

an unusual Dispatch it passed through both Houses in ten Days, including the 13th of December, when it was presented to the House, and the Day on which it received the Royal Assent; as shall be shewn in its Plate.

Dec. 18. Some of the Members, particularly Mr. Freeman and Mr. Hutchinson, upon examining the Lists of Half-pay Officers that had been laid before the House, represented, That there were three Sorts of Officers in the said Lists, who, in their Opinion, had no Title to the said Half-pay, viz. the Warrant-Officers, those under Age, and therefore incapable to serve, and the Officers who had Civil Employments. Mr. Craggs, Mr. Bladen, Mr. Aislaby, and Mr. Lechmere, in Answer to those Objections, among other Things, said, That the Half-pay had never been deny'd to Warrant-Officers; and as for Officers under Age, they were very few in Number, and their Half-pay given as a Recompence for the Services of their Fathers or near Relations. However, after a Debate, it was resolv'd to present four Addresses to his Majesty, in order to have laid before them, 1. An Account of the Names and Qualities of the several Officers who have had Commissions since the 1st of October 1714, in any of the Regiments of Foot, Horse, or Dragoons, then in Being, distinguishing such of the said Officers as at the Time of such Commissions were on the *British*, or on the *Irish*, or any other Establishment of Half-pay, respectively; and such of the said Officers as were on no Establishment of Half-pay. 2. An Account of the Names and Qualities of such Officers as are in the List of Half-pay Officers, deliver'd to this House, for the Year 1711, and which were not on the Establishment of Half-pay in the Year 1714, distinguishing such of the said Officers as have reduced out of any Regiments, and such as have been added by Warrants from his Majesty. 3. An Account of the yearly Amount of the Half-pay of the Officers added by Warrants from his Majesty since the Establishment of 1714. And 4. An Account of the yearly Amount of the Half-pay of such Officers as have had Commissions since the 1st of October 1714, and who, at the Time of their respective Commissions, were on no Establishment of Half-pay.

Dec. 19. The House took into Consideration a great many Petitions from the several County and other Goals in

in England, in Behalf of Insolvent Debtors, poor Prisoners, &c. and order'd a Bill to be brought in for discharging such Insolvent Debtors as are now in Gaol, and who were actual Prisoners the 25th Day of December 1716. After this, Mr. Aislavie, Treasurer of the Navy, took Notice of the great Scarcity of the Silver Species, which, in all Probability, was occasion'd by the Exportation of the same, and the Importation of Gold; and propos'd, That a speedy Remedy might be put to that growing Evil, by lowering the Value of the Gold Species. He was seconded by one of the Directors of the Bank of England, and by Mr. Caswall, one of the Sword Blade Company: But Mr. Walpole, who did not expect such a Motion, was the more surpriz'd at it, in that he saw it back'd by the first Person above-mention'd; and suspecting there might be something more in it than at first one might be aware of, he said, This was a Matter of so great Importance, that it ought to be well weigh'd and maturely consider'd, before the House came to any Resolution thereupon. Another Member mov'd, That it might be put off 'till after Christmas: But it being consider'd, that the Bank of England offer'd, that very Day, to lend a considerable Sum to the Government, on the borrowing Clause in the Land Tax Bill, and that this Loan was undoubtedly to be made in Guineas at the current Value, Mr. Walpole and his Friends consented, and it was accordingly resolv'd to consider of it the next Morning in a Committee of the whole House, when Mr. Aislavie renew'd the Motion he made the Day before: He was seconded by Mr. Caswall, who made a long Speech, on the various and respective Values which, at different Times, Gold and Silver Coins have born, with respect one to the other, according to the Plenty or Scarcity of either; and suggested, That the Over-valuation of Gold in the current Coins of Great Britain, had occasion'd the Exportation of great Quantities of Silver Species; and to that Purpose, laid open a clandestine Trade, which of late Years had been carry'd on by the Dutch, Hamburghers, and other Foreigners, in Concert with the Jews, and other Traders here, which consisted in exporting Silver Coins, and importing Gold in Lieu thereof, which being coin'd into Guineas at the Tower, near 15 Pence was got by every Guinea, which amounted to about 5 per Cent. and as these Returns might

might be made five or six Times in a Year, considerable Sums were got by it, to the Prejudice of Great Britain, which thereby was drain'd of Silver, and over-stock'd with Gold: Concluding, that in his Opinion, the most effectual Way to put a Stop to this pernicious Trade, was to lower the Price of Guineas, and all other Gold-Species. This Speech was received with general Applause, and it was resolv'd in the Grand Committee, and unanimously agreed to by the House, That an humble Address be presented to his Majesty, that he will be graciously pleased to issue his Royal Proclamation, to forbid all Persons to utter or receive any of the Pieces of Gold call'd Guineas, at any greater or higher Rate than one and twenty Shillings for each Guinea, and so proportionably for any greater or lesser Pieces of coin'd Gold. This Address being presented to his Majesty, a Proclamation was issued accordingly; an Abstract whereof may be seen in our *Chronological Register* for the last Year, Page 49.

Dec. 22. The King gave the Royal Assent to the Land-Tax Bill, and then both Houses adjourn'd to the 13th of January. On which Day the Parliament being met again, George Treby, Esq; presented to the Commons, The Report of such of the Commissioners of Inquiry, as have been appointed to execute the Trusts and Powers in relation to England, and any other Parts, except Scotland, contain'd in a late Act of Parliament, entitled, *An Act for appointing Commissioners to enquire of the Estates of certain Traitors; and of Popish Recusants, and of Estates given to superstitious Uses, in order to raise Money out of them severally for the Use of the Publick;* which Report is in Substance as follows:

YOUR Commissioners did, the last Session of Parliament, lay before this Honourable House, the best Representation they were then capable of making of what had been done by them in the Execution of the Trusts and Powers committed to their Care.

Your Commissioners do now humbly offer the following Report to this Honourable House, which is as full and perfect, with regard to the several Branches of their Commission, as the Nature of them will admit.

Your Commissioners have taken all proper Measures to enquire of all Persons, who, since the 24th of June 1715, have been attainted for levying War within this Realm, or for

for conspiring the Death of his Majesty, or for any other High Treason whatsoever, committed before the 1st Day of June 1716, within Great Britain, or elsewhere. But a List of the Names of the Persons so attainted having been annex'd to their former Representation, your Commissioners think it needless to trouble this Honourable House with a Repetition of them.

Your Commissioners have also enquir'd of all Castles, Honours, Lordships, Manors, Messuages, Lands, Tenements, Rents, Reversions, Services, Remainders, Possessions, Royalties, Franchises, Jurisdictions, and Privileges, and the Appurtenances thereunto belonging, and all Rights of Entry, Rights of Action, Titles, Conditions, Uses, Trusts, Powers, and Authorities, and all Leases for Life, Lives, or Years, Persons, Annuities, Rent-Charges and Incumbrances whatsoever, and of what Nature or Kind soever, in England, Ireland, or elsewhere, (except Scotland) whereof such Persons so attainted respectively were seized, or possessed of, or interested in, or entitled unto, on the 24th of June 1715, or at any Time since, in their own Right; or to their Use; or whereof any Person or Persons was, or were, or have been seized, or possessed of, or interested in, to the Use of, or in Trust for them or any of them, on the said 24th Day of June 1715, or at any Time since; and have caused the said Estates to be survey'd, and the Surveys to be register'd, in which are contain'd the Tenants Names, the Number of the Messuages, Tenements, Acres of Land, yearly Value, and utmost improv'd Value thereof; and because these Particulars have drawn the Rentals into a very great Length, your Commissioners have caused Abstracts thereof to be carefully made, and annexed to this Report, in an Appendix, Num. 1. that this Honourable House may have them in a nearer View, and more easily observe thereupon.

Your Commissioners have also enquire'd of all Judgments, Statutes, Recognizances, Extents, Mortgages and Securities for Money, Debts of Record, and other Debts, Specialties, Obligations, Goods and Chattels of what Nature and Kind soever, which any of the Persons so attainted were possessed of, or entitled to, or any others in Trust for them, or any of them, stood possessed of, or interested in, on the respective Days and Times the same became forfeited, or any Time since; an Account whereof, according to the best Discovery your Commissioners could make from the most strict Enquiry, is contain'd in the said Appendix hereunto annex'd, Num. 2.

And here your Commissioners humbly beg Leave to put this Honourable House in Mind of what is mention'd on this Head in their former Representation:

That the Reason why the Goods and Chattels of the said attainted Persons make no greater Article in the said Account, is, because they were almost all sold and disposed of by their Servants and Agents before their Conviction, which is the Time the same became forfeitable by Law.

Your Commissioners have also received all the Claims that have been render'd to them, upon the forfeited Estates of the said attainted Persons, which, on the 12th Day of December 1717, did amount to 1604, which said Claims, though very voluminous, your Commissioners have already caused to be register'd in particular Books provided for that Purpose.

And though the Time for deliverin^g Claims doth not expire 'till the 1st Day of February 1717, yet it's highly probable there remain but few to be deliver'd.

Your Commissioners think they are at Liberty to give their Opinion, whether all, or any of those Claims, upon Examination, will appear to be such as will affect the said forfeited Estates. The Act of Parliament that gives them their Commission, having only empower'd them to receive the said Claims, and to transcribe them into Books, to be provided and fairly kept for that Purpose; to the End the said Claims or Demands may be fairly heard and determin'd, according to such Act or Acts of Parliament as shall hereafter be made and passed for that Purpose.

But your Commissioners are humbly of Opinion, that it would greatly tend to the publick Service, and to the Benefit of the lawful Claimants, to have the said Claims determin'd as soon as may be.

Your Commissioners crave Leave farther to inform this Honourable House, that, in pursuance of the Powers granted by an Act of last Session of Parliament, they sent two of their Number into Ireland, to inspect the Forfeitures in that Kingdom, and to receive the Claims of such who pretend any Demand on the forfeited Estates; and though many Claims have been already transmitted to our Office from thence, yet we believe there may be some few more to be deliver'd before the 1st of February next, because the Creditors had not, 'till the passing of the said Act, an Opportunity of offering them, without the Trouble and Expence of sending them to England.

The Time limited for Popish Recusants, or Papists, to take the Oaths, or, in Default thereof, to register their Names and real Estates, having been en'arg'd by an Act made the last Session of Parliament, to the 20th Day of October 1717, your Commissioners, immediately after the said 20th Day of October, sent their Precepts to the respective Clerks of the Peace of the several Counties, Cities, Towns and Liberties in England, Wales, and Berwick upon Tweed, thereby requiring them to return to your Commissioners, on or before the 20th Day of December 1717, the Names of all Popish Recusants convicted, and true Copies of all the real Estates of Papists that have been register'd in their several and respective Offices; many of which being already return'd, your Commissioners are preparing Abstracts thereof, that their Report, on that Head, may be made to this Honourable House as soon as possible.

But your Commissioners having received Information from several of the said Clerks of the Peace, that the Registers of the said Estates contain many Skins of Parchment, closely written on both Sides, and that therefore it will be impossible for them to be ready with their Returns by the Time limited in the said Precepts; they cannot, 'till the said Returns are completed, lay before this Honourable House a full Account thereof.

Your Commissioners have also enquired of the real and personal Estates that have been given, granted, devised, bequeathed, or settled to Popish or superstitious Uses in England, Wales, and the Town of Berwick upon Tweed. And in the said Appendix, Num. 3.^d this Honourable House will find an Account of what Messuages, Lands, Tenements, and Hereditaments your Commissioners have seiz'd for the Use of the Publick. This Honourable House will also find, in the said Appendix, Num. 4. an Account of what personal Estate has been adjudged by us, as given, settled, or bequeathed to Popish or superstitious Uses, and what Part thereof was due to the Discoverers.

