

now be put upon that affair, yet I know that some gentlemen, who appeared against it, were heard to say at the time that affair was mentioned, it will please the country too much, and therefore we must endeavour to render it abortive. I will, indeed, do the gentlemen the justice to believe that they then spoke as they thought; and they then did what they could to prevent the success of a design, by which his majesty's administration has gained the favour and the esteem of the generality of the landholders in England \*."

The monied men were no less satisfied. The minister himself informs us of their principles: "The sinking fund" he says, "was now grown to a great maturity, produced annually about £. 1,200,000, and became almost a terror to all the individual proprietors of the public debts. The high state of credit, the low rate of interest, and the advanced price of the stocks and funds *above par*, made the great monied companies, and all their proprietors, apprehend nothing more than being obliged to receive their principals too fast; and it became almost the universal consent of mankind, that a million a year was as much as the creditors of the public could bear to receive, in discharge of part of their principal †."

As to the people at large, it is always more agreeable to them to defray the current expences by alienating a sinking fund, than by imposing a new tax. Every tax is felt, soon occasions murmurs, and meets with some opposition. In proportion as the taxes are multiplied, two difficulties arise; the people more loudly complain of every new impost, and it becomes more difficult to find out fresh subjects of taxation, or to augment the old levies. But a temporary suspension of the payment of the debt is not felt, and occasions neither murmurs or complaint. To borrow therefore from the sinking fund is always an obvious expedient for raising supplies ‡, and has never been known to create a national ferment.

The minister must have been more than man, had he preferred the blessings of posterity to the curses of his own age, or sacrificed present ease to the dread of remote evils.

\* Yet, after making due allowance to the temper of the times, and the situation of parties, the measure itself cannot be justified; the warmest admirers of the minister must allow, that it is a dark speck in his financial administration.

\* Chandler, vol. 7 p. 295.

† See Considerations on the Public Funds,

p. 56.

‡ Smith, Wealth of Nations, vol. 3, p. 418.

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The sagacious mind of Walpole, might have discovered some method of satisfying the public creditors, while he paid them off; he might have conciliated present advantage with the benefit of posterity, combined his own interest with that of the people, and by confining himself to a partial alienation, have rendered it a temporary, and not a permanent evil \*

## CHAPTER THE FORTY-FIRST:

1733.

*Origin and Progress of the Excise.—Object of Walpole's Scheme.—Arts of Opposition.—Parliamentary Proceedings.—Speech of Walpole.—Bill abandoned.—Views and Conduct of Opposition.—Influence of Walpole.—Removals and Promotions.—Prorogation of Parliament.*

I AM now arrived at that important period in the life of Sir Robert Walpole, which relates to what is usually called the EXCISE SCHEME, or in other words, the plan for subjecting the duties on wine and tobacco to the laws of excise; a measure which raised a great ferment in the nation, because it was perverted by the malignant spirit of party, and was not thoroughly understood by sober and impartial persons; but which reason, and the disinterested voice of posterity has sanctioned and justified.

Tucker's Eulogium of the excise scheme.

On this subject, a judicious writer †, who well understood the principles of commerce, has observed, " Without entering into a defence of all parts of

\* For the history and alienation of the sinking fund have been consulted, An Enquiry into the Conduct of our Domestic Affairs from the Year 1721 to 1734: Supposed to be written by Mr. Bute, page 43 to 55. An answer to that pamphlet, intitled, Some Considerations concerning the Publick Funds, written by Sir Robert Walpole, page 8 to 24.

Price on Annuities, vol. 1. page 185 to 223. Sinclair on the Revenue, vol. 1. page 99 to 101. Smith's Wealth of Nations, vol. 3 p. 410. Stuart's Political Economy, vol. 2.

† Tucker's Elements of Commerce and Theory of Taxes, p. 448, a book printed but not published.

his conduct, I am persuaded that impartial posterity will do him the justice to acknowledge, that if ever a statesman deserved well of the British nation, Sir Robert Walpole was the man. Indeed, the only true way of discovering, whether we are advancing or retreating in our political and commercial capacity, is to compare the past with the present, and to examine whether we have the same quantity of pernicious taxes, and monopolizing patents, as we had formerly. If we have not, it is our business to be thankful for the deliverance we have received, and to unite our endeavours to be freed from the remainder. This is real patriotism and public spirit.

“ One of the great merits of Sir Robert Walpole, and in which perhaps no minister ever approached him, was that of simplifying the taxes, abolishing the numerous petty complicated imposts which checked commerce and vexed the fair trader, and substituting in their stead more equal and simple.

“ But to omit matters of lesser note, the wisest proposal to relieve the nation was the excise scheme, by means of which the whole island would have been one general FREE PORT, and a *magazine and common storehouse* for all nations.

“ It was not indeed a perfect scheme at its first appearance; but the foundation was good, and a few alterations would have rendered it a most useful institution for the purposes of national commerce. But the business of those times was not to alter, mend, or improve, but to oppose, and to raise a ferment. But even in its most imperfect state it would have defeated the views of monopolists, and have proved of great national advantage. If the bill had been so worded as to be only *permissive* not *compulsory*, every man in this kingdom would have made the excise scheme his own choice, that is, he would have preferred the method of putting his goods in a warehouse, and paying the duties as he wanted them, rather than paying the duties all at once at the custom house. As a proof of this, let it be observed, that the very men who made the loudest clamour against the excise scheme, in a few years petitioned for a much worse, the present law relating to tobacco; which is allowed on all hands to be an excise scheme in effect, and to have inconveniences, which the excise scheme had not. But to give some salvo to the matter, the word *Permit* is changed to that of *Certificate* \*.”

Either the excise scheme was not such as it is here explained, or the opposition to it was founded on principles of error, misrepresentation, and party. Let me then be permitted to consider by what means the nation in general was induced to give such a decided resistance to the bill, and to make as

\* Tucker, Theory of Laws, p. 149.

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progress of  
the excise.

public and as loud rejoicings when it was relinquished, as upon the most glorious national victory ever gained over our enemies in times of the greatest danger.

In attempting to develop these causes, it may be expedient to trace the history of the excise from its first introduction into England, until the opening of Walpole's scheme. The first attempt to impose it was made in 1626, by a commission under the great seal, issued to thirty-three lords and others of the privy council, but the parliament having remonstrated, it was judged by both houses contrary to law, and the commission was accordingly cancelled by the king \*.

So odious was the very name, that if we may credit Howel, Sir Dudley Carleton, then secretary of state, having only named it in the house of commons, with a view to shew the happiness which the people of England enjoyed above other nations, in being exempted from that imposition, was suddenly interrupted, called to the bar, and nearly sent to the Tower †.

During the civil wars in 1641, parliament ventured to impose an excise on beer, ale, cyder, and perry; but although they pleaded absolute necessity in excuse for this expedient, and continued it only from month to month; yet the execution of it raised riots in London. The populace burnt down the excise house in Smithfield, and nothing but a standing army, adds the Craftsman, would have forced it upon the people at that time, when they were greatly disaffected to the king and favourable to the parliament ‡.

Although Charles the First, in one of his declarations, charged parliament with imposing insupportable taxes and odious excises upon their fellow subjects; yet he was afterwards under the necessity of recurring to the same expedient. Accordingly, excises were laid on by both parties, though both of them declared that they should be continued only till the end of the war, and then should be abolished.

Soon afterwards the parliament imposed it on sugar, butcher's meat, and on so many other commodities, that it might justly be called general, in pursuance of a plan, laid down by Pym, in a letter to Sir John Hotham; "That they had proceeded to the excise in many particulars, and intended to go farther; but that it would be necessary to use the people to it by little and little §."

At the restoration, the excise act was abolished on all articles of consumption, except beer and ale, cyder and perry, which produced a clear revenue, according to Davenant, of £.666,383. These duties were divided into two

\* Craftsman, N° 333.

† Ibid.

‡ Ibid.

§ Ibid. 1773. Appendix. Blackstone, B. 1. C. 8. Claridon.



equal portions; the one called the hereditary excise, because granted to the crown for ever, in recompense for the court of wards, purveyance, and the levies abolished by act of parliament; the other the temporary excise, because granted only for the life of the king.

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On the accession of James the Second, the parliament not only renewed the temporary excise for his life, but also increased it by additional duties on wines, vinegar, tobacco, and sugar, which however were suffered to expire.

The immediate effects of the revolution were to diminish the excises, supposed to be of a nature peculiarly obnoxious to the spirit and principles of the constitution. But the necessity of raising money to defend the religion and liberties became so urgent, that even this species of imposition was adopted. Excise on salt, on the distillery, and on malt, since known by the name of the malt tax, were then first introduced; an additional excise on beer produced alone £. 450,000, and the sums raised by those duties, during the reign of William, amounted to £. 13,649,328, or nearly a million per annum.

But so great were the necessities which the war on the Spanish succession intailed on the nation, during the reign of queen Anne, that the aversion to the excise did not prevent additional duties from being laid on several articles of consumption, and it produced in her reign £. 20,859,311, or nearly £. 1,738,275 per annum.

During the whole reign of George the First, no excise was laid on, except a small duty on wrought plate, under the administration of Sunderland. But the internal tranquillity of the country, and the exemption from foreign war, increased so much the produce of the taxes, that the excise yielded, in 13 years, £. 30,421,451, or about £. 2,340,000 per annum. Its unpopularity however was not abated by long usage, and the laws for the collection were necessarily so severe, and had been so often exercised in preventing frauds and punishing smugglers, that they were considered by many persons as encroaching on private property and personal liberty.

Such were the prejudices conceived against the excise, that the principal writers on finance, government, and trade, from the revolution to the period under consideration, almost uniformly condemn it; and a plausible notion prevailed, that as the real income of every country originates from the land, all taxes should be at once imposed on landed property\*.

Public aversion to the excise.

Even Davenant, who well understood the nature of taxes in general, and has so ably written on public credit, was deceived in this particular. Because

\* For a refutation of this system, see Smith's *Wealth of Nations*. Necker on *Finances*, vol. 2. c. 6. Stewart's *Political Economy*. Sinclair, vol. 2. p. 113.

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at that time the excise had the effect of sinking the price of the subject excised instead of raising the price of the produce \*, he concluded that all excises fall ultimately upon the land, and proposed, as more equitable, the poll tax and land tax.

