proſpect, that the Monarchy of *Spain* would fall to the Share of another Prince. The ſaid Earl denies, that

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by his Privy, Consent or Advice, any private or separate Treaty or Agreement, whereby the Interests of Great Britain were given up to France, or the Duke of Anjou was admitted to be King of Spain, was agreed, concluded, or sign'd, by the said *Sieur Mesnager* on the Part of France, and by the said Lord Dartmouth and Henry St. John, or either of them, in Behalf of her late Majesty; much less did the said Earl, at any Time, assume to himself Regal Power, or take upon him to meet and treat with the Enemy, without Authority from her Majesty, or do any Thing to subvert the ancient and establish'd Constitutions of the Government of these Kingdoms, or introduce any illegal or dangerous Methods of transacting the Affairs of State. And the said Earl further saith, that he did never aim at, or endeavour, by any separate Treaty, to dissolve or cancel any of those solemn Treaties, in which her Majesty stood engag'd to her Allies, nor was he privy to any Treaty, whereby the Queen was brought under a Dilemma, either to submit to the Dictates of France in the Progress of such Negotiation, or to lose the Confidence of her Allies.

• *Art. III.* In answer to the third Article, the said Earl denies, that to disguise or carry on any private, separate, or dangerous Negotiations, he did contrive or advise the preparing and forming the Set of General Preliminaries in the Articles mentioned, intitled, *Preliminary Articles on the Part of France, to come to a General Peace*; or any other Set of General Preliminaries of like Nature; or that the same should be sign'd by the *Sieur Mesnager*; or that he did advise her sacred Majesty, that the same should be receiv'd by her Majesty: But the said Earl hath been inform'd, that certain Articles call'd, *Preliminary Articles on the Part of France, to come to a General Peace*, sign'd by the *Sieur Mesnager* only, were received by her Majesty; and believes the same might be communicated to the Ministers of the Allies then residing in England, as a Ground whereon the Confederates might treat or negotiate concerning a General Peace; but whether the same were communicated as the only Transactions that had been on that Subject, between Great Britain and France, the said Earl knows not: But since it is term'd impious Advice, and contrary to the Duty and Trust of a Minister of Great Britain, to advise the receiving such Articles; the said Earl, from his Concern for the Honour of her late Majesty's Administration, and the future Welfare of these Kingdoms, doth submit, whether it is criminal for such Minister

nister to advise the receiving Articles from a Minister of a Prince in War, containing Proposals for giving reasonable Satisfaction to *Great Britain* and all her Allies; and which being sign'd by the Minister of that Prince only, were not intended to bind any other: And since Preliminary Articles are no essential Step towards a General Negotiation, there being, as he believes, but few Instances where any Matters of Importance have been settled before the Opening of General Conferences. The said Earl does not conceive, that if any Minister of State had advis'd her Majesty to accept the Preliminaries or Offers of *France*, said to be sign'd by Monsieur *Mesnager* the 27th of September 1711, as the Foundation of a Treaty, he had thereby offended against any known Law, since the Proceedings upon such Preliminaries could not be more unsafe than proceeding without any at all. The said Earl denies, that any Treaty sign'd by the Earl of *Dartmouth* or Mr. *St. John*, or either of them, on the Part of *England*, and the *Sieur Mesnager* on the Part of *France* (if any such there be) was industriously conceal'd from the Allies, her Majesty's Council, or Parliament, by his Advice or Contrivance; or that he dissuaded her Majesty from laying any such Treaty before her Allies, her Council, or Parliament; or that he advis'd her Majesty to receive the said General Preliminaries, or to communicate the same in her Name, or by her Authority, to the States-General, as a sufficient Foundation whereon to open the Conferences of Peace with *France*. The said Earl hath been inform'd, and doth believe, that there were certain Instructions prepared and sign'd by her Majesty, and deliver'd to the Earl of *Strafford*, her Ambassador to the States-General, wherein the said Ambassador might be directed to represent to the Pensionary of *Holland*, and such others as should be appointed to confer with him in such Manner as is set forth in this Article, or to the like effect; but he denies that the said Instructions were prepar'd, sign'd, or deliver'd by his Advice: Nevertheless, the said Earl believes, the said Instructions were well warranted by the Truth of such Facts as in the said Article are set forth to be contained in those Instructions; since the said Earl hath had credible Information, that after her Majesty had receiv'd an Account of the Sense of some Persons in *Holland*, concerning the Overtures made by *France*, for the setting a General Negotiation of Peace on Foot, very pressing Instances were made on her Majesty's Behalf, with the Enemy, to explain the first Offers made by Monsieur *de Torcy*, more particularly,