And here your Commissioners beg Leave to acquaint this Honourable House, that notwithstanding Adjudications have been made of the said Estates, and Orders issued by your said Commissioners, for the Payment of the Rents and Profits of the said Estates, and of such Sums of Money as were so adjudg'd to be forfeited to his Majesty, for the Use of the Publick, into the Exchequer of England; many of the Tenants, Occupiers, and Possessors of the said real and personal Estates, refuse to give Obedience to such Orders.

Your Commissioners are also preparing Certificates for the Discoverers of the real Estates, which they have upon Examination found and seized, as given to Popish or superstitious Uses, to the End Provision may be made for them by some future Act of Parliament, for securing to such Discoverers their respective Shares, as a Reward for their Discoveries. Your Commissioners have still before them divers other Informations of real Estates of a very considerable Value, given and settled to Popish and superstitious Uses, and of personal Estates given to the likes Uses, which your Commissioners find to be so artfully skreen'd by intricate Trusts, and otherwise incumber'd, that they have not yet been able to make any Determination upon them.

Notwithstanding the utmost Endeavours of your Commissioners, to cause the Rents and Profits of the said real Estates, forfeited for High Treason, to be paid into the Exchequer of England, there has hitherto but a small Proportion been paid of the Annual Rents; which leads us to observe to this Honourable House, that all Rents, and Arrears of Rent, of the late Lord Bolingbroke's Estate, to the 29th Day of September 1716, are granted by his Majesty to the Lady Bolingbroke. That the late Duke of Ormond's Estate, which makes so considerable an Article amongst the said forfeited Estates, is liable to pay 6000 l. per Annum to the late Dutchesse of Ormond, for her Life, and to raise 10,000 l. for the Lady Elizabeth Butler, and Interest from the Attainder of the late Duke of Ormond, her Father, by a Grant from his Majesty. And also to raise the Sum of 6000 l. and Interest for the same, for the Portion of the Lady Amelia Butler, Sister of the said late Duke, by Virtue of an Act made the last Session of Parliament.

But the chief Cause is Want of proper Powers to compel the Tenants of the said forfeited Estates, to pay the Rents and Profits thereof into the said Exchequer; for many of the Tenants refuse to pay any Rent, and intend to contest it, and several of them have appear'd to English Bills, brought against them in the Court of Exchequer, in the Name of his Majesty's Attorney-General. But the Proceedings in such Cases are too tedious and expensive, and there may be such Money spent by the said Tenants in defending the said Suits, as may render them at last incapable of paying their said Rents, to the great Damage of the Publick, and the respective lawful Creditors, as well from the Loss of the Rents, as of the Charges of the Prosecution.

And

And we farther crave Leave to observe, that several of the forfeiting Persons have, since the Act of Indemnity, enter'd upon and taken Possession of their Estates, and forbid their Tenants to pay their Rents; and do support them in the same, by giving them Security, and other Assurances, whereby great Loss must ensue to the Publick.

We therefore lay it before this Honourable House for your Consideration, whether proper Powers should not be given by Act of Parliament, to such Persons as should be thought fit, in a more expeditious Way to levy the Rents and Profits of the said forfeited Estates, and turn out such of the Tenants as are neither willing nor able to pay the said Rents, and to Lett the said Estates to others, that will be ready and able to pay the same; and also to manage the forfeited Estates till Sale thereof, in such a Manner as might be most serviceable to the Publick, and beneficial to lawful Claimants, by making Contracts with proper Persons for working Coal-Mines, Lead-Mines, Salt-Pits, and other Things of the like Kind, which now, for want of such Powers, are either wholly unwrought, or wrought to little Profit. This would very much advance the present yearly Rents of the said forfeited Estates. And whereas at present the Buildings do daily go to Decay, and out of Repair, and the Lands are very much impoverish'd by Papists, and Friends of the attainted Persons, now in the Possession thereof, without any possibility in your Commissioners to prevent these and such like Abuses; whereby it will necessarily follow, that these Estates, when they come to be sold, will be purchas'd at a less Value than otherwise they would produce.

All which is humbly submitted to this Honourable House.

Geo. Treby,
Geo. Gregory,
T. Hales,

J. Birch,
H. Cuninghame,
John Eyles.

The Appendix to this Report contains Abstracts of the Surveys of the forfeited Estates lying in England and Ireland, survey'd in the Years 1716 and 1717, containing the particular annual Rents, and a Computation of the yearly improved Rents of Estates on Lives, after the Lives are expir'd; the Sum of which Abstracts are as follow:

	Annual Rent.			Impr. Rent.		
	l.	s.	d.	l.	s.	d.
Francis Anderton, Esq;	1425	13	1 ¹ / ₂	1035	15	0
Hugh Anderton, Esq;	131	5	5	6	15	0
John Aulton	60	8	8	6	0	0
Richard Butler	382	8	7 ¹ / ₄	576	4	0
Lord Bolingbroke	2552	15	0			
Richard Billsborough	19	10	0			
Thomas Briers	11	18	0	11	17	6
Robert Cowper	120	0	0			
Richard Chorley, Esq;	138	12	0 ¹ / ₂	255	12	8
George Clifton	5	10	0			
George Collingwood, Esq;	924	10	0			
Edward Core	19	12	6			
Robert Daniel	8	0	0			
John Dalton, Esq;	661	0	6	926	3	0
Earl of Derwentwater	6371	4	5			
Roger Dicconson	641	16	10			
Thomas Errington	328	0	0			
Thomas Fister, Jun.	530	0	0			
George Gibson	227	0	0			
John Gregson	26	0	0			
John Hall	70	0	0			
Gabriel Hesketh	102	6	4			
Albert Hodgson	327	9	3		0	0
Philip Hodgson	238	0	0			
Jordan Langdale	79	4	0			
John Leyburne	275	16	5	41	10	0
Duke of Ormond	21163	5	8	40	16	3
Henry Oxborough	507	17	7			
John Parkinson	5	17	6			
William Paul	42	14	0			
John Plejington	39	15	6	19	6	0
Robert Scarisbrick	388	3	7	961	15	0
William Shafroe	714	0	0			
Richard Saerburne	32	10	0			
Ralph Shuttleworth	3	10	0			
Richard Shuttleworth	78	0	0			
Ralph Standish	671	10	10 ¹ / ₂	692	9	0
James Singleton	40	10	0			
Thomas Standley	246	16	10	85	10	0
Lord Seaforth	517	10	0			
Edward Swinburne	305	0	0			
John Starzaker	10	0	0			
John Thornton	1585	17	4			
Christopher Trap	58	16	6			

	Annual Rent.			Impr. Rent.		
	l.	s.	d.	l.	s.	d.
Joseph Wadsworth	12	0	0			
Thomas Walton	97	0	0			
Thomas Walmsly	51	17	6			
Lord Widdrington	5154	6	10			
Edward Winkley	226	10	8	19	2	10
Richard Withington	14	10	0			
Total	626	18	5½	4798	6	3

Reversionary Interests.

	l.	s.	d.
Francis Anderton's Reversion after the Death of Lady Anderton, per Ann.	400	0	0
Roger Dicconson. Expectant on the Death of Samael Richardson, per Ann.	18	0	0
Thomas Foster, Jun. Reversion after his Father's Death, per Ann.	600	0	0
William Paul, Clerk, Reversion after the Death of his Mother, per Ann.	14	0	0
Lord Seaforth, Remainder after Payment of Debts and Legacies of Nicholas Ken- net, per Ann.	571	3	0
	1603	3	0

Timber not valu'd with every particular Estate, but computed together at upwards of 30,000 l.

APPENDIX, N^o 2.

An Account of the respective personal Estates forfeited by the late Rebellion, according to the best Discovery the Commissioners have hitherto been able to make.

By whom forfeited.	From whom due.	An. Rents.			Impr. Rents.		
		l.	s.	d.	l.	s.	d.
Fr. Anderton, Esq;	Jonathan Jenkins	44	1	6			
	Thomas Potter	19	7	0			
	Ellis Foster, 2 3ds	0	17	10			
					64	6	4

John

By whom forfeited.	From whom due.	An. Rents.			Imp. Rents.		
		l.	s.	d.	l.	s.	d.
John Dalton, Esq;	John Yates	100	1	6			
	Ed. Heysham, 2 3ds	4	6	8			
	Ed. Carter, 2 3ds	14	2	0			
	Blackhouse	0	18	0			
	Robert Foster	30	0	0			
	Mrs. Houghton	16	0	6			
	Robert Foster	206	13	6			
Ed. Winckley,	T. Dickinson, 2 3ds	13	13	4			
	Thomas Winckley	15	10	0			
E. Berwent-water,	Est. of H. Keightley	100	0	0			
	Relph	20	10	0			
	H. Shields, 2 3ds	83	0	0			
	Gowen Wrenn	37	10	0			
	Col. Lyddell	3	15	3			
	John Aynsly	1280	16	7½			
	T. Fletcher, Esq. 2 3ds	34	12	0			
	Goods at Dilston	68	0	0			
	Dit. at Lumley-Castle	6	0	0			
	Hay at Dilston	59	7	7			
	per Agree. Tim.	4400	0	0			
					5993	12	5½
John Gregson,	Smith	5	0	0			
	Hay	13	10	0			
	Jos. Curtis, 2 3ds	1	16	0			
	Timb. & Hay, &c.	22	15	0			
	George Haddock	40	0	0			
Jof. Wadsworth,					83	1	0
	Rob. Lawton, 2 3ds	8	17	2			
	McH. Saloms	30	0	0			
	Ship Timb. frame	39	0	0			
	Rich. Bibby, 2 3ds	2	13	4			
Edm. Beswick					71	10	6
	Miles Veevans, 2 3ds				2	18	0
	Wil. Almond, 2 3ds	26	0	0			
	Tao. Salter, 2 3ds	2	12	0			
Ral. Standish,	Ditto, 2 3ds	123	6	8			
					191	18	2

N^o IX. for the Year 1718.