The authority of Locke also contributed to spread the same notion, and his opinion against the establishment of the excise, was quoted with due effect by the Craftsman. That great philosopher, whose writings tended so much to expand and enlighten the human mind, had without due consideration asserted, that all impositions on articles of consumption fell ultimately upon land. The natural consequence therefore of that position was, that any additional duties on wine and tobacco could not ultimately ease the landholder, and therefore could not fulfil the intention held forth to the country gentlemen, as an argument in favour of the bill.

This system, though exploded † by a more intelligent age, had a surprising influence on all ranks and descriptions of men at that time, when the principles of commerce and taxation were little understood, and less followed. The opposition laid great stress on this argument; and in conformity to the existing opinion, Sir William Wyndham did not scruple to declare it, "as demonstrable as any proposition in Euclid," that if we actually paid a land tax of ten shillings in the pound, without paying any other excises or duties, our liberties would be much more secure, and every landed gentleman might live at least in as much plenty, and might make a better provision for his family, than under the present mode of taxation."

On the contrary, the sagacity of Walpole led him to perceive, that a tax on landed property was a greater burthen to the subject than taxes on articles of consumption. He was fully aware, that the excise laws obstruct the operations of the smugglers more effectually than the laws of the customs; that the method of levying taxes in use, was more burthen some upon trade, and more expensive to the merchants, than the raising of them by excise, and that

Walpole's  
motives for  
extending it.

\* The excise upon malt had the effect of lowering the price of barley, instead of raising the value of beer. *Stewart's Political Economy*, vol. 2. p. 362.

† Sir John Sinclair has, in a few words, ably shewn the absurdity of imposing all the taxes on land. "Were it admitted, though it can hardly be seriously maintained in a commercial country, that the whole income of the nation arose from the cultivation of the soil, you still, by imposing duties on consumptions, a greater revenue may be raised, than by a direct tax on land. By the latter method you only tax the proprietor of the soil, who has only a cer-

tain portion of the produce, and a considerable part of which is necessarily taken from him for the subsistence of others. Whereas by the former method, the public shares in the profits of those individuals who derive any benefit from the soil by any means, whether directly or indirectly. And hence, whilst the tax of four shillings in the pound on land is severely felt by many individuals in England, though it yields only two millions per annum, a tax on barley, in all its various stages of consumption, to the amount of above three millions and a half, is levied without pain or labour."

*Sinclair's Political Economy*, vol. 2. p. 173.

it would be more beneficial to commerce, and would considerably increase the revenue, if all, or the greater part of the customs were converted into excises. But as he well knew the aversion which the nation entertained against the excise, and as he was unwilling to deviate from his own great principle of government, *not to rouse things which are at rest*, he proposed gradually to introduce his plan by abolishing the land tax, and substituting other methods, until he could venture to come forwards with the proposal of his great scheme for extending the excise.

With this view he had made an alteration in the duties on coffee, tea, and chocolate, by abolishing the import duties, and subjecting them to inland duties, and to the same mode of collection as is practised in the excise. But as he still suffered them to be levied as customs, and prudently omitted to mention the word excise, this amendment met with no opposition, and it proved so beneficial, that it increased the duties on tea, coffee, and chocolate about 120,000 a year\*.

For the same purpose he proposed the revival of the salt duty, which had been abolished in 1729, because he conceived, that a revival of excise duties on commodities formerly subjected to that mode of collection, would not be regarded with so jealous an eye, as a new impost in the same line.

Revives the salt duty.

But though he thus endeavoured to conceal his intended purpose, yet the opposition penetrated his scheme; in the debate which took place on that subject, they first threw down the gauntlet, and dwelt with unabated energy on the apprehensions of a general excise, as the war whoop to spread an alarm throughout the country, and as the death warrant of national liberty. It was then that, provoked by the petulance of his adversaries, and entertaining too great a contempt of their arguments, with more spirit than judgment, and with more attention to the dictates of truth, than to the temper of the times, he anticipated the intended mention of his extensive views, and laid down the great plan before it was sufficiently matured, and before the nation was able to consider and appreciate its excellence. He

\* The difference between the customs and excise is thus defined by Sir Robert Walpole himself. "The duties known by the name of customs are certain rates imposed by authority of parliament upon all commodities imported from abroad, which rates are either to be paid by the importer, upon the entry at importation, with different allowances and discounts for prompt payment, or they must be

secured by bond, payable in a certain number of months, and as well as the duties paid down, are repaid and drawn back again upon re-exportation, as the bonds given, vacated and discharged; or in short, customs are duties paid by the merchant, upon *importation*: Excise, duties payable by the retail trader upon *consumption*." Oxford Papers.



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unequivocally declared, that the land tax was the most unequal, most grievous, and the most oppressive tax that ever was known in this country; a tax that never ought to be raised but in times of the greatest necessity; and in answer to those who opposed the revival of the salt duties, because it was partly levied under the excise, he ventured to declare, that an excise is only a word for a tax raised in a different manner. He added, "If it be found by experience, that the present method of raising our taxes is more burthensome upon our trade, and more inconvenient and expensive than the excise, I see no manner of reason why we should be frightened by these two words, general excise, from changing the method of collecting the taxes we now pay, and choosing that which is most convenient for the trading part of the nation \*."

This manly avowal of his sentiments in favour of the excise laws, was naturally deemed by opposition the prelude to his adoption of them, and was magnified into a scheme for a general excise on all the necessaries of life.

Aware of having prematurely advanced notions which the age could not comprehend, a pamphlet was published on this subject, under his auspices, intitled, "*Some general Considerations concerning the Alteration and Improvement of the Revenues*;" in which an attempt was made to explain to the people, that the scheme in agitation was founded on the first principles of commerce and taxation, and in no degree derogatory from the liberties of the subject.

Efforts of  
opposition.

But in this progressive plan he was baffled by opposition, who employed against him all the powers of wit and eloquence, which they possessed in so abundant a degree; and it must be confessed the scheme was not defended with equal energy and spirit. The nation took the alarm; and before the scheme was understood, even before it was formally proposed, the writers in opposition, more particularly the Craftsman, delineated such a hideous picture of the EXCISE, as raised among the people the most terrible apprehensions. These weekly essays, collected and published under the title of "*Arguments against Excises*," contributed to pervert the judgment, and excite the rage of the deluded multitude. Against the united shafts of sophistry, wit, and ridicule, adapted to the prejudices and conceptions of the people, the weapons of sober truth and reason had no effect.

Object of the  
scheme.

The grand object of the bill was to give ease to the landed interest, by the total abolition of the land tax; to prevent frauds; to decrease smuggling;

Chandler.

gling;



gling; to augment the revenue; to simplify the taxes, and facilitate the collection of them at the least possible expence.

The great outlines of the plan were, to convert the customs into duties of excise, and to meliorate the laws of the excise in such a manner, as to obviate their abuses or oppressions.

Such were the object and general outlines of the plan. The specific propositions were, to divide the commodities into taxed and not taxed, and to confine the taxed commodities to a few articles of general consumption. To comprehend among the untaxed commodities, the principal necessities of life, and all the raw materials of manufacture. The free importation of the necessities of life would, by rendering those necessities cheaper, reduce the price of labour. The reduction of the price of labour would diminish the price of home manufactures, and increase thereby the demand in all foreign markets, by underselling those of other nations. The free importation of raw materials would reduce the price of manufactures, and the cheapness of the goods would secure both the home consumption, and a great command in the foreign markets; and it was this regulation which induced Tucker to say, that by means of this scheme the whole island would become *one general FREE PORT*.

So much for the commodities untaxed. But even the trade of the taxed commodities would be augmented, and both the foreign and home trade would enjoy considerable advantages. The foreign trade would be benefited, because the commodities delivered out of the warehouse for exportation, being exempted from all imposts, would be perfectly free; and the carrying trade, under these regulations, would be highly increased. The home trade would be benefited, because the importer, not being obliged to advance the duty on the commodities delivered out for interior consumption, until he disposed of his goods, would afford to sell them cheaper, than if he had been obliged to advance the duty at the moment of importation.

Such, according to the opinion of a very judicious writer\*, was the object of the famous excise scheme.

Preparatory to its introduction, a committee had been appointed to inspect into the frauds and abuses committed in the customs; and on the 7th of June, 1732, Sir John Cope, the chairman, had presented their report to the house. Though it was of infinite importance, and of so great length as to take up, when printed, 103 pages in folio, yet the committee were so sensible that they had not

Preparatory  
proceedings.

\* *Smith's Wealth of Nations*, vol. 3. p. 358.



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fully explored all the recesses of fraud, and had left great part of their task unaccomplished, that they accompanied this elaborate document with an apology for its imperfections, in which they observed, that the shortness of the session would not allow them to make it so complete as they might otherwise have done, and that the number and intricacy of the various frauds, rendered a thorough disquisition almost impracticable.

Report of the  
committee.

In this report they adverted to the frauds committed by traders in tobacco, tea, brandy, and wine, and in the course of it displayed scenes of dishonesty, perjury, informing, violence, and murder, which would appear to sanction almost any measure, however violent, by which so horrible a stigma could be removed from the mercantile body, and from the fiscal laws of the country. It appeared, from undeniable evidence, that by perjury, forgery, and the most impudent collusion, in the article of tobacco, the revenue was frequently defrauded to the amount of one third of the duties, and that in many cases, an allowance had been dishonestly obtained, as a drawback on re-exportation, exceeding the sum originally received by government, which in the port of London only, sustained by these means a loss of £. 100,000 per annum. The smuggling of tea and brandy was conducted so openly and so audaciously, that since Christmas 1723, a period only of nine years, the number of custom house officers beaten and abused amounted to 250; and six had been murdered. 251,320 pounds weight of tea, and 652,924 gallons of brandy had been seized and condemned; and upwards of 2,000 persons prosecuted. 229 boats and other vessels had been condemned, 185 of which had been burnt, and the remainder retained for the service of the crown. The smuggling of wine was managed with so much art, or the connivance of the revenue officers so effectually secured, that within the period of nine years, only 2,208 hogheads had been condemned, though it appeared, from depositions on oath, that in the space of two years, 4,738 hogheads had been run in Hampshire, Dorsetshire, and Devonshire only, and on inquiry, 30 officers were dismissed, and informations entered against 400 persons; 38 were committed to jail, 118 admitted evidence, and 45 had compounded.