cularly, and to form a distinct Project of such a Peace as they were willing to conclude: And that such Instances had Effect, will appear from the Preliminaries, said to be sign'd by Monsieur *Mejnager*, September the 27th 1711, wherein several Explications are made, and many Particulars of Moment are contain'd, which were not in the Propositions of Monsieur *de Torcy*; wherefore the said Earl apprehends, that the Propositions said in this Article to be sent over to France (if any such were sent) were not so General as the Propositions of Monsieur *de Torcy*, nor in any Respect ensnaring, or destructive to the Interests of Great Britain or the Allies: But yet the said Earl believes, that her Majesty, at the same Time she did communicate the said Preliminaries to the States-General, did likewise order her Ambassador to acquaint them, that she judg'd those Articles did not contain such particular Concessions as France would probably be oblig'd to make in the Course of the Negotiations, or to that Effect. If therefore her Majesty did, for the Good and Ease of her People, endeavour to prevail with her Allies to enter into a Negotiation of Peace, and did communicate the said Preliminaries to them, with that View, the said Earl cannot be induc'd to believe, that the said General Preliminaries, communicated to the States by her Majesty in Manner aforesaid, were calculated to amuse or deceive them; nor doth the said Earl know or believe, that her Majesty's Instructions to her said Ambassador, either in the Particulars aforesaid, or in any other, contain'd Matters false, prevaricating, or evasive. And the said Earl must take the Liberty to affirm, that in the late Negotiations of Peace, as well as in all other publick Transactions of State, as far as he was concerned, he acted with the highest Regard to the Honour of his Majesty, and with the utmost Zeal for the Welfare both of her and her People, and is not conscious to himself that he ever gave any Counsels, whereby the Truth and Sacredness, which ought to constitute and accompany the Instructions of publick Ambassadors to Princes in Friendship and Confederacy, against the common Enemy, were in any wise prostituted, or the Honour of her Majesty, and of the Imperial Crown of these Realms, in any Sort sebas'd or betray'd; and he humbly hopes, no Instance can be given, wherein the Royal Hand of her late Majesty was made the Instrument to advance the Interest of the common Enemy.

Art. IV. In Answer to the fourth Article, the said Earl doth not remember what Representations were made by
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Mr. Buys to her Majesty, in Relation to the Propositions in the said Article mention'd, but saith, that if any Representations were made, the same were not render'd ineffectual by any Influence of the said Earl; and the said Earl doth admit, that at a Committee of Council there might be made some Declaration in her Majesty's Name, to Mr. Buys, to the Effect in the said Article mention'd, but doth not admit that any such Declaration was made by him the said Earl, or by his Management or Contrivance. And the said Earl believes, that what was so declar'd to the said Mr. Buys was agreeable to Truth, and to the real Sentiments and Intentions of her Majesty, nor doth he know wherein the said Articles sign'd by Mr. Mesnager, and accepted by the Lord Dartmouth and Mr. St. John, if any such were then sign'd, were inconsistent with such Declaration, or how her Majesty was thereby dishonour'd, or her Allies abus'd, or that any Negotiation enter'd into with France, was either dangerous to it self, or fatal in its Consequences.