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By whom forfeited.	From whom due.	An. Rents.			Imp. Rents.		
		l.	s.	d.	l.	s.	d.
L. Widdrington,	Mrs. Newton	4	0	0			
	—Brumpell, 2 3ds	113	6	8			
	J. Moreton, 2 3ds	42	11	2			
	Mary Silvertop	17	15	6			
	William Sowerby	150	0	0			
	Lds Darby and Ashburnham	668	7	10			
	Mr. Barrando	46	0	0			
	Goods at Widdrington	50	0	0			
	Witto, at Mr. Potts	18	14	0			
					712	17	4
G. Hesketh	T. Whitehead, 2 3ds				166	15	0
Rich. Chorley,	Rich. Chorley, Jun	92	7	10			
	Goods	31	0	0			
(worth,					123	7	10
R. Shuttle-	Per Sundries				117	0	0
Ja. Cartside,	Rich. Holden, 2 3ds				59	10	0
For. Longdale,	—Addison, 2 3ds	203	16	8			
	Mess. Farringtons	1200	0	0			
	Mr. Hayhurst	100	0	0			
	John Sharplefs	170	0	0			
	—Gerard	100	0	0			
					1773	16	8
Tho. Hesketh,	Edw. Smith				100	0	0
Ja. Blundell,	Seth Jolly	28	13	0			
	Jam. Rothwell, 2 3ds	2	13	4			
					31	6	4
Geo. Clifton,	William Rydy	160	0	0			
	John Ayon, 2 3ds	71	6	8			
	Jam. Chew, 2 3ds	21	11	4			
	Philip Barton	30	0	0			
					302	18	1
R. Scarisbrick	John Crook	1000	0	0			
	Eliz. & J. Woodcock	800	0	0			
	Lady Bathurst	132	0	0			
					1932	0	0
Tho. Hatton,	Hannah Wallfworth				2	0	0
Rob. Cowper,	Thomas Clayton				8	0	0
T Errington,	John Aynsley				32	9	2
Rob. Daniel,	Christop. Hackin, 2 3ds				1	0	0
Jn. Thornton,	Ralph Wood	26	5	0			
	Mrs. Ramsay	27	15	0			
					54	0	0

By

By whom forfeited.	From whom due.	Am. Rents. l. s. d.	Impr. Rents. l. s. d.
G. Collingwood	Mr. Brown Goods	9 0 0 3 10 0	12 10 0
Tho. Stanley,	Fr. Pool, Esq Principal Interest Farrington	4100 0 0 1816 1 2 28 0 0	5044 1 3
Ormond D.	Jabez Collier John Ellis, Esq Goods at the Marquess de Monteleon's Per Goods at Kilkenny ap- prais'd Per Stock upon Dunmore Park apprais'd.	709 1 2 3000 0 0 1097 0 0 2320 7 6 287 2 0	7413 10 8
Per Howby, Ed. Shaftoe,	Fine per Non-appear. Goods at Bavington Corn Ditto at Hales's	7 14 6 4 5 0 27 11 6	10 0 0
Joh. Ashton,	J. Stock, per Mortgage		39 11 0
Rich. Butler,	John Wicker, {	{	89 12 0
Alb. Hodgson,			5 0 0
John Hall,	Ralph Wood,		19 0 0
Alb. Hodgson,	Anthony Stony		1 15 0
J. Leyburne,	Per Sheep		59 0 0
Rob. Kellet,	Per Sundries		31 0 0
Rich. Butler,	Thomas Roe		255 0 0
R. Bilsborough	William Norerofs		4 0 0
E. of Winton,	Per Goods apprais'd		26 0 0
E. Derwent- water.	The Marriage- Portion of Lady Derwentwater, of which no Part appears to us to have been paid. Due on Death of Sir John Webb, or his Lady, which shall first happen	12000 0 0 2000 0 0	24 14 0 14000

APPENDIX. N^o 3.

An abstract of what Messuages, Lands, Tenements, and Hereditaments, have been seized for the Use of the Publick, as given, granted, devised, bequeathed, or settled to popish or superstitious Uses.

Annual Rents.

l. s. d.

Two Tenements in the Manor of Twistleton in the County of York, call'd Herd's Tenement, and Craven's Tenement, valued at	}	20	00	0
Crow-hall, in the Parish of Crofner in the County of Lancaster, George Helme, Tenant.		20	00	0
A Rent-Charge for ever, issuing out of Alland- dy-Hall, and the Lands thereof, in the Pa- rishes of Skelton and Graystock, in the Coun- ty of Cumberland, given by Sir H. Fletcher.	}	13	00	0

Aldcliff-Hall, in the County of Lancaster.

Richard Taylor, Tenant to divers Fields there,	60	00	0
Widow Whaley, ditto	3	06	8
Thomas Sharw, ditto	2	00	0
Henry Copeland, ditto	4	05	0
George Jenkinson and Michael Jenkinson, ditto	4	05	0
John Crofner, ditto	18	05	0
	<hr/>		
	92	01	8

Lowhouse in the County of Cumberland.

Joseph Slack, Tenant,	26	00	0
Wragmire Head, in the Possession of John Lowden,	6	00	0
	<hr/>		
	32	00	0

Cockshuts:

Thomas Ownsworth, Tenant,	36	00	0
Reserved Rent,	1	10	2
Improv'd Rent, 23 l. 5 s.	<hr/>		
	37	10	2

Southworth-Hall, in the County of Lancaster.

Annual Rents.

l. s. d.

Mrs. Hodgkinson and Mrs. Eaton, Tenants to several Fields,	23 00 0
Peter Deakin, ditto, to several other Fields,	51 08 0
Thomas Ounsworth, ditto	0 05 0
Thomas Fannion, ditto	4 03 0
John Low, ditto	23 10 0
John Morris, ditto	16 10 0
George Ellam, ditto	6 10 0
William Dawson, ditto	15 00 0
Henry Mullis, ditto	7 00 6
Jo. Billing, ditto	3 10 6
James Savage, ditto	11 00 0
Henry Booth, ditto	6 00 0
John Hixon, ditto	1 00 0
	<hr/>
	179 06 0
	<hr/>

Houses in Fleet-Street, in the City of London.

A House in the Possession of Philip Morris, at	50 00 0
Ditto, Peter Winn	40 00 0
Ditto, Thomas Lumpkin,	18 00 0
Ditto, Peter Wallis,	10 00 0
Ditto, John Curtis,	8 00 0
	<hr/>
	126 00 0
	<hr/>

Phiswick-Hall, in Com' Lanc', Leasehold.

A Messuage, &c. In the Occupation of Edward Green, alias Ireland.	26 10 0
Three Closets in the Possession of James Holland, Henry Parr, George Yates, and James Moore.	25 00 0
A Tenement, &c. in the Possession of William Hodgson.	20 10 0
A Tenement in the Possession of William Sudall.	3 00 0
In Jackson's Possession, one Acre	1 10 0
A Fishery, ——— Connor, Tenant.	3 00 0
	<hr/>
	79 00 0
	<hr/>

Ec.

Eccleston, near Prescot, Lancashire. Annual Rents.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
<i>Lord's-Rents, due at Pentecost and Lady-Day,</i>	66	11	2
<i>Let to divers Tenants, at</i>	194	17	6
<i>Part of the Demefne in Hand, valued by</i>	90	00	0
<i>Mr. Lancaster, the Steward, at</i>			
	351	08	8

Improv'd Rents of this Estate, according to the Informations made us, may be worth about 500 l. per Annum.

An Account of Wealerleigh Tythes in Lancashire.

<i>Corn Tythes,</i>	15	00	0
<i>From Tyldesly, Shakerly, Atherton, Bedford,</i>	12	18	4
	27	18	4

Total of the foregoing Sums in the Appendix, N^o 3. } 977 14 10

Total of the Improv'd Rents in the said Appendix, 525 l. 5 s.

APPENDIX. N^o 4.

An Account of the Personal Estates given or settled to popish or superstitious Uses.

Discoverer's Part.

	<i>l.</i>	<i>s.</i>	<i>d.</i>	<i>l.</i>	<i>s.</i>	<i>d.</i>
<i>A large Altar, with other Plate of Sir Henry Fletcher's, sold at</i>	960	07	6	225	00	0
<i>A Legacy given by Mrs. Wyndford to the College of St. Omer's, with Interest,</i>	450	00	0	112	10	0
<i>A Mortgage upon William Shaftesbury's Estate, attainted for the late Rebellion.</i>	2000	00	0	00	00	0
<i>A Legacy given by Will of Dorothy Swale,</i>	85	14	0	21	08	6
<i>Legacies given by a Codicil added to the Will of Sir Henry Fletcher,</i>	850	00	0	00	00	0
	4346	01	6	358	18	6

The next Day, Sir Richard Steele presented to the House An Additional Report from the Commissioners appointed to enquire of the Estates of certain Traytors, and of Popish Recusants, and of Estates given to superstitious Uses, in order to raise Money out of them severally for the Use of the Publick, in that Part of Great Britain call'd Scotland. Which is as follows:

‘ YOUR Commissioners most humbly represent
 ‘ to this honourable House, that they did, in
 ‘ the last Session of Parliament, according to their
 ‘ Duty, lay before this honourable House a Report
 ‘ of their Proceedings in Pursuance of the Trust
 ‘ repos’d in them by the Act of Parliament, appoint-
 ‘ ing them for the Purposes in the said Act con-
 ‘ tain’d.

‘ In the Close whereof your Commissioners did set
 ‘ forth, That though the Produce and Benefit that
 ‘ would arise from the forfeited Estates in Scotland,
 ‘ would, under proper Regulations, be very conside-
 ‘ rable; yet, by Means of the Sequestrations mention’d
 ‘ in their said Report, all farther Endeavours to
 ‘ make any Part of them effectual for the Use of the
 ‘ Publick, would be fruitless, and just and lawful
 ‘ Creditors would be disappointed of the Payment,
 ‘ either of Principal or Interest due to them thereout,
 ‘ during the Continuance of those Sequestrations,
 ‘ and until his Majesty and the Parliament should, in
 ‘ their great Wisdom, give farther Directions for that
 ‘ Purpose.

‘ Your Commissioners therefore humbly crave Leave
 ‘ to represent to this honourable House, that the Dif-
 ‘ ficulties under which they then labour’d, still remain,
 ‘ and that all the Rents and Profits of the forfeited
 ‘ Estates, which have become due since the 24th of
 ‘ June 1715, and all the Arrears of Rents which were
 ‘ due at that Time, are now in the Hands of Factors,
 ‘ Stewards, appointed by the Lords of Session, and
 ‘ brought to the Account either of the Creditors or the
 ‘ Publick.

‘ In their former Report, your Commissioners did also
 ‘ humbly lay before this honourable House, a particu-
 ‘ lar Account of the forfeited Estates then survey’d; and
 ‘ represented, That they had order’d their Surveyors
 ‘ to proceed in surveying the then remaining Part of the
 ‘ real,

real, and securing the then remaining Part of the personal forfeited Estates.

But his Majesty's Title to, and Right of Possession of the forfeited Estates being, by the Decrees of Sequestration pass'd by the Lords of Session, who are the Ordinary Judges of *Scotland*, taken to be void in Law, and no Remedy having been yet provided against the same, several of the attainted Persons have been encouraged to return to the Possession of their respective Estates; and by the Influences of them and their Friends, the Tenants and Possessors of those Estates have declin'd giving any Account of their Farms or Possessions, and prevented your Commissioners Officers from entering thereon, to survey and ascertain the same; whereby your Commissioners Endeavours to perfect the Surveys of the remaining forfeited Estates, not mention'd in their former Report, have been prevented; nor can such Surveys be compleated till his Majesty's Title to, and Right of Possession thereof be farther ascertain'd and explain'd.

There are also many Estates, to a considerable Value, which your Commissioners have Reason to believe are forfeited; but the Possession, Interest, or Title which the forfeiting Persons had therein or thereto, on the 24th of June 1715, doth not appear so fully, and with so great Certainty to your Commissioners, upon the summary Enquiry which they are impower'd and requir'd to make, as seems necessary to ascertain the Title of the Publick to the same. Whereupon they humbly crave Leave to represent, the Necessity of appointing some Method, whereby all such doubtful Cases may be ascertain'd and finally determin'd, that Estates, really forfeited for Treason, may not be unjustly with-held from the Publick, by Persons who have no Title to them, only for Want of a proper Method of trying and determining such Titles.

Your Commissioners crave Leave farther to represent to this honourable House, That in Pursuance of the farther Directions given them by an Act of Parliament, entitled, *An Act to enlarge the Time for making Claims before the Commissioners appointed to enquire of the forfeited Estates*; they have receiv'd Claims upon all or most of the forfeited Estates, and their Officers are now employ'd in entering the same, in order to such

such Determination, as by future Act or Acts of Parliament shall be provided and appointed: But the Time for Claimants tendering the same, not expiring 'til the 1st Day of *February* next, no Account can be yet given of their full Number or Value. However, your Commissioners think it their Duty to take Notice, that ~~in~~ their humble Opinion, the Claimants, whose Claims they have already receiv'd, may be consider'd under the following Distinctions, viz.