Activity of  
opposition.

Notwithstanding the facts contained in this report, and the endeavours used to enlighten the public mind, the opposition had been so assiduous and so successful in the dissemination of slander and suspicion, that they looked forward with impatience to the introduction of the minister's plan, as the certain means of triumph to them, and of disgrace to him: Indeed, considering the nature of the contest, they could hardly be thought too sanguine in their expectations of the event. The members of any administration proposing measures

measures for giving additional strength to government, for restraining the turbulent, or suppressing fraud, are open to every species of calumny, assailable by all the weapons of eloquence, wit, ridicule, personality, and misrepresentation; while in their defence, they are restricted to the use of those topics which make their impression only by force of time and experience. The majesty of argumentative eloquence, and the glare of wit, are undervalued, when eloquence is supposed to be biased by interest, and wit is divested of personality and caustic satire, which alone can make it pleasing to the multitude.

The writers in the interest of opposition had sounded the trumpet of alarm from one end of the kingdom to the other: they asserted that the minister's plan would not tend to prevent fraud, decrease smuggling, or augment the revenue; but would destroy the very being of parliament, undermine the constitution, render the king absolute, and subject the houses, goods, and dealings of the subject, to a state inquisition. They represented the excise as a monster feeding on its own vitals; and compared it to the Trojan horse, which contained an army in its belly.

Having by these means agitated the public mind to a frenzy of opposition, the enemies of the minister were anxious to follow their advantage, and to urge him to bring forward his plan, before the people had leisure for sober reflection. London, and many places in the country, had given express instructions to their representatives, to oppose the excise scheme in all its forms, and to use every method to impede its progress; and the members were so anxious to shew that they had not been unmindful of these dictates, that they seized every opportunity, long before the measure was officially announced to the house, of casting reflections on it, and endeavouring to add to the impressions of horror already entertained against it.

On the opening of the session, the king, in his speech from the throne, recommended to the house, *that in all their deliberations, as well upon raising the annual supplies, as the distribution of the public revenues, they should pursue such measures as would most conduce to the present and future ease of their constituents.* In another part of his speech, he admonished them *to avoid unreasonable heats and animosities, and not suffer themselves to be diverted by any specious pretences, from steadfastly pursuing the true interest of the country.*

Proceedings  
in parliament.

On the motion for the address, Sir John Barnard made these observations.  
 "The honourable gentleman who moved the address, proposes for us to say,  
 "That we will raise the supplies in such manner as will most conduce to the present  
 "and future ease of the subject. Now, there seems to be a great jealousy without  
 "doors."

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“ doors, as if something were intended to be done in this session of parliament, that may be destructive to our liberties, and detrimental to our trade : from whence this jealousy hath arisen, I do not know ; but it is certain that there is such a jealousy among all sorts of people, and in all corners of the nation ; and therefore, we ought to take the first opportunity to quiet the minds of the people, and to assure them that they may depend upon the honour and integrity of the members of this house ; and that we will never consent to any thing that may have the least appearance of being destructive to their liberties, or detrimental to their trade , for which reason, I move that these words, *and such as shall be consistent with the trade, interest, and liberty of the nation*, may be added as an amendment.”

In support of this amendment, Shippen observed, “ It is certain that there are great fears, jealousies, and suspicions without doors, that something is to be attempted in this session of parliament, which is generally thought to be destructive to the liberties and to the trade of this nation. There is at present a most remarkable and general spirit among the people for protecting and defending their liberties and their trade, in opposition to those attempts which they expect are to be made against both : from all quarters we hear of meetings and resolutions for that purpose ; and this spirit is so general, that it cannot be ascribed to any one set of men : they cannot be branded with the name of Jacobites or republicans ; no ; the whole people of England seem to be united in this spirit of jealousy and opposition.”

Walpole, in reply, disclaimed any knowledge of a design to injure the trade of the nation, and said, “ If the people are hampered or injured in their trade, they must feel it, and they will feel it before they begin to complain ; in such case it is the duty of this house, not only to hear their complaints, but, if possible, to find out a remedy. But the people may be taught to complain ; they may be made to feel imaginary ills, and by such practices they are often induced to make complaints before they feel any uneasiness. He did not, however, oppose the amendment, and it was carried.

This was only a prelude to several other skirmishes which took place before the grand attack. In the debate of the 14th of February, on the subject of preventing the importation of foreign sugar, rum, &c. into the plantations in America, Sir John Barnard again observed, that “ It would be impossible to prevent the running of French rum on shore, even if we were to send to America the whole army of excise officers which we have  
“ here

“ here at home. The sending them thither, might, indeed, add a good deal to our happiness in this country; but all of them together could be of no service for such a purpose in that country.”

In the debate on alienating part of the sinking fund, a more decided attack was made by Pulteney, who said, “ Though I was aware of the motion now made, I was in hopes that was not all the honourable gentleman was this day to open to the committee: There is another thing, a very terrible affair impending! A monstrous project! Yea, more monstrous than has ever yet been represented! It is such a project as has struck terror into the minds of most gentlemen within this house, and into the minds of all men without doors, who have any regard to the happiness or to the constitution of their country. I mean, that monster, the excise! That plan of arbitrary power, which is expected to be laid before this house in the present session of parliament.”

231 February.

On the 27th of February, a call of the house being moved for on that day fortnight, the excise scheme was again introduced. Sir John Rushout commenced an attack on the minister, by saying, “ I do not rise to oppose the call of the house; but there being, as I imagine, a certain scheme or project to be brought into the house, which seems to be of very great consequence to the whole nation, I wish that the call of the house may be about the time that that scheme is to be laid before us. We have long been in expectation of seeing this glorious scheme, which is to render us all completely happy; we have waited for it with impatience ever since the beginning of the present session. I do not know whether the scheme itself has lately met with any alterations or amendments; but I hope, if it be to be laid before us this session, it will not be put off till towards the end of the session, when gentlemen are tired out with attendance, and obliged to return home to mind their own private affairs.”

Walpole replied, “ As to the scheme mentioned by the honourable gentleman who spoke last, it is certain that I have a scheme, which I intend very soon to lay before you; I have not indeed, as yet, fully determined what my motion shall be; but if the motion for the call of the house be appointed for this day fortnight, I believe I shall be fully determined between this and that time. I do not desire, I never did desire to surprise this house in any thing; nor had I, thank God, ever any occasion to use the low art of taking advantage of the end of the session for any thing I had to propose; but when the house does resolve itself into a committee, which I mean to move for, I will lay before that committee a scheme which I have long thought of, which I am convinced is for the good of

“ the



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“ the nation ; and which, if agreed to, will improve both the trade and the public revenue. As for the scheme’s having received alterations and amendments, I do not know but it may ; I never thought myself so wise as to stand in no need of assistance ; on the contrary, I have taken from others all the advice and assistance I could obtain ; and in all my inquiries, I have chose to consult with those who I knew had a perfect knowledge of such affairs, and had no particular interest in view, nor any private end to serve : from those who have by-ends of their own, I can never expect impartial counsel, and therefore I have in this, as well as every other affair, thought it ridiculous to ask their advice.” He concluded by observing, “ That if a project could be framed to prevent the frauds committed in the revenue, the author of such project would deserve the thanks of his country, and of every fair trader ; because, whenever a tax is laid on, and not collected regularly and duly, from every man subject to its operation, it is really making the fair trader pay to the public what the fraudulent trader puts into his own private pocket ; by which means the smuggler undersells the fair trader in every commodity, and by which the fair trader must be at last ruined and undone.”

Sir William Wyndham followed, and affected to assume, as an abstract statement, that the question was, “ Whether we should sacrifice the constitution to the prevention of frauds in the revenue ?” Sir John Barnard seized this opportunity of making a popular speech, in which he said, “ If I have been rightly informed, this scheme, in its first conception, was for a general excise, but that, it seems, was afterwards thought too much at once, and therefore, we are now to single out only one or two branches, in order that they may first be hunted down. But the very same reason may prevail with us, to subject every branch to those arbitrary laws ; and as such laws are, in my opinion, absolutely inconsistent with liberty, therefore I must think that the question upon this scheme, even altered as it seems it is, will be, Whether we shall endeavour to prevent frauds in the collection of the public revenues, at the expence of the liberties of the people ?” “ For my own part,” added he, “ I never was guilty of any fraud, and therefore I speak against my own interest, when I speak against any method that may tend towards preventing frauds ; but I will never put my private interest in balance with the interest or happiness of the nation. *I had rather beg my bread from door to door, and see my country flourish, than be the greatest subject in the nation, and see the trade of my country decaying, and the people enslaved and oppressed.*”

In the interval between the debate and the call of the house, the minister



was preparing to bring forward his scheme in a manner as little exceptionable as possible, and the opposition were exerting all their powers and influence to form a strong party against it, and to excite the public to clamour for its rejection, whatever might be its merits.

On the 7th of March, the minister moved, that on that day se'nnight, the house should resolve itself into a committee, to consider of the most proper methods for the better security and improvement of the duties and revenues already charged upon and payable from tobacco and wines; which was ordered. It was farther ordered, that the proper accounts, returns, and other papers, should be referred to the said committee, and that the commissioners of the customs and excise should attend.

On this occasion, all the arts and influence of opposition were called forth to excite clamours against the measure. Not only the members solicited the attendance of their friends, but letters were delivered by the beadles, and other officers in the parishes and wards of the city, to induce a numerous party to assemble at the doors, and in the avenues to the house, to overawe the proceedings of the legislature. Walpole was apprized of these proceedings, but not to be deterred from the prosecution of his design. On the 15th of March, the house having resolved itself into a committee, he opened the business, and said;

"As \* I had the honour to move that the house should resolve itself into this committee, I think it incumbent on me to open to you, what was then intended to be proposed as the subject of your consideration. This committee is appointed for the better security of the duties and revenues already charged and payable upon tobacco. This can be done in no way so proper and effectual, as by preventing the commission of those frauds by which the revenue has already sustained such great injuries. As the proposed improvement is to be made by an alteration in the method of collecting and managing the duties already imposed, without any addition, or subjecting to the same duties any articles not already chargeable, I might have avoided stating this project to a committee of the whole house; but I have deserted the old road, and proposed a supply not immediately necessary for the current service of the year, that I might leave a greater freedom of consideration, by taking away every appearance of pressing necessity. I shall therefore only observe, that some previous provision must be made for the future application of the

\* \* The substance of this speech is principally taken from heads and memorandums, in the hand writing of Sir Robert Walpole, among the Orford Papers. A few connecting sen-

ences have been supplied from the printed speech in the contemporary publications: Political State; Historical Register. See also Chandler.