Art. V. In Answer to the fifth Article, the said Earl admits, that her Majesty Queen Anne did, in due Form of Law, and under her Great-Seal, constitute the Right Reverend John Lord Bishop of Bristol, and the Earl of Strafford, her Plenipotentiaries, with full Power to meet, treat, and conclude with the Plenipotentiaries of the Confederates, and those whom the French King should on his Part depute for that Purpose, the Conditions of a Good and General Peace, that should be safe, honourable, and, as far as was possible, agreeable to the reasonable Demands of all Parties; and believes Instructions were prepar'd and deliver'd to them, wherein they were instructed, amongst other Things, to the Effect in the said Article set forth; and is firmly persuaded, that when the said Plenipotentiaries were so instructed to insist that Spain and the West Indies should not be allotted to the House of Bourbon, no Treaty had been negotiated and agreed, that Spain and the West-Indies should remain in a Branch of that House; and he has Reason to believe, that at the Time when the said Instructions were given to her Majesty's said Plenipotentiaries, there was just Ground to believe, that King Philip would be induc'd to abandon Spain and the West-Indies, and content himself with the Dominions of Savoy, and the Kingdom of Sicily; and he believes he may so far depend on his Memory, as to say, that he heard the late Queen declare, she believed the Prospect King Philip had of succeeding to the Crown of France, would be an Inducement to him to be easy with that Allotment;

And it seem'd probable, that the Addition of the Dominions of *Savoy* to the Crown of *France*, in Case King *Philip* should succeed to it, would be esteem'd by the *French* Court as a Thing more to be desir'd by them, than that *Spain* and the *Indies* should remain in the Possession of a younger Prince of the House of *Bourbon*, under the Condition of his renouncing the Right he would have to the Crown of *France*, if the eldest Branch should fail. These seem to him to have been her Majesty's Views at the Time when the said Instructions were given to the Bishop of *Bristol* and the Earl of *Strafford*; and he therefore believes, that whoever contrived or prepared the same, did prepare them conformable to her Majesty's real Sentiments, and was far from any Thought or Design to abuse the Royal Authority, delude the States-General, prejudice his Imperial Majesty, or any of the Allies, or carry on the Measures of *France*; and if King *Philip* afterwards, upon Information that the then *Dauphin* was likely to live, or at the pressing Instances of the *Spaniards*, and Influence of *Spanish* Councils, or upon any other Motives, refused to accept of *Savoy* and *Sicily*, and chose rather to renounce the *French* Monarchy; he thinks no Person who acts in the Service of the Crown can be safe, if it may be charg'd on him as a Crime, that he advised Instructions, which by intervening Circumstances afterwards, became improper. But the said Earl doth not admit, that he contrived or prepared the said Instructions, or was consenting or advising to the contriving or preparing of them, or prevail'd on her Majesty to sign them; much less that he abused the Royal Authority, to the Delusion of the States-General, or intended the Prejudice of his Imperial Majesty or any of the Allies, or was engag'd to carry on the Measures of *France*, or had, when the said Instructions were prepared, negociated, and agreed with the Ministers of *France*, that *Spain* and the *West-Indies* should remain in a Branch of the House of *Bourbon*, or had prevail'd on her Majesty to be Party to any private Treaty, wherein the same was necessarily imply'd. If the Plenipotentiaries were instructed, that in Case the Enemy should object, that the second Article of the seven, sign'd by Monsieur *Mefnager*, imply'd the Duke of *Anjou* should continue on the Throne of *Spain*, to insist that those Articles were binding to *France*, but laid neither the Queen nor her Allies under any Obligation, the said Earl does not apprehend how an Instruction to her Majesty's Plenipotentiaries, to make a just Answer to a false Inference, that might happen to be drawn

drawn by the Enemy from the Words of such an Article, can be interpreted an entering into a Confederacy, or Collusion, with the Ministers of the Enemy; or that her Majesty's Consent to such Instructions could imply any Design to impose on his Imperial Majesty or the Allies, or to conceal any Negotiations between *Great Britain* and *France*. But the said Earl is confident it will not appear by any of his Actions, on the strictest Scrutiny, that he ever enter'd into any Confederacy or Collusion with the Ministers of the Enemy, or prevail'd on the Queen to give her Consent thereto, or had any Designs to impose upon his Imperial Majesty or any of the Allies, or ever was privy to any secret Negotiations or separate Treaty between *Great Britain* and *France*, whereby either in the before-mention'd, or any other Particulars, any Reproach could be brought on the Crown of these Realms, or any Treaties wherein her Majesty was engag'd to her Allies, were violated.