First, Such as claim the respective Estates in their own Right.

Secondly, Such as claim Debts or Incumbrances as real Charges thereupon. And,

Thirdly, Such as are Cautioners (or Sureties) for the forfeiting Persons to their Creditors. In which last Case, the same Sums are claim'd not only by the Creditors, but also by such Cautioners (or Sureties) who were bound with them.

And in this View, your Commissioners also beg Leave to observe, That they have Ground to apprehend, that many of the Debts and Incumbrances claim'd will be found in the Event to be fraudulent, void in Law, or satisfy'd and paid. Your Commissioners in having particularly taken Notice of a Claim tender'd by the Earl of *Rutherglen* on the Estate of *James* late Earl of *Linlithgow*, whereby he claims the principal Sum of 50000 Marks Scots Money, with the Annual Rent or Interest from *Martins* 1685, and under the Penalty of 80000 Marks Scots which are thereby also claim'd, amounting in the whole to 979.196 l. 17 s. 4 d. Scots, founded on a Bond of *Alexander* late Earl of *Callendar*, (to whom the said Earl of *Linlithgow* was Heir) and this Bond stands reduc'd (or is declar'd void) by a Decree of the Lords of Session, against which the said Earl of *Rutherglen* thought fit to appeal to Parliament before the Union, but he hath not since proceeded thereon. And the same Earl of *Rutherglen*, in another separate Claim tender'd by him, founded on another Bond of the said late Earl of *Callendar*, claims the farther Sum of 60000 l. Scots of Principal Money, with the Annual Rent or Interest from *Whitfontide* 1685, and under the Penalty of 50000 l. Scots, in the Whole 1152616 l. Scots, or 96051 l. 7 s. 9 d. 1/2 Sterling Money; and your Commissioners are inform'd, that his Lordship never put the

the said last mention'd Bond in Suit (in respect it labour'd under the same Defects with the former) 'till after the Attainder of the said late Earl of *Linlithgow*: but in *June* last, he obtain'd a Decree of the Lords of Session in his Favour, against the Crown and Publick, for the Sums contain'd in, and pretended to be due, by the said last mention'd Bond, without any Appearance given, or Defence made on the Behalf of the Crown and Publick therein.

Your Commissioners crave Leave to observe farther, That since their Return from *Edinburgh* to attend their Service in this honourable House, an Order made by the Lord *Dun*, one of the Lords of Session of *Scotland*, has been serv'd at their Office at *Edinburgh*, requiring an Account of the Claims tender'd unto your Commissioners by Persons claiming Debts upon the Estate of *William* late Earl of *Nithsdale*, in order to discuss the same in that Court, which they are, as aforesaid, humbly of Opinion can only be determin'd in such Manner, as by future Act or Acts of Parliament shall be appointed; and therefore think it their Duty to subjoin the said Order and Proceedings thereupon, for the Consideration of this honourable House, being in their humble Opinion accountable only to his Majesty and the Parliament for their Proceedings, in pursuance of the Trust vested in them.

Upon the Whole, your Commissioners forbear to offer their Remarks concerning the many extraordinary Circumstances and ill Consequences, with Relation to the Interest of the Government, which attend the Sequestrations and other Decrees in Favour of Claimants; yet they humbly think themselves indispensibly oblig'd to represent, That if the above-mention'd Decrees of Sequestration, (which have been pass'd without any proper Defences made in the Behalf of the Publick) do subsist, and his Majesty and the Publick be reduc'd to the Necessity of becoming Claimants; no effectual Advantage can arise to his Majesty and the Publick: But if proper Methods be appointed for ascertaining the Rights of Claimants, and for rendering the Possession of those Estates in his Majesty effectual, the Publick will receive very considerable Advantage from the said Forfeitures.

Your

“ Your Commissioners having lately receiv’d an Order
 “ of this honourable House, of the 23d of *December* last,
 “ to lay before this House a Particular of all the Claims
 “ which have been hitherto enter’d before them, humbly
 “ represent that they have given Orders to have them
 “ prepar’d accordingly, and will effectually comply
 “ therewith, as soon as the same can be perfected.

“ All which is most humbly submitted to this ho-
 “ nourable House.”

*Rich. Grantham,
 Richard Steele,
 Pat. Haldane,*

*Arthur Ingram,
 H. Hoghton,
 Robert Munro.*

Both these Reports were order’d to lie on the Table,
 to be perus’d by the Members of the House, and to be
 printed, which was done accordingly.

The lowering the Value of the Gold, which was
 thought a proper Expedient to procure a greater Circu-
 lation of Silver Species, had a contrary Effect, as was
 suppos’d, through the Covetousness of the money’d
 Men, who hoarded up Silver, in Hopes that the Value
 of it would be rais’d; or out of Fear that Gold
 would still be lower’d: In order therefore to remedy
 this great Evil, as soon as the Commons met, they came
 to a Resolution, that they would not alter the Standard
 of the Gold and Silver Coins of this Kingdom in Fine-
 ness, Weight or Denomination: This done, both
 Houses adjourn’d themselves to the 16th, upon a Mes-
 sage deliver’d to the Lords by the Lord High Chancellor,
 and to the Commons by Mr. Comptroller, ‘ That it
 “ was his Majesty’s Pleasure that the Parliament should
 “ be adjourn’d ‘till that Day.’ The Parliament being
 met again, his Royal Highness the Prince of *Wales* went
 to the House of Peers, which being very full, my Lord
N——th and *G——y* stood up, and took Notice of the
 great Ferment that was in the Nation. — As his
 Lordship made here a small Pause, the Lords began to
 be very attentive, and some in Pain, fearing his Lord-
 ship would touch upon Matters of a high and nice Na-
 ture; but his Lordship soon eas’d them, by mentioning
 only the great Scarcity of Silver, which occasion’d a ge-
 neral Stop of Trade, and very much distress’d the Poor:
 Upon which the Lords resolv’d to take that Matter into
 Consideration on *Tuesday* the 21st of *January*.

Jan. 16. Mr. *Lowndes*, from the Committee on Ways and Means to raise the Supply, reported, that they had come to a Resolution, viz. 'That the Duties on Malt, 'Mum, Cyder, and Perry, be farther continu'd from 'the 23d Day of *June* 1718, to the 24th Day of *June* '1719:' Which Resolution was agreed to, and a Bill order'd to be brought in upon it.

January 22. The Commons, in a Committee of the whole House, consider'd farther on the Supply, and Mr. *Hutchinson* urg'd, 'That the Lists of the Half Pay 'Officers were charg'd with many who had no Right to 'it:' He was strenuously supported by Mr. *R. Walpole*, who particularly objected against allowing Half-Pay here to the Officers of the 13 Regiments lately reduc'd in *Ireland*. Mr. *Craggs* answer'd these two Gentlemen as fully as the Nature of the several Particulars objected against would admit. And Mr. *Walpole* having suggested that Mr. *Craggs* had not been long in Office; this last readily own'd, 'That tho' he could not boast of so much 'Experience in Affairs, as a certain Gentleman, yet 'this he was sure of, that, though a Novice, he would, 'ten Years hence, be of the same Opinion he was of at 'present, and not imitate them, who chang'd theirs, 'as they were in or out of Place.' Hereupon Mr. *W*——, who could not but perceive that this Bolt was level'd at him, appeal'd to the Assembly, 'Whether, 'while he had the Honour to be in Employment, he 'had not declar'd his Opinion as freely as he did at present, particularly in relation to the Matter now before 'them?' Mr. *J——n Sm——h*, Sir *H——y B——y*, Sir *W——m W——m*, and some other Gentlemen, spoke on the Side with Mr. *W*——, and all of them did Justice to the Officers who had serv'd their Country in the two last Wars; excepting only against the Abuse which had been made of the National Bounty, in granting Half-Pay to those that did not deserve it, &c. On the other Hand, Mr. *Aislabie*, Colonel *Bladen*, Mr. *Charles Hotham*, Sir *Richard Steele*, General *Wade*, Mr. *Lowndes*, and several others, supported Mr. *Craggs*; and Mr. *Boscawen*, Comptroller of his Majesty's Household, said in particular, 'That, in his Opinion, the 'Officers who had lately serv'd against the Rebels in 'Scotland, and in the North and West of England, had 'no less merited than those who had serv'd many 'Years in foreign Wars, since by suppressing a most 'unnatural

‘unnatural and detestable Rebellion, they had deliver’d
 ‘their Country from its most dangerous Enemies.’
 But though the Court Party, instead of about 130361 *l.*
 to which the List of Half-Pay for 1718 amounted, would
 have been contented with 115000 *l.* yet a Motion being
 made, and the Question put, That the Chairman leave
 the Chair; it was carry’d in the Affirmative, by a Ma-
 jority of 186 Voices against 148, which look’d like a
 Kind of Victory on the Tory Side.

Jan. 23. The Commons were taken up with the Call
 of their House; and the Names of such as made Default
 being taken down, and call’d over; several of them were
 excus’d upon Account of Sickness; but Sir John Rogers,
Roger Tuckfield, John Fownes, jun. and Charles Parker,
Esqrs. were order’d to attend the Service of the House
 on the 23 of February; and *John Coddington, Esq;* to be
 taken into Custody of the Serjeant at Arms attending
 the House.

Jan. 24. The House went into a grand Committee,
 to consider farther of the Supply; particularly in re-
 lation to Half-Pay; and Mr. *Hutchinson* and Mr. *Wal-*
pole chiefly insill’d, ‘That the Officers of the 13 Re-
 ‘giments reduc’d in *Ireland*, ought to have been
 ‘plac’d on the Establishment of that Kingdom. Mr.
Broderick, Lord Chancellor of *Ireland*, endeavour’d to
 justify the Ministry there, and represented how hard
 the Case of those Officers would be, if they were
 struck off the *English* Establishment. To which Mr.
W—— reply’d, ‘That ’twas Matter of Surprise, that
 ‘an End had been put to the Session of the Parlia-
 ‘ment of *Ireland*, without making Provision for the
 ‘said Officers.’ After several Speeches on both Sides,
 it was agreed to strike off the List of Half-Pay all
 the Minors under sixteen, several Warrant Officers,
 the Officers of the 13 Regiments reduc’d in *Ireland*,
 and the Chaplains not provided for; Notwithstanding
 which, the Courtiers still demanded 115000 *l.* for the
 List of Half-Pay; but upon the Motion for the Chair-
 man to leave the Chair, which was carry’d without
 dividing, the Speaker resum’d it, and the farther Con-
 sideration of that Matter was put to off to the next Day.
 Accordingly, on the 25th, the Commons went again
 into a Committee of the whole House on the Supply,
 and the Courtiers renew’d the Demand of 115000 *l.*
 for the List of Half-Pay. On the other Hand, the op-
 posite