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increased sum which, should the plan I am about to propose be adopted, will be received into the exchequer.

"The contest, in the present instance, is between the unfair trader, on one side; the fair trader, the planter, and the public, on the other; but to the public must be referred my most forcible appeal, as they, in truth, bear the whole weight of the injury; for though the fraudulent factor seems to make the planter, retailer, and consumer equally his prey, yet the landed interest ultimately suffers the whole effect of the fraud, by making good what the subject pays, and the government does not receive.

"In such a cause, I might reasonably expect the approbation of the fair trader, and the assistance of parliament; for assuredly, if in these times any cause can possibly be considered exempt from the operations of party, it is the cause now before the committee. But, Sir, I am not to learn, that whoever attempts to remedy frauds, attempts a thing very disagreeable to all those who have been guilty of them, or who expect to derive future benefits from them. I know that these men, who are considerable in their numbers, and clamorous in their exertions, have found abettors in another quarter, in persons much worse than themselves; in men who are fond of improving every opportunity of stirring up the people to mutiny and sedition. But as the scheme I have to propose, will not only be a great improvement to the revenue, an improvement of two or three hundred thousand pounds by the year, but also a great benefit to the fair trader, I shall not be deterred, either by calumny or clamour, from doing my duty as a member of this house, and bringing forward a measure, which my own conscience justifies me in saying, will be attended with the most important advantages to the revenues and commerce of my country.

*Iustum et tenacem propositi virum,  
Non civium ardor prava jubentium,  
Mente quatit solida.*

"Amongst the many slanders to which the report of this project has exposed me, I cannot avoid mentioning one, which has been circulated with an assiduity proportioned to its want of truth, that I was about to propose a general excise. In all plans for the benefit of government, two essential points must be considered, justice and practicability: many things are just which would not be practicable; but such a scheme would be neither one or the other. Various are the faults of ministers, various their fates: few have had the crimes of all; none till now found, that the imputation

of crime to him, became a merit in others. Yet if I were to propose to you such a scheme, popular opinion would run exactly in that channel. It would be a crime in me to propose, a crime in you to accept; and the only chance left to the house of retaining the favour of the people, would be the unqualified rejection of the project. But *I do most unequivocally assert, that no such scheme ever entered my head, or, for what I know, into the head of any man I am acquainted with.* Yet though I do not wish to do wrong, I shall always retain a proper share of courage and self-confidence to do what I judge right, and in the measures I am about to propose, shall rest my claim to support and approbation on the candid, the judicious, and the truly patriotic.

“ My thoughts have been confined solely to the revenue arising from the duties on wine and tobacco; and it was the frequent advices I had of the shameful frauds committed in these two branches, and the complaints of the merchants themselves, that induced me to turn my attention to discover a remedy for this growing evil. I am persuaded, that what I am about to propose, will, if granted, be an effectual remedy. But, if gentlemen will be prevailed on by industry, artifice, and clamour, to indulge the suggestions of party prejudice, they and their posterity must pay dear for it, by the grievous entail of a heavy land tax, which they will have sanctioned by their pusillanimity, in not daring to brave the outrages of the fraudulent and self-interested. For myself, I shall only say, I have so little partiality for this scheme, except what a real and constitutional love of the public inspires, that if I fail in this proposal, it will be the last attempt of the kind I shall ever make, and I believe, a minister will not soon be found hardy enough to brave, on the behalf of the people, and without the slightest motive of interest, the worst effects of popular delusion and popular injustice.

“ I shall, for the present, confine myself entirely to the tobacco trade, and to the frauds practised in that branch of the revenue. If there is one subject of taxation more obvious than another, more immediately within the direct aim of fiscal imposition than another, it is such an article of luxury as depends for its use on custom or caprice, and is by no means essential to the support or real comfort of human life. If there is a subject of taxation where it is more immediately the province of the legislature to suppress fraud, and strictly to insist on the payment of every impost, it must be that where the wrong is felt by every class of persons, and none are benefited, except the most dishonest and profligate part of the community. Both these descriptions apply to the subject before us. For though the use of tobacco is perhaps less sanctioned by natural reason than any other luxury, yet so great is the predilection for it, in its various forms, that from the

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palace to the hovel there is no exemption from the duty; and surely it must be considered an intolerable grievance, that by the frauds which are daily committed, the very poorest of the peasantry are obliged to pay this duty twice; once in the enhanced price of the article, for though the fraudulent trader contrives to save to himself the amount of the tax imposed by parliament, yet he does not sell it cheaper to the public; and a second time, in the tax that is necessarily substituted to make good the deficiency which has been by these means occasioned. Did it ever happen till now, that when an abuse of this kind was to be remedied, endeavours were used to make the attempt unpopular?

"In discussing this subject, it will be necessary first to advert to the condition of our planters of tobacco in America. If they are to be believed, they are reduced to the utmost extremity, even almost to a state of despair, by the many frauds that have been committed in that trade, and by the ill usage they have sustained from their factors and correspondents in England, who from being their servants, are become their tyrants. These unfortunate people have sent home many representations of the bad state of their affairs; they have lately deputed a gentleman with a remonstrance, setting forth their grievances, and praying for some speedy relief: this they may obtain by means of the scheme I intend now to propose; but I believe it is from that alone they can expect any relief.

"The next thing to be considered is, the state of the tobacco trade with respect to the fair trader. The man who deals honourably with the public, as well as individuals, the man who honestly pays all his duties, finds himself forestalled in almost every market within the island, by the smuggler and fraudulent dealer. As to our foreign trade in tobacco, those who have no regard to honour, to religion, or to the welfare of the country, but are every day contriving ways and means for cheating the public by perjuries and false entries, are the greatest gainers; and it will always be so, unless we can contrive some method of putting it out of their power to carry on such frauds for the future.

"We ought to consider the great loss sustained by the public, by means of the frauds committed in the tobacco trade, and the addition that must certainly be made to the revenue, if those frauds can be prevented in future. By this addition, parliament will acquire the means of exercising one of its most enviable privileges, that of diminishing the burthens of the country, the power of doing which will thus be presented to them in various forms. If it should be the prevailing opinion, that the discharge of the national debt should be accelerated, this increase offers an abundant resource. If the  
idea



idea should prevail, that those taxes ought to be alleviated which fall heaviest on our manufacturers and the labouring poor, as soap and candles, this increase will replace the difference. Or if it should be judged that more immediate attention ought to be paid to the current service, the fund may be reserved for that use: and it is manifestly unjust and impolitic, that the national debt should be continued, and the payment postponed; or that the heavy duties on our manufactures should remain, which are justly paid, and without fraud; or that ways and means for the current service should be annually imposed, if the present revenues will answer all or any of these purposes. This, I am convinced, will be the effect of the scheme I am to propose, and whoever views it in its proper light, must see the planters, the fair traders, and the public ranged on one side in support of it; and none but the unfair traders and tobacco factors on the other.

"I am aware that the evidence to be adduced in proof of the existence of the frauds I am about to enumerate, is not such as would be sufficient to induce a court of justice to pronounce the guilt of those to whom they may be imputed. But as I do not undertake the task of inculpation, if I make out such a case to the committee, as will enable them to decide on the existence of the crime, they will not hesitate to apply the remedy. They will consider the deficiency of strict legal proof, as a motive for their interference, rather than their forbearance; more particularly when they reflect, that if persons are with difficulty induced to give testimony in such a case as this, where the good of the country only is to be pursued without injury to any one, they will be still less easily brought forward to give such information as will tend to the ruin of others. In this case it is hardly too much to say, that gentlemen should learn from the example of those interested, how to conduct themselves: they have, with an alacrity and unblushing eagerness which proves, which confesses their guilt, hastily inferred the most violent intentions in the friends of government; they have assumed facts, and inferred intentions without the smallest data, on which to found their presumptions. I ask no more than this; if I succeed in making it appear that gross frauds are daily practised, and the revenue injured in a most daring and profligate manner, that the proposed remedy, should it appear adequate and applicable, may be resorted to, without subjecting me to the necessity of procuring that which is, in fact, unattainable, such precise proof as would satisfy the administrators of the laws in the disposal of property, or deciding on guilt. Such evidence, and such facts as I have been able to collect, it is my duty to lay before you; and it is your duty to support me, unless my plan appears totally void of reason and justice."

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The minister then proceeded to give such preliminary statements and calculations, as were necessary to render his plans intelligible, to make the abuses obvious, and to demonstrate the propriety and necessity of reform. From these statements it appeared, that the existing duties on tobacco amounted to sixpence and one-third of a penny on every pound. The discounts, allowances, and drawbacks, were a total drawback on re-exportation; ten per cent. on prompt payment; and fifteen per cent. on bonded duties. The gross produce of the tax, at a medium, £. 754,131. 4s. 7d. the nett produce only £. 161,000.

Having made these statements with the utmost exactness and perspicuity, he proceeded :

“ I shall now point out as clearly as I can, and as amply as my knowledge will enable me, the principal frauds and most glaring instances of dishonesty, which occasion this amazing disproportion. And first I shall mention one, which seems alone capable of diverting from its proper channel the amount of any tax. I mean that of using light weights inwards, and heavy weights outwards, of paying by the first, and taking the drawback by the last, and charging the planter, and taking commission by the whole. This evil is farther enhanced by negligence; for it is customary to weigh a few hogheads only; and if they answer, the whole pass according to the numbers in the cocket.