Art. VI. In Answer to the sixth Article, the said Earl does admit, that after the Conferences of Peace between the Plenipotentiaries of the Allies, and those of the Enemy, for negotiating a General Peace, were opened, wherein he is persuaded her Majesty and her Ministers did act in perfect Confidence with the Allies, and to promote the common Interest, and to obtain from the Enemy all just and reasonable Satisfaction; the Progress of the said Negotiation was delay'd by Debates, concerning the Enemy's Refusal to give their Answer in Writing, to the Demands of the Allies; but he doth not know that any of the Ministers of *Great Britain* did, by any Encouragement or Concurrence, contribute thereunto: And if during that Time, her Majesty thought fit to authorize any of her Ministers to write or negotiate upon particular Points relating to the Peace, directly from *England* to *France*, in order to facilitate the General Negotiation of Peace, which he the said Earl doth not admit to have been done by his Privy; yet he the said Earl doth not apprehend, that by the Constitution of the Kingdom, or any Law in being, the Queen was debarr'd from doing so; or that by constituting the said Plenipotentiaries, she had so far delegated to them her Royal Authority, as to be disabled, without revoking their Commission, to treat or negotiate any Matters conducing to that End, in such other Manner as she should think fit. The said Earl saith, that he did not advise, contrive, or promote any private, separate, or unjustifiable Negotiation with *France*, nor doth

he know any Negotiation, relating to the Peace, was carry'd on, without Communication thereof to the Allies. And the said Earl denies, that he ever assum'd Regal Authority, or that he treated of Peace with *France* in any Manner that could be liable to such Imputation, or did promote the Design of the Enemy, to the Destruction of the common Cause of her Majesty, or of her Allies, contrary to the Laws or Constitution of this Kingdom, or in Violation of any of the Alliances her Majesty stood engag'd in, or of the Assurances given by her Majesty, or of her Instructions to her Plenipotentiaries; or that any Terms of Peace were, by him, at any Time concerted, prejudicial to the Interest of her Majesty, or her Kingdom, or Allies, or whereby the good Effects of the General Negotiation were defeated.

Art. VII. In Answer to the seventh Article, the said Earl saith, that he never advised her late Majesty to accept of a Treaty with *France*, on a Supposition that the *Spanish* Monarchy should continue in the Possession of a Branch of the House of *Bourbon*; nor did he advise, or carry on any private or separate Negotiation with *France*, on the Subject of a Renunciation to be made by the Duke of *Arjou*, of the Right he might have to the Kingdom of *France*, or that such Renunciation should be the Security against the Re-union of the two Kingdoms: Or that, by his Councils, her Majesty was prevail'd upon to accept, and finally to conclude and ratify a Treaty of Peace with *France*, wherein the said Renunciation is taken as a sufficient Expedient to prevent the Mischiefs that threaten'd all *Europe*, in case the Crowns of *France* and *Spain* should be united upon the Head of one, and the same Person: Nor doth he know, that, during the said Negotiation, any such Memorial, as in the said Article is set forth, was transmitted by the said Monsieur de *Torcy* to any of her Majesty's principal Secretaries of State: But he the said Earl doth freely acknowledge, that if he had been call'd upon to give his Opinion concerning the Leaving of *Spain* and the *Indies* in the Possession of a Branch of the House of *Bourbon*, and accepting the Renunciation of his Right to the Kingdom of *France*, by the Duke of *Arjou*, he doth not at present see any Reason why he might not have been of Opinion for leaving *Spain* and the *West-Indies* to the present Possessor, and accepting the Renunciation, rather than have continued the War, so burthensome to the People, and so impracticable upon the Foot on which it then stood, especially since all Endeavours to remove him by Treaties

Treaties or Force, had so long prov'd ineffectual. And in Case any such Memorial, as is set forth in the said Article, was sent by any Minister of *France* to the Secretary of the late Queen, he should look upon the same as a Proof of the Earnestness of the Court of *France* to avoid such Renunciation, which might more effectually prevent all Possibility of annexing the Crown of *Spain* to that of *France*. But whatever Inducements might be for such a Memorial (if any such was transmitted) the said Earl doth affirm, that he never gave any Councils, by which the Interest of the common Cause could be betray'd into the Hands of the Enemy; nor doth he think it was possible, by any Power or Influence, to engage her Majesty to become Party with *France* in any Deceit; but whatever Credit he at any Time had by her Favour, he always used it, with the utmost Sincerity, for her Service, and the Good of her People.