posite Party were for reducing that Sum to 80000 *l*. But Mr. *Walpole* having propos'd a *Medium*, viz. the granting 94000 *l*. the same was readily accepted on both Sides, without any Opposition. Mr. Speaker having resum'd the Chair, Mr. *Farrer* immediately reported to the House, ' That the Committee had directed him to move, ' and it was accordingly resolv'd, That an humble Address be presented to his Majesty, that all Vacancies which shall happen in the Troops upon the *British* Establishment be supply'd by Half-Pay Officers, or Officers reduc'd in *Great Britain* of the same Rank, except in the Horse and Foot-Guards, and Horse-Grenadiers. It is observable, that in the Committee Mr. *Farrer* mov'd, ' That the Vacancies in the Guards should likewise be supply'd by Half-Pay Officers: ' But the Question being put thereupon, the same was carry'd in the Negative, by a Majority of 164 Voices against 156. The above Address was accordingly presented to the King, and on the 27th Mr. *Boscawen* acquainted the House that his Majesty had commanded him to inform the House, ' That Orders should be given, ' pursuant to the said Address, his Majesty being desirous, on all Occasions, to contribute, as far as in him lies, to the Ease of his People.' After this, Mr. *Farrer* reported the Resolutions on the Supply, which were agreed to as follows: I. That no Person should be entitled to Half-Pay, who was under the Age of 16 Years at the Time when the Regiment, Troop, or Company, in which he serv'd was reduc'd. II. That no Person should be entitled to Half-Pay, except such Persons who did actual Service in some Regiment, Troop or Company. III. That no Person having any other Place or Employment of Profit, civil or military, under his Majesty, shall be entitled to Half-Pay. IV. That no Chaplain of any Garrison or Regiment, who has any Ecclesiastical Benefice, or other Preferment in Great Britain or Ireland, shall be entitled to Half-Pay. V. That no Person shall be entitled to Half-Pay, who hath resign'd his Commission, and has no Commission since. VI. That no Half-Pay shall be allow'd to any Person by Virtue of any Warrant and Appointment, except to such Persons who would have been otherwise entitled to the same as reduc'd Officers. VII. That Half-Pay shall not be allow'd to any of the Officers of the five Regiments of Dragoons and eight Regiments of Foot,

lately disbanded in *Ireland*, except to such as were taken off the Establishment of Half-Pay in *Great Britain*. And VIII. That a Sum not exceeding 94000*l.* be granted to his Majesty for Half-Pay for the Year 1718, upon Account, to the reduc'd Officers of his Majesty's Land-Forces and Marines.

All this while the House of Peers had been taken up with hearing and determining private Causes; but on *Thursday* the 23d of *January*, their Lordships, in a Grand Committee, took into Consideration the State of the Nation, in relation to the Gold and Silver Coins. The Lord *Bingley*, having represented the great Prejudice that Trade receiv'd from the Scarcity of Silver, said, among other Things, 'Twas a Matter of Wonder a Remedy had not seasonably been apply'd to so great an Evil, which had visibly been growing for so many Months past. My Lord *Stanhope* answer'd him, that the Scarcity of Silver Species was owing to several Causes; 1st, The encreasing Luxury, in relation to Silver Plate. 2^{dly}, To the vast Exports of Bullion and other Plate to the *East Indies*. And 3^{dly}, To the clandestine Trade that had lately been carry'd on of exporting Silver and importing Gold to and from *Holland*, *Germany*, and other Parts. To prove these Particulars his Lordship produc'd several Papers, and, among the rest, a Scheme drawn up by *Henry Martin*, Esq; Inspector General of the Exports and Imports at the Custom-House, whereby it appear'd, that in the Year 1717, the *East-India Company* had exported near three Millions of Ounces of Silver; which far exceeds the Imports of Bullion in that Year, it necessarily follow'd, that vast Quantities of Silver Species must have been melted down, both to make up that Export, and to supply Silver smiths. His Lordship added, that it was impossible for those in the Administration to remedy this Evil without the Interposition of the Parliament; and as for the Trade of exporting Silver, and importing Gold in L. of it, which increas'd the Scarcity of the first, the effectual Method that could be thought of to prevent it, had been already us'd, viz. the lowering the Price of Gold, which would not have fail'd to have, in great Measure, produc'd the desir'd Effect, but for the Covetousness of some, or the Malice of others, who, by hoarding up Silver, thought either to make considerable Gains, or to distress the Government: So that, upon the whole Matter,

Matter, no Fault could be found upon this Score with the Managers of his Majesty's Treasury; but that, on the contrary, it might, to their Praise be observ'd, That the publick Credit never ran so high in any other Hands, since the Government could now borrow great Sums at 3 $\frac{1}{2}$ per Cent. The Earl of O——d answer'd the Lord Stanhope, and made some Reflections, which the other return'd very smartly. Though the Lord Viscount Townshend, the Lord Coningsby, and some other Peers, spoke also on this Occasion, yet their Lordships came that Day to no Resolution; but the farther Consideration of that Matter being put off till *Saturday* the 25th of *January*, it was on that Day resolv'd, that no Alteration should be made in the Standard of the Gold and Silver Coins of this Kingdom, in Fineness, Weight or Denomination; which Resolution was, on *Monday* the 27th of *January*, reported and agreed to by the House. The next Day their Lordship's resum'd the Consideration of that Affair; and after having examin'd the Officers of the Mint, and the Master and Wardens of the Goldsmiths Company, order'd a Bill to be brought in, to prevent the melting down of the Silver Species.

Jan. 27. The Commons, in a Committee of the whole House, consider'd farther of Ways and Means to raise the Supply, and resolv'd, That all the forfeited Estates vested in his Majesty by Virtue of an Act, entitled, *An Act for appointing Commissioners to enquire of the Estates of certain Traytors, and of Popish Recusants, and of Estates given to superstitious Uses, in order to raise Money out of them severally for the Use of the Publick*, after all Claims and Demands thereupon shall be determin'd, be sold. 2. That the neat Produce of the said Estates, after Allowance and Satisfaction of all just and lawful Claims thereupon, be apply'd towards the Discharge of the publick Debts of the Nation, and towards erecting Schools in the Highlands of Scotland. These Resolutions were the next Day (Jan. 28) reported, agreed to, and a Bill order'd to be brought in thereupon.

Jan. 29. In a Committee of the whole House, the Commons consider'd farther of the Supply, and came to several Resolutions, the Report of which was put off till the 31st of *January*.

Upon that Day Sir *Thomas Wheat* reported from the Committee, to whom the Petition of several Gentlemen, Freeholders, Farmers, and Travelling Waggoners, and other Landholders and Farmers, was referr'd, and who were directed to inspect the Laws for the repairing and amending Highways, and the Laws relating to Carriers and Waggoners, and to report their Opinion, how the Highways may be better amended and kept in Repair; the Matter (as it appear'd to them) and the Resolutions of the Committee thereupon, which Resolutions were agreed unto by the House, and are as follow, viz. 1. That to restrain Waggons, Carts, or Carriages, from drawing with no more than five Horses at length, is destructive to Trade, and tends to the lessening the Rent and Value of Lands, and to the great impoverishing of the Farmers, Landholders and Tenants of *England*. 2. That it will be for the general Good and Benefit of this Kingdom, that all Waggons, Carts and Carriages may be drawn with six Horses at length, and no more, except up such Hills in each County, as shall be respectively allow'd by the Justices of Peace at their Quarter Sessions, and there enter'd. 3. That no Waggons, Carts and Carriages be drawn with above five Horses within fifteen Miles of *London*, to be allow'd as aforesaid. 4. That a general Surveyor be appointed by the Justices of Peace in every County at the *Michaelmas* Sessions yearly, who shall be under the Order and Government of the Sessions, and shall take care that no Waggons, Carts, and Carriages, be drawn with more than six Horses at length; and if any Person offend, that he inform against him as the Law directs: And also to view all great Roads, and to represent to the Justices at every Quarter-Sessions, upon Oath, which, or what Part of them are not amended according to Law, and that the Justices shall order Prosecution against such as have neglected their Duty therein. 5. That the Party taking any Horse for a Forfeiture, shall not be oblig'd to deliver the Horse or Horses seiz'd to the Officers of that Parish only, but to the Officers of any Parish or Village within two Miles where the Seizure was taken, but still payable over to that Parish. 6. That if any Person do hinder the seizing any Horse or Horses for the Penalty, or use any Violence to the Party taking the same, as aforesaid, or shall be aiding or assisting in hindering the seizing a Horse or Horses, or

in rescuing such Seizure when taken, or other Violence, such Person shall forfeit twenty Pounds, and be sent to the House of Correction for the Space of three Months.

7. That a Penalty be laid on any Smith that shall make, or cause to be made, any Tire for any travelling Waggon, Wain, or Carriage for Hire, Wheels that shall not be of the full Breadth of four Inches, and be made flat, or shall not set the same on with, or use therewith, any Rose-headed Nails: And if any Wheelwright, Carpenter, or other Workman, shall set on, or bind any Wheel with a new Tire of a less Breadth than four Inches, or not flat, or with Rose-headed Nails, he shall forfeit twenty Pounds: And every Person travelling with such Waggon, Cart, or Wain, shall forfeit the like Sum; and it was order'd, That Leave be given to bring in a Bill pursuant to the said Resolutions. After this, Mr. Farrer reported the Resolutions of the Grand Committee on the Supply, which were agreed to, as follows, *viz.* I. That a Sum not exceeding 25000 *l.* be granted for the extraordinary Charge of the Royal Hospital at Chelsea and Out-Pensioners, for the Year 1718, over and above the Poundage and Day's Pay. II. That a Sum not exceeding 165317 *l.* be granted for the extraordinary Repairs of the Navy, for the Year 1718.

Feb. 1. Mr. Boscorwen acquainted the House, 'That he had a Message to the House, sign'd by his Majesty;' which having presented to the House, it was read by Mr. Speaker as followeth. *viz.*

GEORGE R.

HIS Majesty having receiv'd a very dutiful Address from the South Sea Company, That he would be graciously pleas'd to permit himself to be elected Governor of the said Company; and his Majesty being willing to condescend thereto, recommends it to this House, to consider of proper Methods to remove any Difficulties that may arise on that Occasion.

Hereupon it was order'd, That Leave be given to bring in a Bill to enable his Majesty to be Governor of the South Sea Company: Which Bill was accordingly immediately brought in, read twice, engross'd, read the third Time, pass'd, and sent to the Lords, who, the same Day, read it three Times, and concurr'd in it without

without any Amendment. And *Feb.* 3, his Majesty went to the House of Lords, and gave the Royal Assent to the said Bill.