“ A particular instance of this fraud came lately to our knowledge by mere accident : one Mitford, who had been a considerable tobacco merchant in the city, happened to fail, at a time when he owed a large sum of money on bond to the crown. An extent was immediately issued against him, and government obtained possession of all his books, by which the fraud was discovered. For it appeared, as may be seen by one of his books, which I have in my hand, that upon the column where the false quantities which had been entered at the importation were marked, he had, by a collusion with the officer, got a slip of paper so artfully pasted down, that it could not be discovered, and upon this slip of paper were written the real quantities which were entered, because he was obliged to produce the same book when that tobacco was entered for exportation. But upon exportation, the tobacco was entered and weighed according to the quantities marked on this slip of paper, by which he secured a drawback, or his bonds returned, to near double the value of what he had actually paid duty for upon importation. Yet this Mitford was as honest a man, and as fair a trader, as any in the city of London. I desire not to be misunderstood; I mean, that before he failed, before these frauds came to be discovered, he was always reckoned as honest a man, and

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as fair a trader, as any in the city of London, or in any other part of the nation."

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After enumerating several other instances where government had been defrauded of a full third of the duties imposed, and legally payable, he came to Peele's case, which is singular from its enormity. "In September 1732, this Peele entered in the James and Mary, from Maryland, 310 hogshheads of tobacco, for which he paid the duty in ready money. In October following, he sold 200 hogshheads to one Mr. Hyam, for exportation, and they were immediately exported. It appears on these 200 hogshheads, that the duties paid at importation, according to the weights in the land-waiters books, were short of the real weights by 13,292 pounds. The certificates sworn to for Mr. Peele to obtain debentures, were to discharge bonds given on a former entry of Virginia tobacco, imported in November 1731. The indorsement on the cocket made by Mr. Peele, in order to receive the debentures, exceeded the real weights actually shipped by 8,288 pounds, so that the total of the pounds weight gained by this fraud, amounts to 21,580.

"The next fraud to which I shall direct your attention, is that of receiving the drawback on tobacco for exportation, and relanding it. The effects of this practice are too obvious to require elucidation; and it has been carried to such an extent, that a great number of ships were employed at Guernsey, Jersey, and the Isle of Man, in receiving and relanding such tobacco. Nor was the evil confined to these ports; a very intelligent gentleman, Mr. Howel, who resided many years in Flanders, has frequently observed several quantities of tobacco imported into Ostend and Dunkirk, and there repacked in bales of one hundred pounds each, and put on board vessels which waited there to reland it in England or Ireland. About twelve months ago, nine British vessels were employed in taking cargoes for this purpose at Dunkirk.

"The third fraud to which I shall direct the attention of the committee, is that of receiving the whole drawback for a commodity of, almost no value, namely, the stalks of the tobacco, which it is usual, after the leaf has been stripped off, to press flat and cut, and by mixing this offal with sand and dust, impose on the revenue officers, and obtain the same drawback as for an equal weight of the entire plant. This miserable stuff, when the fraudulent purpose has once been answered, is either thrown into the sea, or relanded and sold at three farthings a pound, with an allowance of 1,010 pounds weight in five hogshheads.

"The fourth fraud I shall advert to, is one of very great consequence, known by the name of *socking*, which is a cant term for pilfering and stealing tobacco from ships in the river. This iniquitous practice, which was discovered:

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discovered in 1728 and 1729, was chiefly carried on by watermen, lightermen, tide-waiters, and city porters, called gangs-men: the commodity so pilfered was deposited in houses from London Bridge to Woolwich, and afterwards sold, frequently to eminent merchants. Five hundred examinations have been taken on the subject, from which it appears, that, in the space of one year, fifty tons were focked on board ships and on the quays. Sixteen tons were seized, but that quantity was reckoned an inconsiderable part of the whole. In consequence of these informations, 150 officers were dismissed, nine were convicted, of whom six are ordered for transportation, three to be whipt: these prosecutions were all carried on at the expence of government; and it is not a little remarkable, when we recollect the professions of patriotism, virtue, and disinterestedness, which are now so copiously poured forth, that not a single merchant, though the facts were so notorious and shameful, assisted the state either by information or pecuniary exertion to suppress the fraud, or bring the delinquents to punishment.

“ The last grievance I shall mention, cannot so properly be denominated a fraud, as an abuse arising from the nature of the duties paid, and the manner of paying them; I mean the advantage afforded to the merchant of trading with the public money, or making government pay more than they receive. Bonds are given for eighteen months, three years are allowed for the exportation of the article, and new importations discharge old bonds. The losses which result to government from the failure of the obligors in these bonds, is immense; besides the ungracious task to which it subjects them, of suing the sureties who had no interest in the contract. The rich trader has another advantage; he avoids giving bonds, by paying the amount of his duties in ready money, for which he is allowed a discount of ten per cent. Now it is very common, and not out of the line of fair trade, for a merchant to pay this duty, receive the discount, and by immediately entering the same commodity for exportation, gain an advantage (I will not say defraud the revenue) of ten per cent. without loss, risk, or expenditure.

“ The frauds which I have here enumerated are, I apprehend, sufficiently proved to satisfy the committee of their existence, and their enormity is obvious enough to demand active interference. The only remedy I can devise, is that of altering the manner of collecting the duties. Frauds become practicable by having but one check at importation, and one at exportation: if there is but one sentinel at a ~~garri-son~~ <sup>garri-son</sup>, and he sleeps, or is corrupted, the castle is taken; but if there are ~~more~~ <sup>more</sup> than one, it is in vain to corrupt the first, without extending the same influence to those who remain; and when difficulties

difficulties are so multiplied, the project becomes hazardous and uncertain, and is abandoned.

“If the grievance then is admitted, it only remains to mention the remedy, and to consider whether it is effectual, or whether it is worse than the disease.

“The laws of the customs are manifestly insufficient to prevent the frauds which already exist; I therefore propose to add the laws of excise; and by means of both, it is probable, I may say certain, that all such frauds will be prevented in future.

“I have already stated to the committee, that the several imposts on tobacco amount to six pence and one third of a penny per pound, all of which must be paid down in ready money upon importation, with the allowance of ten per cent. upon prompt payment; or there must be bonds given, with sufficient sureties, for payment, which is often a great loss to the public, and always a great inconvenience to the merchant importer. Whereas, by what I shall propose, the whole duty will amount to no more than four pence three farthings per pound, and will not be paid till the tobacco is sold for home consumption; so that if the merchant exports his tobacco, he will be quite free from all payment of duty, or giving security; he will have nothing to do but re-load his tobacco for exportation, without being at the trouble of attending to have his bonds cancelled, or taking out debentures for the drawbacks: all which, I conceive, must be a great ease to the fair trader; and to every such trader the prevention of frauds must be a great advantage, because it will put all the tobacco traders in Britain on the same footing, which is but just and equitable, and what ought, if possible, to be accomplished.

“Now, in order to make this ease effectual to the fair trader, and to contribute to his advantage, by preventing, as much as possible, all frauds for the future, I propose, as I have said, to join the laws of excise to those of the customs, and to leave the one penny, or rather three farthings per pound, called the farther subsidy, to be still charged at the custom house, upon the importation of tobacco, which three farthings shall be payable to his majesty's civil list as heretofore; and I propose for the future, that all tobacco, after being weighed at the custom-house, and charged with the said three farthings per pound, shall be lodged in a warehouse or warehouses, to be appointed by the commissioners of excise for that purpose, of which warehouse the merchant importer shall have one lock and key, and the warehouse-keeper to be appointed by the said commissioners shall have another, that the tobacco may lie safe in that warehouse, till the merchant finds a market for it, either for exportation or home consumption: if his market be for ex-



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portation, he may apply to his warehouse-keeper, and take out as much for that purpose as he has occasion for, which, when weighed at the custom-house, shall be discharged of the three farthings per pound with which it was charged upon importation, so that the merchant may then export it without any farther trouble. But if his market be for home consumption, he shall pay the three farthings charged upon it at the custom-house upon importation, and then, upon calling his warehouse-keeper, he may deliver it to the buyer, on paying an inland duty of four pence per pound, to the proper officer appointed to receive the same.

“ And whereas all penalties and forfeitures to become due by the laws now in being, for regulating the collection of the duties on tobacco, or at least all that part of them which is not given to informers, now belong to the crown, I now propose that all such penalties and forfeitures, in so far as they formerly belonged to the crown, shall for the future belong to the public, and be applicable to the same uses to which the said duties shall be made applicable by parliament; and for that purpose I have the king's commands to acquaint the house that he, out of his great regard for the public good, with pleasure consents that they shall be so applied; which is a condescension in his majesty, that I hope every gentleman in this house is fully sensible of, and will freely acknowledge.

“ Having thus explained my scheme to the committee, I shall briefly touch on the advantages to be derived from, and anticipate some of the objections which may probably be made to it.

“ First then, turning duties upon importation into duties on consumption, is manifestly a great benefit to the merchant importer. The paying down of duties, or bonding, are heavy burthens. The payment of duties requires a treble stock to what would else be requisite in trade; and the asking securities, besides numerous other inconveniences, subjects the merchant to the necessity of returning the favour. It hardly requires to be mentioned, that it is a very great accommodation to be obliged to provide for the payment of one penny only, instead of six pence and one third of a penny.

“ The next benefit is the great abatement on the whole duty. The inland duty being four pence per pound, and the remaining subsidy three farthings, gives an abatement of 10 per cent. and of 15 per cent. upon the whole: whereas, the 25 per cent. is at present given only on the money paid down, which is not a fifth of the whole, and but 15 per cent. allowed on the four fifths which is bonded. Thus a duty of five pence farthing is paid on four fifths of the tobacco, and four pence three farthings on the other fifth; while by the plan I propose, no more than four pence three farthings

will

will be paid on the whole. It is easy to calculate how great the advantage must be to the planter and fair trader from this arrangement, which demands so small an advance, exempts them from all the inconveniences of finding duties, and requires no payment of any consequence, till the moment when a purchaser presents himself to refund the cost.

“ If it should be objected against this project, that it makes the tobacco trade a ready money business, which it cannot bear; I answer, that it may be so or not, as the parties themselves may chuse to arrange it; for if the merchant gives the consumer credit, as he now does, for the duties as well as the commodity, the objection ceases to have any weight.

“ The great advantage to the public will be this, that no duty being paid on tobacco designed for exportation, an immediate stop will be put to the *fraud on drawbacks*, and to *most of the disgraceful efforts of dishonesty*, which I have previously enumerated. This fact does not require to be verified by an experiment; it is sufficiently proved by the success and facility which attend the collection of the malt duty.