Art. VIII. In Answer to the eighth Article, the said Earl believes that her late Majesty Queen *Anne* did, on the 17th Day of *December*, in the Year of our Lord 1711, recommend it from the Throne, that Provision might be made for an early Campaign, in Order to carry on the War with Vigour, and as the best Way to render the Treaty of Peace effectual; and he does believe, that, in Order thereto, Supplies were granted and Magazines provided, at a great Expence, for an early Campaign, and that, in Pursuance thereof, her Majesty might send some General Officers to explain her Intentions to her Allies; and likewise instructed her General, the Duke of *Ormond*, to declare her Resolutions of carrying on the War, and to concert, with the Generals of the Allies, the proper Measures for entering upon Action; and he doth believe, that the confederate Army was provided with all Necessaries; but whether the said Army had approach'd, or how near they had approach'd to the Enemy; whether they had any, or what Superiority, as to the Number of Troops, or what Likelihood there was, that they would have been able, either by Battle or Siege, to have better'd the Affairs of the Allies, or to have facilitated the Negotiations of Peace, the said Earl is not able to say; but it must be obvious to every one, that any Miscarriage or Disaster, on the Part of the Allies, at such a Juncture, must have been fatal to them: And though the divine Assistance had been very remarkable in the many Victories her Majesty's Forces had obtain'd, yet her Majesty's Piety was so great, that it is not likely

she should, without the greatest Necessity, have been willing to have tempted that Providence which had been so signal in her Favour, by hazarding the Blood of her Subjects, at a Time when she had so near a Prospect of the Conclusion of a Peace; and the said Earl believes it might be owing to this Piety of the Queen, and her Knowledge of some important Matters then depending, that Directions were sent to the Duke of *Ormond*, (if any such were sent) to avoid engaging in any Siege, or hazarding any Battle, till farther Orders; which he supposeth her Majesty might do upon any Causes she thought proper, as well as the Deputies of the States, who, as the said Earl hath been inform'd, have often refus'd to engage in Siege or Battle, upon such Ground as they alone thought fit, when their own Generals, and the Generals of the other Allies, were of Opinion, they had a visible Advantage of the Enemy, and might engage in such a Siege or Battle, with great Probability of Success: But he doth affirm, that the Ministers of *France* never represented to him, or to any others, as far as he knows, during any Negotiation, any Apprehensions they had from the Bravery and good Disposition of the confederate Army; nor was he ever inform'd of any sure Prospect, which it is alledg'd, the Army of the Confederates then had, of gaining new Conquests over the Army of *France*, or whereby they would have been enabled to have forc'd any better Terms of Peace, than there was at that Time Likelihood of: But on the contrary, he has been inform'd, that the Forces of *France*, were superior in Number to those of the Confederates, especially in Horse. However, the said Earl doth not admit that he did advise or consent that any Order should be dispatch'd, in her Majesty's Name, to the Duke of *Ormond*, to the aforementioned Effect; nor had he any View or Design to disappoint the Expectation of the Allies, or to give Success to any secret Negotiations with the Ministers of *France*. The said Earl likewise denies, that he did consent or advise, that Orders should be sent to the Bishop of *Bristol*, one of her Majesty's Plenipotentiaries then at *Utrecht*, to declare to the *Dutch* Ministers, that her Majesty look'd on herself, from their Conduct, to be then under no Obligation whatsoever to them; he doth not know what Alarms the Allies might take, or what Representations they made to the Bishop of *Bristol*, of their Dissatisfaction, or Consternation, but doubts not the said Bishop would readily represent what they

they desir'd, tho' such Representation made by his Lordship, if any such there was, fell not under the Knowledge of the said Earl, nor doth he admit that any Application of that Kind was made to him. And in Case the States General made such Address directly to her Majesty, by a Letter of the 5th Day of *June*, as in the said Article is set forth; he the said Earl not being acquainted therewith, could neither advise her Majesty to hearken to the Instances therein made, nor to disregard, or to reject the same. He saith, he never enter'd into Measures for the Advancement of the Interest of the common Enemy, or countenanc'd, encourag'd, advis'd, or promoted any Negotiations with *France*, without Participation of the Allies, or contrary to her Majesty's Engagement, or to the Ruin of the common Cause; nor is he conscious to himself, that he ever gave any Councils, by which the Progress of the victorious Arms of the Confederates was stopp'd, or any Opportunity lost for conquering the Enemy, or which had any Tendency to destroy the Confidence between her Majesty and her Allies, or make the *French King* Master of the Negotiations of Peace, or which could put the Affairs of *Europe* into his Hands.