Feb. 4. The House resolv'd itself into a Grand Committee, upon the *Bill for regulating the Forces to be continu'd in his Majesty's Service, and for the Payment of the said Forces, and their Quarters, and for punishing Mutiny and Desertion*; but first they order'd, That it be an Instruction to the said Committee, that they have Power to receive a Clause, to take away unreasonable Protections of Soldiers from their just Creditors, and also to prevent unjust or fraudulent Arrests upon them. Of this Committee *Gyles Erle, Esq;* was chosen Chairman. After the reading of the Bill, and of the Articles of War, *Mr. Hutchinson* excepted against the Clause, enacting, That it shall and may be lawful to and for Court Martials to punish Mutiny and Desertion with Death; urging, that a Court Martial was never allow'd off in *England* in a Time of Peace, as being inconsistent with the Rights and Liberties of a free People; and mov'd that the Offences committed by the Soldiery be cognizable and punish'd by the civil Magistrate. *Sir William Thompson* answer'd *Mr. Hutchinson*, and the latter was seconded by *Mr. Auditor Harley*, who, to shew the Danger of a standing Army, govern'd by Martial Law, quoted a Book written some Years ago by a noble Member of that House, entitled, *An Account of Denmark*. Hereupon the Lord *Molesworth*, the Author of that Book, endeavour'd to shew, That this was not a parallel Case; that the present Posture of Affairs in *Great Britain*, was vastly different from the State of Things in *Denmark* at that Juncture; and that the Commons having already declar'd it necessary to maintain the standing Forces, it was no less necessary to keep those Forces within the Bounds of Duty and Discipline, by the ordinary Rules of Martial Law, as was ever practis'd in all civiliz'd Nations. *Sir Gilbert Heathcote* having back'd the Lord *Molesworth*, *Mr. Hungerford* said, he remember'd a remarkable Passage in the *History of the Revolutions in Sweden*, which was, That one *Kung*, a rich Burgher of *Stockholm*, who had much contributed to the keeping up a standing Army, was the first that was hang'd by Martial Law. General *Lumley*, and some others, were of *Mr. Hutchinson's* Opinion; and, on the other Hand, *Sir Joseph Jekyll* was for

for keeping up the Martial Law, at least, a Year longer. But the main Brunt of the Dispute fell between Mr. Craggs Secretary at War, and Mr. Robert Walpole, who in the Heat of Argument could not forbear letting drop some sharp Reflections. After they had done speaking, which was about six o' Clock in the Afternoon, some other Members made Speeches for and against the Motion in Agitation; and the Court Party look'd upon the Success of this Affair as very doubtful. But about seven o' Clock, Mr. Lechmere, in answer to what Mr. Walpole had advanc'd, viz. that a Court Martial in Time of Peace was altogether unknown in England, shew'd to the contrary, That the Court of Admiralty, which is allow'd in Times of Peace as well as of War, has an equal Power in relation to Seamen, with a Court Martial in relation to Soldiers. At last, about eight o' Clock in the Evening the Question being put, That the Clause relating to the Punishment of Mutiny and Desertion, should stand as express'd in the Bill, it was carry'd in the Affirmative by a Majority of 18 Voices only, viz. 247 against 229; Mr. Speaker having resum'd the Chair, it was resolv'd to consider farther of the said Bill, in a Committee of the whole House, on Thursday the 6th of February. It was observ'd, That the Abbot du Bois having desir'd to be an ocular Witness of this important Debate he was admitted, *incognito*, into the House of Commons; a Favour which that Day was refus'd to several British Peers.

Feb. 6. A Petition of the several Gentlemen, Heretors, and others, Sufferers by the Burning in the late Rebellion, was presented to the House and read, praying, That their Losses and Hardships might be consider'd, and some Means found for their Redress. And Mr. Comptroller having acquainted the House, That the Petitioners Case had been laid before his Majesty, and that his Majesty had no Objection against their being reliev'd in such Manner as this House shall think fit, the said Petition was order'd to be refer'd to the Consideration of the Committee of the whole House, to whom the Bill for Sale of the forfeited Estates was committed. Then the House resolv'd itself into a Grand Committee, to consider farther of the Bill for regulating the Forces to be continu'd in his Majesty's Service, &c. went through the same, and it being reported the next Day, was agreed to by the House.

Feb. 11. The Order of the Day being read, for the House to resolve it self into a Committee of the whole House, upon *The Bill for Sale of the forfeited Estates in Great Britain and Ireland, for the Use of the Publick*: It was thereupon order'd, That it be an Instruction to the said Committee, That they have Power to receive a Clause for the prolonging the Time for receiving Claims. After this, a Petition of several Gentlemen, and others, of the Corporation of *Preston*, who were Sufferers by the late Rebellion, on Behalf of themselves and other poor Sufferers there, was presented to the House, and read, praying, That their Sufferings upon Account of the late Rebellion there might be consider'd: And Mr. *Boskewen* having acquainted the House, That the Petitioners Case had been represented to his Majesty, and that his Majesty did consent, that the Petitioners should have such Relief as the House should think fit, it was order'd, That the said Petition be referr'd to the Consideration of the said Committee; and that they have Power to receive a Clause for the Petitioners Relief. Then a Petition of *Robert Scarisbrick, Esq; John Ashton, and John Gregson, Gentlemen*, was presented to the House and read, praying, That leave be given to bring in a Clause to the said Bill, to explain some general Words therein, that they may have the Benefit of their Surrender, and be try'd as the Act of the 5th and 6th of *Edward VI.* directs. Upon which it was order'd, That the said Petition be referr'd to the Consideration of the said Committee; and that they have Power to receive a Clause for the Petitioners Relief. It was order'd also, That it be an Instruction to the said Committee, That they have Power to receive a Clause, that nothing in the said Bill should extend to invalidate a Grant from his present Majesty to *Simon Lord Lovat*, of the Life-Rent Escheat of *Alexander Mackenzie of Frazerdale*. After this, the House resolv'd it self into the said Committee, and made some Progress in that Bill.

The next Day, the engross'd Bill for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, was read the third Time, and the Question being put, That the said Bill do pass, it was carry'd in the Affirmative by 186 Voices against 105; which great Majority was ascrib'd to Mr. *Walpole's* voting with the Courtiers, and his having declar'd to his

his Friends, 'That tho', in the Debates about this Bill, 'he was for having Mutiny and Desertion punish'd by 'the Civil Magistrate, yet he had rather those Crimes 'should be punish'd by Martial Law, than not punish'd 'at all.' After this, Mr. Craggs was order'd to carry the Bill to the Lords, which he did accordingly.

Upon the first reading of the Bill in the House of Peers, some Objections having been rais'd against it, an Earl in a great Post said, 'That he wish'd this might 'be thoroughly canvass'd and examin'd in a full House; 'for he was not like some Persons who chang'd their 'Opinions according as they were in or out of Place.' A noble Duke, taking the Dint of this Reflection to be levell'd against him, answer'd, 'That for his own 'Part, he follow'd the Ministry when he thought they 'were in the Right; but went a contrary Way, if he 'thought they went astray:' This occasion'd some sharp Répartees and Replies; after which, the second Reading of the Bill in a full House, was put off 'till the Tuesday following. In the mean time, it was the next Day resolv'd to address'd his Majesty, that the Articles of War, and other Papers relating to the Discipline and Payment of the Army, might be laid before the House.

On the 18th Day of February the said Bill was read a second Time, in a very full House, and a Motion was made, that it be committed to a Committee of the whole House; which occasion'd a great Debate. The Earl of Ox——d, who spoke first, said, among other Things, 'That as long as he had Breath, he would 'speak for the Liberties of his Country; and that he 'was not only against this Bill, because he thought a 'Martial Court inconsistent with the Rights and Privileges of English Men, but also against the keeping up so great a Number of Forces; which being altogether useless in a Time of profound Peace, could not but raise just Apprehensions that something was intended against our happy and ancient Constitution.' The Lord St——e answer'd, in Substance, 'That the Nation has the Happiness to be govern'd by a Prince, who, since his Accession to the Throne, has convinc'd every Body, that he desires no more Troops than what are absolutely necessary for the Safety and Tranquillity of his Dominions: That whoever will impartially consider the present Circumstances of Affairs,

‘ must own, that the Number of Troops that are kept
‘ standing is very small. That it cannot be deny’d,
‘ that the Pretender has a great many Friends both at
‘ Home and Abroad, who watch all Opportunities to
‘ foment and take Advantage of our intestine Divisions.
‘ That on the other Hand, *Great Britain* stands Gua-
‘ rantee for the Neutrality of *Italy*, which is now
‘ threaten’d with an Invasion: And therefore, it was
‘ Matter of Prudence, as well as of Necessity, to keep
‘ up a competent Force, both to suppress any Insur-
‘ rection at Home, or to repel any Insult from Abroad;
‘ and to make good our Engagements for maintaining
‘ the Repose of *Europe*.’ Hereupon the Earl of *St—d*
said, ‘ He was surpriz’d to hear, that so great a Mi-
‘ nister as the noble Lord who spoke last, was not bet-
‘ ter acquainted with some Matters of Fact; but that
‘ he thought himself oblig’d to inform’d the House,
‘ That by the Treaty concluded and sign’d at *Utrecht*,
‘ in *March 1713*, between the Ministers of *Great Bri-*
‘ *tain* and *France*, the late Queen, of glorious Memory,
‘ was Guarantee for the Neutrality of *Italy*, and the
‘ Islands in the *Mediterranean*, only during the Evacua-
‘ tion of *Catalonia*, and ’till the Conclusion of a general
‘ Peace.’ For the Truth of which, his Lordship ap-
‘ peal’d to his Colleague in the Negotiation, the Lord Bi-
‘ shop of *London*. He added, ‘ That since that Time, the
‘ State of Things was quite alter’d, and those in the
‘ Ministry could best tell what Engagements had been
‘ enter’d into, either with the Emperor or *France*.’
Hereupon the Lord *N—th* and *G—y* said, ‘ It was
‘ necessary to know the Contents of those new Treaties;
‘ and therefore mov’d to address his Majesty, that they
‘ might be laid before the House.’ Which Address was
‘ agreed to, but was never presented. The Duke of
‘ *A—e*, who back’d the Earl of *Ox—d*, said,
‘ among other Things, ‘ That besides the 16000 and
‘ odd Men of regular Troops, there was another con-
‘ siderable Body maintain’d under the Denomination
‘ of Invalids, and that they ought to enquire into their
‘ Numbers, and where they were quarter’d:’ To
‘ which the Lord *C—n* answer’d, ‘ He knew of no
‘ Invalids but such as were in *Chelsea* College, or in
‘ the Neighbourhood.’ After some other Speeches on
‘ both Sides, the Duke of *Buckingham* mov’d, That
‘ the Bill be committed to a Committee of the whole
‘ House

House the *Thursday* next, which was carry'd without dividing.

On that Day, (*Feb. 20*) the Order was read, for the House to go into a Committee upon the Mutiny Bill; but the Opposers being sensible, that the Court Party were stronger in Voices, and weaker in Proxies, endeavour'd to flave off the Bill before it went into a Committee. In order thereto, the Lord T——r mov'd, That it be an Instruction to the Committee, that they do provide, That no Punishment shall be inflicted at any Court Martial, which shall extend to Life or Limb. His Lordship gave his Reasons for supporting his Motion, but was answer'd by the Lord St——e, 'That such a Clause would make the Bill uneffectual, banish all Manner of Discipline from the Army, and consequently render it intirely useless.' Upon this there arose a warm Debate, which lasted from two in the Afternoon 'till seven in the Evening; and the following Peers made Speeches for or against the Bill, *viz.* Against the Bill, the Dukes of *Buckingham* and *Argyle*, the Earls of *Anglesey*, *Poulet*, *Abingdon*, *Cholmondeley* and *Ilay*; the Lord Viscount *Townshend*; the Lords *North* and *Grey*, *Trevor*, *Bingley*, and *Harcourt*: For the Bill, the Lord Chancellor *Cowper*, the Duke of *Newcastle*, the Earl of *Sunderland*, the Lord Viscount *Stanhope*, and the Lords *Cartaret*, *Onslow*, *Coningsby*, and *Cadogan*.