“ I come now to the main point, and which alone can admit of debate; the grand objection of making the dealers in tobacco subject to the laws of excise. I am aware, that on this subject I have arguments or rather assertions to encounter, which are of great import in sound, though of very little in sense. Those who deal in these general declamations stigmatize the scheme in the most unqualified manner, as tending to reduce those subjected to it to a state of slavery. This is an assertion, the fallacy of which can only be determined by comparison. There are already ten or twelve articles of consumption subjected to the excise laws; the revenue derived from them amounts to about £.3,200,000 per annum, which is appropriated to particular purposes. A great number of persons are, of course, involved in the operation of these laws; yet, till the present moment, when so inconsiderable an addition is proposed, not a word has been uttered about the dreadful hardships to be apprehended from them. These clamours of interested and disaffected persons are best answered by the contented taciturnity of those in whose behalf their arguments, if of any force, ought to operate. Are the brewers and maltsters slaves, or do they reckon themselves so? Are they not as free in elections, to elect or be elected, as any others? or let any gentleman present say, if he ever met with any opposition from, or by means of an exciseman?

“ I quit this general topic to advert to more particular and specific objections: The chief of them are, houses liable to be searched; the being subject to the determination of commissioners, without appeal, who are necessarily creatures of the crown; the number of excise officers; the injury the

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subject will sustain in being tried without a jury; and the particular interest of the crown in this alteration.

“ To all these objections one general observation will apply; that if for these reasons this scheme is to be relinquished, the whole system of excise laws ought to be abandoned. But I shall examine them one by one. I begin with the last, the most cruel and unjust, because it tends to set up an improper distinction, and draw a strong line of opposition between the interests of the crown and the interests of the people; that is to say, between the estate and particular property of the crown, and the estate and particular property of the public: this naturally leads to a general consideration of the public revenues.

“ The revenues may be computed at £.6,700,000 per annum. The public has of this, as its particular interest and property, about £.5,900,000 per annum, namely, the appropriated funds and annual supplies. The proportion remaining to the crown, £.800,000, is not an eighth part of the whole. And here, in order to obviate a general misrepresentation, it is necessary to state, that the civil list revenues, in five years, from Midsummer 1727 to Midsummer 1732, have fallen short of the sum they are supposed to produce by upwards of £.26,000 a year on the average. Happy indeed would be the state of the country, if the appropriated duties would answer all the proper engagements, and leave a surplus sufficient for the current service! But if that great object is not attainable, it is surely well worth the attention of parliament to provide for a moiety, or even a fourth part of the current service. The appropriated duties were funds for paying the interest of the national debt. There had been deficiencies in several, but now a supply is made; a sinking fund for gradually discharging the principal. A million per annum has for several years been applied, and that, by the public creditors, is now thought more than sufficient.

“ If under the present management, the duties produce much less than ought to be paid to the public, has the public a right to make the most of their own revenues, or are they alone excluded from doing themselves justice? To object against the improvement of the king's part, is to say, that the public had better be defrauded of seven parts in eight, than that justice should be done to the crown in the eighth. If manifest frauds were discovered in a branch belonging entirely to the civil list, the post office, for example, would you rather sanction the wrong than do justice to the crown? Why then this unreasonable jealousy in the present instance? I call the jealousy unreasonable, because in this proposition all possible care has been  
taken

taken to avoid the imputation of being designed for the benefit of the crown. The penny which goes to the civil list is left to be paid at the custom-house. All increase from the inland duty is not to go to the crown but to the public. All fines, forfeitures, and penalties arising from the inland duties, are renounced by the crown, and appropriated to the public. In a word, the crown will have no interest in the inland duty, but as trustee for the public.

“ This fact, duly considered, answers the great objection to the determination of commissioners. For granting, for a moment, that commissioners are to be supposed corrupt, venal, and creatures of the crown, what influence can their regard for the crown have on them, to induce them to oppress the people, when the crown has no interest in their determination? But though this answer might reasonably be deemed satisfactory and sufficient, yet to obviate even speculative objections, a remedy is supplied for this supposed grievance, by investing three of the twelve judges with a power of determining, in a summary way, all appeals brought before them within the bills of mortality; and in the country, the same power is to be vested in one of the judges of the assize going the next circuit. This renders it impossible that the interest of the subject can be sacrificed to undue influence on the one hand, or the revenue to private solicitation, personal friendship or regard on the other. While such a tribunal presents itself, no offender would chuse to be carried into Westminster hall, rather than have his cause judged in a summary way. The benefit of a trial by jury would not induce a man to encounter the tedious, vexatious, and expensive proceedings in a court of law, more burthensome than the penalties and forfeitures in dispute. As far as my own observation enables me to judge on the present system, where the commissioners have, in most cases, a power to determine themselves, or to bring informations, I have found that most people, against whom informations have been laid, have been desirous that their causes should be determined by commissioners; but I never yet heard of one who was willing to take his cause out of the hands of the commissioners to have it tried in Westminster hall. One reason which contributes to render the exercise of power by the commissioners more popular is, that they possess the privilege of mitigation, which is not entrusted to the judges, who are merely administrators of the law, according to the letter.

“ The next objection is the increase of revenue officers, which fear, interest, and affectation have magnified into a standing army. This standing army, allowing the proposed addition to extend to tobacco and wine, will not, according to the estimate of the commissioners, exceed *one hundred and twenty-six* persons; that number, in addition to those already employed, will do



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do all the duty. In this computation, warehouse-keepers are of course not included, their number must be uncertain, for the satisfaction and accommodation of the merchants: Few houses, however, out of London, will be subject to the excise laws which are not so already.

"The only remaining objection is, the power of officers to enter and search houses. This objection could not possibly have any weight, without the aid of gross misconception, or misrepresentation.† All warehouses, cellars, shops, and rooms used for keeping, manufacturing, or selling tobacco, are to be entered at the inland office. These are to be always liable to the inspection of the officer, and it is to be made penal to keep or conceal tobacco in any room or place not entered. But no other part of the house is liable to be searched without a warrant and a constable, which warrant is not to be granted without an affidavit of the cause of suspicion. The practice of the customs is now stronger; they can enter with a writ of assistance without any affidavit. But why all this solicitude in the behalf of fraud? If the powers given by either, or both the systems of revenue law are not sufficient (as I am informed they are not in the case of tea) it is an argument to add more checks, but no argument against the application of this.

"The regulation in these two commodities, can affect neither trade, the poor, or the manufacturer. The poor are not at all concerned in the question of tobacco, as the retailer now sells all tobacco at the rate of duty paid. The manufacturer is concerned as little, for the same reason, and neither one or the other drinks any wine. The landed interest cannot be affected by it in consequence of an advanced charge on the poor and the manufacturer. The whole clamour then is in favour of the retailer or tradesman, and even he cannot suffer, unless guilty of frauds.

"This is the scheme which has been represented in so dreadful and terrible a light; this is the monster, the many-headed monster, which was to devour the people, and commit such ravages over the whole nation. How justly it has been represented in such a light, I shall leave to this committee and to the world without doors to judge. I have said, and will repeat it, that whatever apprehensions and terrors people may have been brought under from a false and malicious representation of what they neither did, or could know or understand, I am fully persuaded, that when they have duly considered the scheme I have now the honour to open to you, they will view it in another light; and that if it has the good fortune to meet the approbation of parliament, and comes to take effect, the people will soon feel the happy consequences of it; and when they experience these good effects, they will no longer

longer look on those persons as their friends, who have so grossly imposed on their understandings.

“ I look upon it as a most innocent scheme ; it can be hurtful to none but smugglers and unfair traders. I am certain it will be of great benefit to the revenue, and will tend to make **LONDON A FREE PORT, AND BY CONSEQUENCE, THE MARKET OF THE WORLD.** If I had thought otherwise of it I would never have ventured to propose it in this place.”

He then concluded, by moving a repeal of the subsidy and additional duty on tobacco, amounting in the whole to five pence and one third of a penny in the pound weight.

The members of opposition were not silenced or dismayed by the ample and candid manner in which the minister opened and explained his scheme, and pointed out its benefits. Though he had anticipated many of their objections, and shewn their futility, yet they brought them forward with as much confidence and perseverance as if they had been perfectly just and entirely new. The debate was long and animated ; the minister was principally supported by Mr. Yorke, then attorney general, and afterwards earl of Hardwicke, and Sir Joseph Jekyll, master of the rolls. The principal orators of opposition were alderman Perry, Sir Paul Methuen, Sir John Barnard, Heathcote, Pulteney, and Sir William Wyndham, who peculiarly distinguished himself on this occasion.

Their efforts were generally directed to countenance the popular clamours, which they themselves had excited : They recurred to all the inflammatory topics drawn from the introduction of a standing army of excisemen, giving arbitrary power to the prince, and enslaving the subject. They depreciated the proposed scheme, by affecting to demonstrate, that when the manner of committing a fraud was discovered, the farther perpetration of it became impracticable. Alderman Perry, in the name of the merchants of London, offered to answer for all the bonds outstanding, in consideration of a discount of £. 20,000, but he took care to except all those which were desperate, and made no calculation of their probable amount. Sir John Barnard called in the commissioners of the customs, who were obviously interested to prevent the completion of the excise scheme, and asked them what they thought the frauds in the tobacco trade might amount to, one year with another ? They answered, they had never made any computation ; but one of them said that he had, as matter of private curiosity, calculated on the subject, and thought it might amount to thirty or forty thousand pounds a year. Sir John then enquired ; Whether it was their opinion, that if the officers of the customs did their duty diligently and faithfully, it would effectually

Arguments of  
opposition.

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fectually prevent all or most of the frauds in the tobacco trade? This was, of course, answered in the affirmative. On the basis of this loose unauthenticated information, and hardy assertion, the opposition reviled the scheme with the most unqualified abuse, and unsparing ridicule.