Art. IX. In Answer to the ninth Article, the said Earl denies he was privy, or consenting to any Concert with the Ministers of *France*, for the separating the Troops in her Majesty's Pay from the rest of the confederate Army; and not being privy to any such Concert, he hopes it will not be imputed to him as any Want of Duty, that he did not advise against such a Proceeding. He denies also, that he ever entertain'd the least Design of imposing upon the Allies any Necessity of submitting to the Terms of *France*, or of leaving the confederate Army to the Mercy of the Enemy, or that he did consent or advise her Majesty, that the Duke of *Ormond*, and the Troops in her Majesty's Pay, or such of them as would obey his Orders, should separate themselves from the Army of the Confederates. The said Earl hath been inform'd, and believes it to be true, that the Imperial General and some other Generals, did propose to the Duke of *Ormond*, in *June* or *July*, in the Year 1712, to decamp from the Ground where they lay, and to proceed towards *Landrecy*, in Order to form the Siege of that Place, and that the Duke of *Ormond* thought it not proper to consent thereto; and gave Notice to the Generals, that if they decamp'd, they must not expect him to fol-

low them: And the said Earl believes, Instances may be given, where Generals of other Potentates in the Alliance, have refus'd to comply with what has been propos'd to them by her late Majesty's General. The said Earl hath likewise heard, that notwithstanding such Notice from the Duke of Ormond, the said Generals separated themselves and their Forces from the said Duke, and march'd towards Landrecy without him, and that the said Duke continu'd for some Time in his former Camp, after such Separation; and that the Generals of the Auxiliary Troops paid by her Majesty, altho' requir'd by the said Duke of Ormond, under whose Command they then were, to continue with him, and to obey his Orders, refus'd so to do: He the said Earl supposes it might proceed from her Majesty's Resentment of that Instance of Disobedience in the Auxiliary Troops, to the Commands of her General, that she did not think fit immediately to pay the Arrears of those Forces, which had so obstinately withdrawn themselves from her General, and march'd without him towards Landrecy, as not apprehending her self obliged by any Conventions, or the Provision of any Act of Parliament, so to do. But whatever might be the Causes or Occasions of her Majesty's Resentment, the said Earl saith, that he being in the Office of High-Treasurer under her Majesty, could not, by the Duty of his Place, issue out any Monies, without a proper Warrant or Authority from her Majesty; and denies that ever he receiv'd any Warrant or Authority from her Majesty, for issuing any Sum or Sums of Money, for or towards the Pay or Subsidies, on Account of the said foreign Troops, who had so separated, without which the issuing or directing any Monies for the Payment of them, had been a Violation of his Duty. And the said Earl denies, that he did at any Time refuse or put a stop to any such Pay or Subsidies; but, on the contrary, when the Ministers of the Princes to whom those Forces belong'd, did apply for the Payment of the said Troops, the said Earl desir'd them to make Application to her Majesty, for the necessary Warrants in Order thereunto: And as the said Earl had no Notice of any Separation intended between her Majesty's Forces and those of the Allies, before the same was made, so he absolutely denies, that, by his Advice or Council, or with his Privy, any such Separation was made: And humbly apprehends, that he ought not in Justice to be charg'd with any Consequences of it. He believes, that the Forces of some of the Allies were en-

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gag'd in the unfortunate Action of *Denain*, and that the Siege of *Landrecy* was rais'd, and the Towns of *Quesnoy*, *Bouchain*, and *Douay* were sometime after retaken by the *French Army*: But whether those Disasters might not have been prevented, by a Compliance with the Measures her Majesty had taken for the common Good, the said Earl submits to your Lordships.