The Earl of A——y argu'd, 'That so numerous a Force as was allow'd by this Bill to be maintain'd in Time of Peace, was not only dangerous in itself to a free Nation, but was yet render'd more dangerous by their being govern'd by Martial Law; a Law unknown to our Constitution, destructive of our Liberties, and not endur'd by our Ancestors.' His Lordship was answer'd by the Earl of S——d, who, among other Reasons, urg'd, 'That among the ancient *Romans*, the wisest People in the World, and the greatest Lovers and Assertors of publick Liberty, Martial Law and Discipline were invigorated by Decrees of the Senate, and were in Force in Times of Peace, as well as in Times of War.' To this the Duke of A——e reply'd in Substance. 'That 'twas much better to attend domestick than foreign Examples;' and then shew'd, by several Instances drawn from the History of *Great Britain*, 'That a standing Army in Time of Peace,

was

' was ever fatal, either to the Prince, or to the Na-
 ' tion.' The Lord O——w said thereupon, ' That
 ' those who are vested with the Legislative Power ought
 ' not, on all Occasions, to govern themselves by Pre-
 ' cedents, but rather by the present Situation of Affairs;
 ' because 'tis very difficult to find Examples perfectly
 ' agreeing with the various Circumstances of Times.
 ' That, in his Opinion, the Number of Troops which
 ' the Commons had thought fit to keep standing, was
 ' absolutely necessary for the Security and Safety both
 ' of the Government and Nation; and therefore it was
 ' no less necessary to make a Law, to keep that Army
 ' within the Rules of Duty and Discipline, unless
 ' they would render useless those very Forces which
 ' must be own'd to be necessary.' The Earl of P——t
 enforce'd what had already been suggested, about the
 Danger of a standing Army made subject to Martial
 Law; but the Duke of N——e, who spoke next,
 maintain'd on the contrary, ' That the Forces now on
 ' Foot, were necessary both for the Support of the Go-
 ' vernment, and the Protection of our Allies; that
 ' it ought to be consider'd that when the late Re-
 ' bellion broke out, we had double the Number of
 ' regular Troops, and yet the Government was oblig'd
 ' not only to send for some Regiments from *Ireland*,
 ' but also for a Body of Auxiliary Forces from *Holland*;
 ' and, that since the Forces were necessary, the Bill in
 ' question, which was only to render them useful, was
 ' no less necessary.' The Lord N——th and G——y
 made afterwards a long Speech, wherein, among other
 Things, he said, ' That before the noble Peer who spoke
 ' last was born, he had seen the Time when the Nation
 ' was in danger of losing their Liberties by a standing
 ' Army.' And then his Lordship urg'd, ' That the
 ' Power of Life and Death, which by this Bill was
 ' given to a Court Martial, w^{as} unnecessary, unusual,
 ' and unjust.' It being then about five in the Evening,
 the Duke of B——m said, ' That in his Opinion,
 ' a great deal of Time was spent to little Purpose: For,
 ' if their Lordships would enter regularly upon the
 ' Merits of this Bill, they ought to be in a Committee,
 ' where every Lord would have an Opportunity to speak
 ' as often as he thought fit.' Notwithstanding this, the
 Debate still continued, and the Lord H——t made
 an eloquent Speech, wherein, among other Arguments,
 he

he urg'd, ' That the Parliament, that is, the Representative of the whole Nation, were ever extream jealous of the Legislative Power, with which they are vested; and that the Lords, in a particular Manner, ought to be tender of it; because 'tis a Branch of their Prerogative to be the supream Court of Judicature; but that by this Bill, whereby the King was enabled to establish Courts Martial, with Power to try and determine any Offences specify'd in the Articles of War, the Parliament vested a sole Legislative Power in the Crown, which was communicated and delegated to a Council of War. That this Bill sets aside all other Laws, both Civil and Ecclesiastical, in relation to the Soldiery; and gives Courts Martial a larger Jurisdiction than seem'd necessary for maintaining Discipline in the Army; such Jurisdiction extending not only to Mutiny, Desertion, and Breach of Duty, but also to all Immoralities, and other Offences, which might be committed by any Officer or Soldier, towards any of his Fellow Subjects, whereby the Law of the Land might either be obstructed or superseded by a Court Martial. That the Officers constituting a Court Martial did, at once, supply the Place of Judges and Jurymen, and ought therefore to be upon their Oath, upon their trying any Offence whatsoever; whereas it is provided by this Bill, that they shall be sworn upon their trying such Offences only as are punishable by Death. That Martial Courts assume to themselves an arbitrary and unprecedented Authority, of which they had a fresh remarkable Instance, an Ensign of the Guards having been sentenc'd to Death without being heard, which was contrary to *Magna Charta*, and to the Birth-Rights and Privileges of *Englishmen*; and therefore they ought to restrain so dangerous a Power.' The Lord H— was supported by the Lord Viscount T—, but was oppos'd by the Lord C—, and the Lord —. The latter, among other Things, said, That he had maturely consider'd the Affair now in Agitation, not as a Person in a publick Station, but as a private unprejudic'd Man; and that he was convinc'd in his Judgment and Conscience, That it is necessary both for the Support of the present happy Establishment, and the Security of the Nation, to keep up the Forces now on Foot; and that he was convinc'd

' firm'd in this Opinion, by considering what Thoughts
 ' the Pretender and his Friends had of this Matter, and
 ' reflecting that they have nothing more at Heart, than
 ' to procure the disbanding of those Forces that have
 ' suppress'd the late unnatural Rebellion. That he
 ' doubted not but the whole Body of the Nobility that
 ' made up that august Assembly, was inviolably at-
 ' tach'd to his Majesty King George; That his Majesty
 ' had also the best Part of the landed and all the trading
 ' Interest; that as to the Clergy he would say nothing
 ' ——— but that 'twas notorious, that the Majority of
 ' the Populace had been poison'd, and that the Poison
 ' was not yet quite expell'd. That the Dangers which
 ' seem'd to be apprehended from the present Army
 ' may be chimerical, or, at least, easily remedy'd in
 ' any subsequent Session of Parliament, whereas the
 ' Dangers with which the Nation is threaten'd from the
 ' Pretender and his Friends, in case there were no Army
 ' to oppose them, are real, and the Mischiefs that
 ' might ensue, upon the Success of their Designs, irre-
 ' parable. That if there had been such a standing Force
 ' as we now have, timely to suppress the Tumults and
 ' Riots which were rais'd soon after his Majesty's Ac-
 ' cession to the Throne, in all Probability there had
 ' been no open Rebellion; that, on the other Hand,
 ' if there had not been Troops ready at hand to assist
 ' the Civil Power in suppressing the late riotous Assem-
 ' blies of the Wool-Combers and Weaves in the Coun-
 ' ties of *Devon* and *Somerset*, there had by this Time
 ' been another Rebellion. That the mentioning *Magna*
 ' *Charta* was, in his Opinion, entirely foreign to the
 ' present Debate; that the Thing now in Question,
 ' and that wherein they were immediately concern'd,
 ' was to secure and support the Government and the
 ' Protestant Succession against vigilant, bold, and rest-
 ' less Enemies; and that they had the more Reason to
 ' be upon their Guard, in that the Trumpeters of Se-
 ' dition and Rebellion had again forcibly intruded in-
 ' to several Pulpits in *Scotland*. The Earl of *A——n*
 ' answer'd this Speech, and the Lord *C——n* having
 ' spoken on the contrary Side, the Earl of *I——y*, sup-
 ' ported the Lord *T——r*'s Motion, and endeavour'd
 ' to shew, that a standing Army in Time of Peace, would
 ' rather increase than lessen the Enemies of the Govern-
 ' ment. My Lord *C——n* reply'd to him. After
 ' which

which the Question was put upon the said Motion, and carry'd in the Negative by 14 Voices, *viz.* Not Content 76, Proxies 15, in all 91: Content 52, Proxies 25, in all 77.

Dissentient. *Buckingham, Anglesey, Jo. Winton, W. Ebor. North and Grey, Scarsdale, Strafford, Poulet, Boyle, Mansel, Compton, Weston, Bingley, Willoughby de Broke, Fr. Cestriensis, Geo. Bristol.*

Then a Motion was made, 'That is be an Instruction to the said Committee of the whole House, that they do make an effectual Provision to secure the Obedience both of the Officers and Soldiers to be continu'd by this Bill to the civil Magistrate according to Law.' But it being represented, That the said Clause was altogether unnecessary, the Question being put on the said Motion, was resolv'd in the Negative by 11 Votes, *viz.* Not Content 73, Proxies 15, in all 88: Content 53, Proxies 24, in all 77.

Dissentient. *Jo. Winton, Anglesey, Salisbury, W. Ebor. North and Grey, Scarsdale, Strafford, Poulet, Boyle, Mansel, Compton, Weston, Bingley, Willoughby de Broke, Fr. Cestriensis, Geo. Bristol.*

Memorandum.

We whose Names are subscrib'd, do protest against the first above-mention'd Resolution, for refusing the first mov'd Instruction to the Committee on the Mutiny Bill for the Reasons following:

I. **B**ECAUSE the Exercise of Martial Law, in Time of Peace, with such Power as is given by this Bill to inflict Punishments extending to Life and Limb, was not in the first Year of this Reign, nor had in any former Reign been allow'd within this Kingdom by Consent of Parliament: But his, upon any Attempt made to introduce such a Power, been oppos'd and condemn'd by Parliament, as repugnant to *Magna Charta*, and inconsistent with the fundamental Rights and Liberties of a free People.

II. BECAUSE after the Peace of *Ryswick* and that of *Utrecht*, in the several Reigns of King *William* and Queen *Anne*, of glorious and ever blessed Memories, no such Power was given to any Courts Martial; and yet it is well known, that the Forces then continu'd on Foot, were kept in exact Discipline and Order.

L

III. Be-

III. Because it is not ascertain'd by this Bill, or by any other known Law or Rule, what Words or Facts amount to Mutiny or Desertion, or to any exciting, causing, or joyning in Mutiny; and consequently the Judges of a Court Martial have it in their Power to declare what Words or Facts they think fit to be Mutiny or Desertion, and to take away the Life of any Officer or Soldier by such an arbitrary Decision.

IV. Because, should Death be thought the proper Punishment in Time of Peace for Mutiny and Desertion, or even for the least Disobedience to any lawful Command, yet, as we conceive, the Nature of such Offences ought first to be ascertain'd by this Bill; and the said Offences being declar'd Capital, the Trial thereof ought to have been left to the ordinary Course of Law; in consequence whereof, the Officers and Soldiers would, upon such Trials, have been entitled to all those valuable Privileges which are the Birth-right of every Briton: Nor does it appear to us, that any Inconvenience could thereby have arisen to the Publick in Time of Peace, at least, not any such as can justify our depriving the Soldiery of those legal Rights which belong to the meanest of their Fellow Subjects, and even the vilest of Malefactors.

W. Ebor. Strafford, Guilford, de Loraine, Abingdon, Dartmouth. Belhaven. Jo. London, Harcourt, Willoughby de Br', Townsend, Boyle, Bristol, Castleton, Foley, Tadcaster, Poulet, Gower, Rutland, Mountjoy, Bathurst, Lumley, Trevor, Bingley, Bute, P. Herefordiensis, Berkeley of Str', Northampton, Ilay, Weston, Devonshire, Scarsdale, Mansel, Fr. Roffensis, Oxford, Fr. Cestriensis, George Bristolensis, Compton, North and Grey, Greenwich, Masham.

Memorandum.

We whose Names are subscrib'd, do protest against the Resolution for refusing the other Instruction mov'd to be given to the said Committee on the Mutiny Bill for the Reasons following:

I. **B**Ecause no Provision whatsoever is made by this Bill for securing the Obedience of the Military to the Civil Power, on which the Preservation of our Constitution depends.

II. Be-

II. Because we conceive, that a great Number of arm'd Men, govern'd by Martial Law, as they have it in their Power, so are they naturally inclin'd, not only to disobey, but to insult the Authority of the Civil Magistrate; and we are confirm'd in this Opinion, as well as by the Experience of what has happen'd here at Home, as by the History of all Ages and Nations, from which it appears, That wherever an effectual Provision has not been made to secure the Obedience of the Soldiers to the Law of their Country, the Military has constantly subverted and swallow'd up the Civil Power.

The Lords who subscrib'd the former Reasons, subscrib'd these also.

Then the Lords went into a Committee of the whole House, of which the Earl of *Clarendon* was chosen Chairman; and it being past Eight o' Clock in the Evening, the said Committee adjourn'd 'till the next Day.