Pulteney said, "The honourable gentleman was pleased to dwell on the generosity of the crown in giving up the fines, forfeitures, and seizures to the public; but in my opinion, it will be a poor equivalent for the many oppressions and exactions which the people will be exposed to by this scheme. I must say, that the honourable gentleman has been, of late, mighty bountiful and liberal in his offers to the public. He has been so gracious to ask us, Will you have a land tax of two shillings in the pound? A land tax of one shilling in the pound? Or will you have no land tax at all? Will you have your debts paid? Will you have them soon paid? Tell me but what you want, let me but know how you can be made easy, and it shall be done for you. These are most generous offers; but there is something so very extraordinary, so farcical in them, that, really, I can hardly mention them without laughing: It puts me in mind of the story of Sir Epicure Mammon in the Alchymist. He was gulled of his money by fine promises; he was promised the philosopher's stone, by which he was to get mountains of gold, and every thing else he could desire; but all ended at last in *some little thing for curing the itch.*"

Sir William Wyndham made a most able and vehement speech, in which he alluded to *Empson* and *Dudley*, who, to gratify the avarice of their master, drained the purses of the subjects, not by new taxes, but by a severe and rigorous execution of the laws that had been enacted. "But what was their fate? They had the misfortune to out-live their master, and his son, as soon as he came to the throne, took off both their heads." "There never was a scheme," added he, "which encountered so much dislike and dissatisfaction from the people in general; the whole nation has already so openly declared their aversion, that I am surprised to see it insisted on; the very proposing of such a scheme in the house of commons, after so many remonstrances against it I must think most audacious; it is, in a manner, flying in the face of the whole people of England."

Walpole's  
reply.

In reply to these observations, the minister said, that much of the matter thrown out by the speakers on the other side was foreign to the debate: that the ancient historians, not only of this but other countries, had been ransacked to find parallel cases of wicked ministers, and make affected applications. "Of late years (he said) I have dwelt but little in the study of history, but I have a very good prompter behind me," (meaning the attorney general) "and  
by

by his means I can recollect, that the case of *Empson* and *Dudley* was so different from any thing that can possibly be presumed from the case now before us, that I wonder how it was possible to bring them into the debate. Those men had, by virtue of old and obsolete laws, unjustly extorted great sums of money from people, under pretence that they had become liable to penalties for the breach of statutes, which had for many years fallen into disuse. I must say (and I hope most of those who hear me will think) that it is very unjust to draw any parallel between their characters and mine. If my character is, or should ever come to be, in any respect, like their's, I shall deserve their fate? But while I know myself innocent, I shall depend upon the protection of the laws of my country; as long as they can protect me I am safe; and if that protection should fail, I am prepared to submit to the worst that can happen. I know that my political and ministerial life has by some gentlemen been long wished at an end, but they may ask their own disappointed hearts, how vain their wishes have been; and as for my natural life, I have lived long enough to learn to be easy about parting with it."

He then adverted to the artifices which had been used to exasperate the people, whom he compared to puppets, which persons behind the curtain played, and obliged to say whatever they pleased. He exposed the methods which had been used to draw a concourse of people to the door, such as sending circular letters by the beadles; and concluded in these words; "Gentleman may say what they please of the multitudes now at our door, and in all the avenues leading to this house; they may call them a modest multitude if they will; but whatever temper they were in when they came hither, it may be very much altered now, after having waited so long at our door. It may be very easy for some designing seditious person to raise a tumult and disorder among them, and when tumults are once begun, no man knows where they may end; he is a greater man than any I know in the nation, that could with the same ease appease them. For this reason, I think it was neither regular or prudent to use any methods for bringing such multitudes to this place, under any pretence whatever. Gentlemen may give them what name they think fit, it may be said they came hither as humble supplicants, but I know whom the law calls *sturdy beggars*\*, and those who

\* I was informed, on the respectable authority of the late much to be regretted Lord John Cavendish, that the minister used the phrase

*sturdy beggars*, not as a matter of reproach, but to mark that the petitioners against the excise, were formidable petitioners.



Period V. brought them hither, could not be certain but that they might have behaved  
 1230 to 1734. in the same manner."

After a few words from Sir John Barnard, in which he defended the assembling of people at the doors, and affectedly gave to the phrase *sturdy beggars*, that invidious sense in which it was afterwards so much repeated by the enemies of the minister, the question was called for, and passed by a majority of 61; (266 against 205.) The first resolution being thus carried, three others were put, and agreed to without a division.

Violence of  
 the multi-  
 tude.

The debate was protracted till two o'clock in the morning, an hour at that time considered extremely late. The people without were so exasperated, that as Sir Robert passed towards his carriage, some of them caught him by the cloak, and would probably have committed some violent outrage on his person, if his son, Edward Walpole, and general Churchill had not interfered.

Farther pro-  
 ceedings.

On the 16th Sir Charles Turner, according to order, reported to the house the proceedings of the committee. The debate was resumed with increased acrimony. Sir John Barnard, Bacon, Sir Thomas Aston, lord Morpeth, Pulteney, and Walter Plumer opposed the question, that the house should agree to the report. Horace Walpole, lord Hervey, Sir Thomas Robinson, lord Glenorchy, Clayton, and Sir Robert Walpole supported it; the house divided; the affirmative was voted by a majority of 60\*; (249 against 189) and Sir Charles Turner, the chancellor of the exchequer, the attorney general, the solicitor general, Doddington, Clayton, Sir William Yonge, Sir George Oxenden, Scrope, and Edward Walpole, were directed to prepare and bring in the bill.

The effect of this bill on the public mind was so great, and the ferment it occasioned so violent, that I have judged it proper to state every division which took place during its discussion. It is unnecessary to specify the particulars of the debates, which, though conducted with great asperity, contained little novelty, and were often on mere points of order, or discussion of precedents.

The bill was brought in, and read a first time, on the 4th of April. An objection was made that some parts of it were not within the compass of the resolutions, and that it should therefore be withdrawn. This was overruled by a majority of 56†; (232 against 176). A motion being then made for the house to adjourn, was negatived by 237 against 199, and another for

the second reading on that day se'nnight was carried by a majority of 36 \* ; (236 against 200.) The next day it was proposed to print the bill, and distribute a proper number of copies to the members of the house, which being opposed by the minister, was negatived by a majority of 16 † ; (128 against 112.)

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The lord mayor of London, however, contrived to obtain a copy, and laid it before the common council; who resolved to petition the house against the bill, and prayed to be heard by counsel. The petition was patronised by Sir John Barnard, and ordered to lie on the table; but their being heard by counsel was over-ruled by a majority of 17 ‡ ; (214 against 197.) The next day similar applications were made from the towns of Nottingham and Coventry. The order of the day being then read, for the second reading of the bill, Walpole moved that it should be postponed to the twelfth day of June: As it was generally understood, that the house would adjourn before that day, it was manifest, that the minister meant to abandon his scheme. This mode, however, of dropping it, did not please the patriots of opposition, they wanted it to be rejected with some severe animadversion, but though some hints were thrown out to that effect, yet the general sense of the house, which was uncommonly full, was so apparent against it, that they did not think it prudent to make any specific motion.

Bill relinquished.

Many conjectures have been made on the motives which induced the minister to abandon his plan; but I find none so satisfactory as the dislike of counteracting the public opinion. The decline of his majority from 61 on the first, to 17 on the last division, affords no solution of his motives, for the intermediate questions were not of so much importance as the first, and though some of his friends, undoubtedly from a dread of encountering the fury of a misguided populace, retired for a time from the scene of contest, I do not find, from the printed list in the Historical Register, that more than four joined the standard of opposition. Nor is it probable that the threat of farther desertions alarmed the minister, because, if his partisans had resolved to abandon him, they would have united themselves with the opposition, and have formed a constant majority in the house against him. An anecdote recorded by one of his friends, renders it still more probable, that his unwillingness to carry any measure marked by popular disapprobation, was the true motive of his conduct.

\* On the evening before the report, Sir Robert summoned a meeting of

\* Journals,

† Ibid.

‡ Ibid.

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the principal members who had supported the bill. It was very largely attended. He reserved his own opinion till the last: But perseverance was the unanimous voice. It was urged that all taxes were obnoxious, and there would be an end of supplies, if mobs were to controul the legislature in the manner of raising them. When Sir Robert had heard them all, he assured them, "How conscious he was of having meant well; that in the present inflamed temper of the people, the act could not be carried into execution without an armed force. That there would be an end of the liberty of England, if supplies were to be raised by the sword. If, therefore, the resolution was to proceed with the bill, he would instantly request the king's permission to resign, for he would not be the minister to enforce taxes, at the expence of blood \*."

Public rejoicings.

Though the house did not rise, as was expected, before the 12th of June, yet they adjourned over that day, so that the tobacco bill was dropt, and the wine bill was never brought forward. The defeat of this proposition was celebrated in London, and various parts of the kingdom, as a great national victory. Bonfires were made, effigies burnt, cockades were generally worn, inscribed with the motto of *Liberty, Property, and no Excise*; the Monument was illuminated, and every demonstration given of exuberant triumph and excessive joy. The university of Oxford gave into the same folly, and carried their rejoicings to a most indecent excess. The gownsmen joined and encouraged the mob, jacobitical cries resounded through the town, and three days passed in this disgraceful manner before the vice chancellor and proctors could restore tranquillity.

Farther efforts of opposition.

20th April.

The public rejoicings, and the general aversion entertained against the excise, inspired the opposition with hopes that they would be enabled, through that medium, to embarrass government, and effect the removal of the minister, by compelling him to repeal the whole body of excise laws. With this view, a petition from the dealers in tea and coffee, praying for relief against the excise laws, as oppressive and injurious to trade, was presented, but it was rejected by 250 against 150 †.

Notwithstanding this defeat, the opposition still laboured under two gross mistakes: the first was, that many members who promoted the bill, had voted in contradiction to their real sentiments from self interest; and the second, that the king did not cordially support the minister, but waited only for a favourable opportunity of removing him. They had the mortification however to be fully undeceived in these opinions. A sufficient proof that

\* This anecdote is mentioned in "Historical Remarks on the Taxation of free States," on the authority of Mr. White, mem-

ber for Retford, who lived in friendship with Sir Robert Walpole.

† Journals.

they had undervalued the number of those members who were attached to the minister soon appeared, upon a motion, for appointing by ballot a committee to enquire into the frauds in the customs. This proposal was intended to reduce the minister to a dilemma. If it had been rejected, it would have been said, that he durst not stand an inquiry into the facts which he had laid down as the principle on which the excise bill was founded: If it was carried, great hopes were entertained, that in chusing a committee by ballot, many of those members who they believed had supported the minister from a dread of incurring his displeasure, would venture to give their votes in favour of their list, in preference to the court list, when it would not be known for which list each particular person gave his vote. No opposition being made, a ballot took place, and a warm contest ensued; each side acted an open and manly part. Their respective lists contained the names of those only who were staunch friends, and the court list was carried by a majority of 85. This decisive victory put an end to the efforts and hopes of opposition for this session of parliament\*.