Art. X. In Answer to the Tenth Article, the said Earl denies, that he did carry on, or concert with the Ministers of *France*, a private or separate Negotiation for a general Suspension by Sea and Land, between *Great Britain* and *France*; or that he did advise her Majesty to send over *Henry Viscount Bolingbroke* to the Court of *France*, with Powers to settle such Suspension; but hath been inform'd, and believes it may be true, that about the 19th of *August*, N. S. 1712, a Suspension of Arms was agreed on in *France*, by the said Viscount *Bolingbroke*, on her Majesty's Part, for four Months; but whether such Agreement was made without the Knowledge or Participation of her Majesty's Allies, or how far the Terms of Peace were then settl'd with *France*, either for *Great Britain* or the Allies, the said Earl is not able to set forth: But from the Informations he hath receiv'd of that Affair, believes it will appear, that the said Suspension was a Continuation only of a former Agreement for a Cessation of Arms, which had been not only communicated to the Allies, but into which they had been invited; and believes, her Majesty might be induc'd to desire such Cessation, as what was usual among Princes and States in War, during Negotiations of Peace, by which Means the *British Merchants* enjoy'd a free Trade, and had an Opportunity of carrying the Merchandizes of other Countries to several Parts of *Europe*, as the *Dutch* had done during the War; and therefore the said Earl doth not conceive that her Majesty, by the said Suspension, did in the least intend the Violation of any Treaties between her and her Allies, or to deprive them of any Assistance to which they were entitl'd, or to expose them to the Insults of the common Enemy: Nor doth he discern how these Consequences could ensue, without the Default of the Allies themselves, much less how the Ties of Union and Friendship, between her Majesty and them, were cut asunder, or her Majesty's Person or Government, or the Safety of her Kingdoms, or the Protestant Succession, were expos'd thereby. But the said Earl assures himself, that he shall never stand chargeable with

with any Consequences of such Suspension, which he never advis'd; nor did he the said Earl ever entertain the least Thought or Design of occasioning the Destruction of the common Cause of *Europe*, or hind'ring her Majesty from resuming the War against *France*, in Conjunction with her Allies, if it had been so thought fit, or of weak'ning the Union between her Majesty and them.

Art. XI. In Answer to the eleventh Article, the said Earl saith, he believes it to be true, that in or about the Month of *September* or *October* 1712, the States-General were in Possession of the Town and Fortrefs of *Tournay*; and that her Majesty, in her Instructions of *December* the 23d, 1711, to her Plenipotentiaries at *Utrecht*, did direct them to insist with the Plenipotentiaries of *France*, in the General Congress, that towards forming a Barrier for the States-General, *Tournay* should remain to the States; and doth believe the *French* King did, at one Time, incline thereunto: But doth not know that Her Majesty, in Her Speech, in the said Article mentioned, did declare herself as in the said Article set forth. The said Earl admits, that until and after the Months of *September* and *October* 1711, there was open War between her late Majesty and the *French* King; and that during such War, the *French* King and his Subjects were Enemies to the late Queen; but the said Earl hath been inform'd, and believes, that full Powers were given by her Majesty, and the States-General of the United-Provinces, to their respective Ministers, and by the *French* King to his Ministers, to negotiate and treat of Peace between her Majesty, and the States-General, and the said *French* King; upon which Negotiations, a Peace was afterwards concluded between them; during which Negotiations he hath heard, that the *French* King did insist upon the yielding up the Town and Fortrefs of *Tournay*, by the States, to him; and the said States-General desir'd her Majesty's Interposition with the *French* King on their Behalf; and that at such Request, her Majesty interpos'd her best Offices, on Behalf of the States-General, and did at last prevail, that the said Town and Fortrefs of *Tournay* should be, and he believes the same is continu'd to the States-General, as Part of their Barrier. But the said Earl absolutely denies, that he did design to give Aid, or Succour, or to adhere to the *French* King; or, that he did in or about the Month of *October* 1712, or at any other Time during the said War, aid, help, or assist, or adhere to the said *French* King; or, that he did ever Counsel or Advise the said Enemy in what Manner, or by what

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