On *Friday* the 21st of *February*, the House of Lords being adjourn'd during Pleasure, and put into the said Committee, those who oppos'd the Mutiny Bill, began with raising Objections against the Preamble of it, which suggests, That the Number of 16347 Men is necessary: Urging, They did not know from whence that Necessity should arise, the Kingdom being now in full Peace, without any just Apprehension, either of Insurrections at Home, or Invasions from Abroad; and therefore it was mov'd, That the said Number of 16347 Men be reduc'd to 12000. Hereupon there was a great Debate, that lasted 'till about Six o' Clock in the Evening, and the principal Speakers in it were the following: Against the Bill, the Earl of *Oxford*, Lord *Trevelor*, Lord *Harcourt*, Earl of *Abingdon*, Earl of *Ilay*, Duke of *Buckingham*, Lord *Bathurst*, Lord *North* and *Grey*, Lord Bishop of *Hereford*: For the Bill, Earl of *Sunderland*, Lord Viscount *Stanhope*, Lord *Cowper*, Lord *Cadogan*, Lord *Parker*, Duke of *Roxburgh*, Lord *Coningsby*.

The Earl of *Ox*—d urg'd, ' That the keeping up a standing Army in Time of Peace, was not the Way to gain the Hearts, but rather to increase the Disaffection of the People; and that all good and wise Princes had ever chosen to depend rather on the Affections of their Subjects, than on a Military Force.' Which his Lordship illustrated by several Instances out of our

English History, and, in particular, by the fresh Examples of the late King *William* and Queen *Anne*; adding, That none but bad and corrupt Ministers have need of Troops to maintain their Authority and unwarrantable Proceedings. Then the Lord *St—e*, in Vindication of the present Administration, and from the Posture of Affairs both at Home and Abroad, argu'd the Necessity of maintaining a greater Force than in former Times. And it being suggested on this Occasion, That 'twas hop'd no Minister would advise the King to enter into a War, his Lordship reply'd, That he would be the first that should advise him to it, if he thought the Honour of the Crown concern'd in it. Upon this, the Lord *B—t* said, 'He was surpriz'd to hear such an Expression from a Person in his Lordship's Station, whose principal Care, one would think, should be rather to discharge the great Burthen, which has been left upon the Nation by the two last Wars, than to involve it in a new one, which can hardly be maintain'd without making use of the Funds that have been appropriated for the Payment of old Debts.' My Lord *C—n* having afterwards represented, 'That if the Army was reduc'd to 12000 Men, it were impossible, upon any Emergency, to assemble a Body of 4000 Men in any Part of Great Britain besides London, without leaving the Sea Ports, and other important Posts, unguarded.' This gave my Lord *C—t* Occasion to suggest, That they ought not to retrench the 4000 Men who were most necessary. Hereupon the Question being put, whether the Word sixteen (Thousand) should stand Part of the Clause of the Preamble, it was resolv'd in the Affirmative, by a Majority of 72 Voices against 30. After this it being mov'd, and the Question put, that the House be now resum'd, it was resolv'd in the Negative, by 14 Voices against 48; and then their Lordships proceeded to the Clause whereby Mutiny and Desertion are made punishable by Death; and the Question being put, whether the Words (Death or) should stand Part of the said Clause, it was resolv'd in the Affirmative without dividing.

The next Day, the Lords went again into a grand Committee on the Mutiny Bill; and it was propos'd, that in the Clause which obliges Judges of a Court-Martial to take an Oath, when they try Criminals for such Crimes as may extend to Death, to insert, after
Death,

Death, the Words, or otherwise: But the Question being put, Whether those Words should be added, it was carried in the Negative, by 68 Voices against 43. After this it was propos'd to leave out the Clause which enables *his Majesty to constitute and settle Articles of War*; and the Question being put, Whether that Clause should stand Part of the Bill, it was resolv'd in the Affirmative by 68 against 30. All the other enacting Clauses were afterwards agreed to without dividing, though several Speeches were made for and against, on this Occasion: The most remarkable of which were those of the Lord St——— and of the Earl of St———. The first having suggested, 'That all the Objections rais'd against this Bill amounted to no more than bare Suppositions of chimerical Dangers; and defy'd any Body to charge the Administration with any Thing that might give just Ground of Apprehension for the Liberties of the People: Adding, That if the Government be now oblig'd to keep a greater Number of Forces than formerly, it is partly owing to the Situation in which the Affairs of *Europe* have been left by the late scandalous Peace.' Hereupon the Earl of St——— said, 'He could not be silent, while a Work, in which he had so great a Share, was so openly attack'd; but that the Peace, which some are pleas'd to call scandalous, was approv'd by three successive Parliaments; and in particular, by some Peers now in Place: That he would venture to affirm, that this very Peace had left the Affairs of *Europe* in a better Posture than they seem to be in at present, at least, with respect to *Great Britain*: That notwithstanding the great Advantages which some boast to have obtain'd by the late Treaties, they have yet found the Way to lose our Trade to *Sweden*, to endanger that to *Spain* and *Italy*, and to keep a standing Army in full Peace: But that Time will shew, whether three successive Parliaments will approve these Measures, as well as the Peace which is call'd infamous.' At the same Time, his Lordship animadverted on the late Proclamation, for allowing the Importation of *Swedish* Iron from all Places other than from the Dominions of the King of *Sweden*, which was in Effect no more than to appoint the *Dutch* to be our Factors for *Swedish* Iron. After some other smart Speeches, towards Seven o'Clock in the Evening, the House was resum'd, and the Earl of *Clarendon* reported,
That

That the Committee had gone through the Bill, and thought fit to pass it without Amendment; upon which it was order'd to be read a third Time on the 24th, and the Lords to be summon'd.

Accordingly, on the 24th of *February* the Bill was read a third Time, and the Lord *N*—— and *G*—— made a summary Recapitulation of the Objections rais'd against it; but being neither back'd by any of his Party, nor answer'd by any of the contrary Side, the Question was put, Whether this Bill shall pass; and it was resolv'd in the Affirmative. Content 67, Proxies 21, in all 88. Not Content 40, Proxies 21, in all 61.

Hereupon several Lords enter'd the following Protest.

Dissentient.

I. **B**Ecause the Number of 16347 Men is declar'd necessary by this Bill, but it is not therein declar'd, nor are we any Way to satisfy ourselves, from whence that Necessity should arise, the Kingdom being now (God be prais'd) in full Peace, without any just Apprehension, either of Insurrections at Home, or Invasions from Abroad.

II. Because so numerous a Force is near double to what hath ever been allow'd within this Kingdom, by Authority of Parliament, in Times of publick Tranquillity; and being, as we conceive, no Ways necessary to support, may, we fear, endanger our Constitution, which hath never yet been entirely subverted but by a standing Army.

III. Because the Charge of keeping up so great a Force ought not unnecessarily to be laid on the Nation, already over-burthen'd with heavy Debts, and this Charge we conceive to be still more unnecessarily increas'd by the great Number of Officers now kept on the Establishment in Time of Peace; a Number far greater (in Proportion to that of the Soldiers commanded by them) than hath ever yet been thought requisite in Times of actual War.

IV. Because such a Number of Soldiers dispers'd in Quarters throughout the Kingdom, may occasion great Hardships, and become very grievous to the People, and thereby cause or increase their Disaffection, and will, probably, ruin many of his Majesty's good Subjects on whom they shall be quarter'd, and who have been already by that Means greatly impoverish'd.

V. Because such a standing Force, dangerous in itself to a free People in Time of Peace, is, in our Opinion, render'd yet more dangerous, by their being made subject to Martial Law: A Law unknown to our Constitution, destructive of our Liberties, not endur'd by our Ancestors, and never mention'd by any of our Statutes, but in order to condemn it.

VI. Because the Officers and Soldiers themselves, thus subjected to Martial Law, are thereby upon their Trials divested of all those Rights and Privileges, which render the People of this Realm the Envy of other Nations, and become liable to such Hardships and Punishments, as the Lenity and Mercy of our known Laws utterly disallow; and we cannot but think, those Persons best prepar'd, and most easily tempted to strip others of their Rights, who have already lost their own.

VII. Because a much larger Jurisdiction is given to Courts Martial by this Bill than to us seems necessary for maintaining Discipline in the Army, such Jurisdiction extending not only to Mutiny, Desertion, Breach of Duty, and Disobedience to Military Commands, but also to all Immoralities, and every Instance of Misbehaviour, which may be committed by any Officer or Soldier, towards any of his Fellow Subjects; by which Means the Law of the Land, in Cases proper to be judg'd by that alone, may, by the summary Method of Proceedings in Courts Martial, be obstructed or superseded, and many grievous Offences may remain unpunish'd.

VIII. Because the Officers constituting a Court Martial do at once supply the Places of Judges and Jurymen, and ought therefore, as we conceive, to be sworn upon their trying any Offence whatsoever; and yet it is provided by this Bill, that such Officers shall be sworn upon their trying such Offenders only as are punishable by Death, which Provision, we apprehend, to be defective and unwarranted by any Precedent; their being no Instance within our Knowledge, wherein the Judges of any Court, having Cognizance of Capital and lesser Crimes, are under the Obligation of an Oath in respect of the one, and not of the other.

IX. Because the Articles of War, thought necessary to secure the Discipline of the Army in Cases unprovided for by this Bill, ought, in our Opinion, to have been inserted therein, in like Manner as the Articles and Orders

ders for regulating and governing the Navy, were enacted in the 13th Year of King *Charles II.* to the End, that due Consideration might have been had by Parliament, of the Duty enjoy'd by each Article to the Soldiers, and of the Measure of their Punishment; whereas the Sanction of Parliament is now given by this Bill to what they had no Opportunity to consider.

X. Because the Clause in the Bill, enabling his Majesty to establish Articles of War and erect Courts Martial, with Power to try and determine any Offences to be specify'd in such Articles, and to inflict Punishments for the same within this Kingdom in Time of Peace, doth, as we conceive, in all these Instances, vest a sole Legislative Power in the Crown, which Power, how safely soever it may be lodg'd with his present Majesty, and how tenderly soever it may be exercis'd by him, may yet prove of dangerous Consequence, should it be drawn into Precedent in future Reigns.

XI. Because the Clause of the Bill alledg'd to be made for enabling honest Creditors to recover their just Debts from Soldiers, seems to us rather to give Protection to the Soldier, than any real Advantage to his Creditor, or other Person, having just Cause of Action against him. It protects the Person of a Soldier from Execution as well as mesne Process for any Debt under 10*l.* and it protects the Estate and Effects, as well as the Person of every Soldier, from all other Suits, but for Debt, where the Cause of Action doth not amount to the like Sum; and in other Cases, where the Cause of Action exceeds that Value, Plaintiffs are, in many Instances, put under unreasonable Difficulties, as we conceive, before they can be allow'd even to commence their Suit; so that their bare Compliance therewith may become more grievous to them than the Loss of their Debt, or a quiet Submission to the Wrong sustain'd, by which Means his Majesty's good Subjects may be highly injur'd in their Properties, and insulted in their Persons by the Soldiery, and yet be depriv'd of the legal Remedies appointed for the Redress of such Grievances.

W. Ebor. Northampton, Strafford, Fr. Cestriens. Scarfsdale, Bristol. Gower, Greenwich, Compton, Powlet, Boyle, Litchfield, Tadcaster, Bute, Guilford, Harcourt, North and Grey, Foley, Day, Mansel, Dartmouth, Bathurst, Weston, P. Hereford, Treng, Fr. Roffen. Abingdon, Oxford.

About