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April 25.

They were no less undeceived in their opinion, that the king did not cordially support the minister. Some persons of great consequence, had also about this period joined opposition, and this defection was increased from an idea which generally prevailed, that the credit of Walpole was declining, and his disgrace certain. In the house of peers, the opposition, which had been rendered formidable by the junction of lord Carteret, was considerably increased by the defection of several who enjoyed very profitable posts under the crown: The earl of Chesterfield, lord steward of the household, the earl of Burlington, captain of the band of pensioners, lord Clinton, lord of the bed chamber, and three Scotch peers, the duke of Montrose, keeper of the great seal, the earl of Stair, vice admiral, and the earl of Marchmont, lord register. To these were added, lord Cobham, colonel of the king's regiment of horse, and the duke of Bolton, colonel of the king's regiment of horse guards. Many of these had influenced their friends in the house of commons, and particularly the three brothers of lord Chesterfield, had voted against the excise bill. It was generally believed, that the number and consequence of these peers would prevent the minister from venturing to remove them, and that the king would not consent to their dismissal or resignation. But the event proved otherwise. On the 11th of April the excise bill was abandoned; and on the 13th, as the earl of Chesterfield†, in company with lord Scarborough, was going up the great stair-case

The king supports Walpole.

Removals.

\* De la Faye and Thomas Pelham, to the earl Waldegrave. Correspondence, April 26.

† Maty's Life of Lord Chesterfield, sect. 4.



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of the palace at St. James's, he was informed by a servant of the duke of Grafton, that his master wanted to see him on business of the greatest importance; on returning home the duke of Grafton waited on him, and acquainted him that he was come by the king's command to require the surrender of the white staff, which was immediately delivered. The dismissal of Chesterfield was followed by the removal of Montrose, the earls of Stair, Burlington, and Marchmont, and lord Clinton. The resentment of the minister was carried so far, that lord Cobham and the duke of Bolton were even deprived of their regiments \*.

And pronounced.  
turus.

The authority of the minister was also fully proved by the nomination of his confidential friends to the vacant offices, among whom the earl of Ilay was most conspicuous. His son, lord Walpole, was also made lord lieutenant of the county of Devon, in the room of lord Clinton, and all doubts of his superior influence in the cabinet, were removed by the appointment of Sir Charles Wager to the office of first lord of the admiralty, vacant by the death of lord Torrington, which took place in June. His power on this occasion was far more evident, because there was no instance, since the accession of the house of Brunswick, that a commoner was raised to that high office, and because George the Second had a strong predilection for persons of rank, and had been informed, that the family of Sir Charles Wager was not sufficiently distinguished.

It is curious to observe the veteran seaman, in a letter to Sir Robert Walpole †, found his title to that post, not on his naval services, which no one could deny, but on a fanciful genealogy. The demur, however, was over-ruled by the minister, the king's scruples were removed, the Herald's office did not stand in his way, and he was placed at the head of the admiralty, which post he continued to fill, during the administration of Walpole, with much advantage to the minister, with great benefit to his country, and with no less credit to himself.

The king, in his speech from the throne, on the prorogation of the parliament, adverted to the artifices employed to delude the minds of the people, and to pervert the truth. "I cannot pass by unobserved, the wicked endeavours that have lately been made use of to inflame the minds of the people, and by the most unjust misrepresentation, to raise tumults and disorders, that almost threatened the peace of the kingdom; but I depend upon the force of truth, to remove the groundless jealousies that have been raised, of designs

\* Historical Register.

† Sir Charles Wager to Sir Robert Walpole, 12 July, 1731. Correspondence, Period V.

carrying on against the liberties of my people, and upon your known fidelity, to defeat and frustrate the expectations of such as delight in confusion. It is my inclination, and has always been my study, to preserve the religious and civil rights of all my subjects. Let it be your care to undeceive the deluded, and to make them sensible of their present happiness, and the hazard they run of being unwarily drawn, by specious pretences, into their own destruction."

Chapter 42

1734

## CHAPTER THE FORTY-SECOND:

1734.

*Character of Lord Hardwicke.—Parliamentary Proceedings.—Efforts of the Minority in Parliament.—The Excise.—The Removal of the Duke of Bolton and Lord Cobham.—The Place Bill.—Motion for the Repeal of Septennial Parliaments.—Sir William Wyndham's Speech.—Walpole's Reply.—Bolingbroke's retreat to France.—The King's Speech.—Dissolution of Parliament.*

IN consequence of the numerous removals and resignations among the peers, which had taken place the last session, the opposition in the upper house became extremely formidable, and the majority of good speakers were ranged on that side. To counterbalance this preponderancy, Sir Philip Yorke was made lord chief justice of the court of King's Bench.

This great lawyer, who sat so long and with so distinguished a character for integrity and knowledge at the head of the law, had raised himself solely by his eminent talents. The eloquence which he displayed at the bar had recommended him to notice, and in 1719 he was appointed solicitor general, in the 30th year of his age; at the same time he was re-elected for the borough of Lewes in Sussex, by the interest of his patron, the duke of Newcastle. In 1723 he was nominated attorney general, and highly distinguished himself by his prudent and able speeches in the house of commons. In October, 1733, he was constituted lord chief justice of the King's Bench, and in November, in the same year, called to the upper house, by the title of baron Hardwicke.

His character.

**Period V.** 730 to 1734. **Hardwicke.** The style of his eloquence was more adapted to the house of lords than to the house of commons. The tone of his voice was pleasing and melodious, his manner was placid and dignified. Precision of arrangement, closeness of argument, fluency of expression, elegance of diction, great knowledge of the subject on which he spoke, were his particular characteristics. He seldom rose into great animation; his chief aim was more to convince than amuse; to appeal to the judgment rather than to the feelings of his auditors. He possessed a perfect command over himself, and his even temper was never ruffled by petulant opposition, or malignant invective.

**Meeting of parliament.**

The parliament assembled on the 17th January, and as it was the last session, the minority exerted their utmost efforts to distress the minister, and to increase his unpopularity.

The plan of attack was in this, as in the session of 1730, principally formed by Bolingbroke; and under his auspices, and by his direction, ably conducted by Sir William Wyndham, who seems to have particularly distinguished himself in the debates.

**Efforts of the minority.**

They first tried their strength in various motions for papers and copies of instructions which were sent to the British ministers in France and Spain; for an address to know how far the king was engaged by his good offices in the causes of the war against the Emperor; and for an account of what application had been made by the parties engaged in hostilities. In these motions their exertions were baffled by the minister, and the smallest majority in his favour was 95. Having exhausted their efforts in regard to foreign transactions, in which he appeared to be most vulnerable, they directed their views to domestic events.

**February 4.**  
**Petition**  
**against the**  
**excise.**

They attempted to renew the public clamours about the excise, and to accuse the minister of not having totally relinquished that scheme; and of waiting only for a favourable opportunity ~~of again introducing it~~. For this purpose a petition being again presented from the druggists, and other dealers in tea, for relief against the excise laws, some of the leading members of opposition took this opportunity of attempting to revive the debate, and were inexcusably personal in their invectives against the minister. Pulteney in particular observed, "I am persuaded he still entertains the same opinion of the excise, and waits only for a proper opportunity to renew it; for which reason he is unwilling that we should go into such a committee as is now proposed, lest we should sap all the foundations of any future project for a farther extension of the excise laws." The reply of the minister to this insinuation was direct and manly. After repelling the attacks with equal spirit and energy,

he said, "As to the wicked scheme, as the gentleman was pleased to call it, which he would persuade gentlemen is not yet laid aside, I, for my part, assure this house, I am not so mad as ever again to engage in any thing that looks like an excise, though in my own private opinion, I still think it was a scheme that would have tended very much to the interest of the nation, and I am convinced that all the clamours without doors, and a great part of the opposition it met with every where, was founded upon artful falsehoods, misrepresentations, and insinuations, that such things were intended as had never entered into the thoughts of any man with whom I am acquainted." In consequence of this explicit declaration, the assertions of the contrary side made little impression on the house, and the question for referring the petition to a committee, was negatived by 233 against 155\*.

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The spirit of opposition was carried to such an excess, that the minority not only resisted every measure of government with unabating pertinacity, but brought forwards a question that had a direct tendency to undermine and destroy the constitution which they affected so zealously to admire. In fact, this attempt had so direct a tendency to renew that military independence, which in the last century had subverted the throne, and enslaved the people, that even those writers who, in other respects, invariably decry the Walpole administration, have not scrupled to reprobate this proposal, though it was supported with all the strength of their favourite party†. The motion related to the removal of the duke of Bolton and lord Cobham from their military commands.

Debates on  
the removal  
of the duke  
of Bolton and  
lord Cobham;

Lord Morpeth, after the reading of the mutiny bill, rose, and concluded a speech full of trite reflections on a standing army, under the influence of the crown, on the danger of arbitrary power, and some inapplicable and erroneous allusions to the constitution of Holland and Sweden, by moving for leave to bring in a bill "for securing the constitution, by preventing officers, not above the rank of colonels of regiments, from being deprived of their commissions, otherwise than by judgment of a court martial to be held for that purpose, or by address of either house of parliament."

33th Feb.

This motion was argued at great length, and with uncommon warmth; but though ancient and modern history was ransacked, and every topic introduced which ingenuity could suggest, few observations worthy of record were produced. The minority were fully employed in defending their proposition against the charges with which it was overwhelmed by the ministerial advocate.

\* Chamber. journal.

† Smollett, book. 2. chap. 5.—Bulfinch, vol. 1. p. 340.



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Walpole concluded the debate \*, with a speech replete with sound principles and constitutional doctrines. He defended not only the prerogative of the crown, but the interest of parliament, and the well-being of the community, against the horrible despotism of a stratocracy, or army government; vindicated the purity of court martial, and deprecated the evils which would result to the service from subjecting them to the influence of intrigue, and making their decisions the mean of retaining or forfeiting a post for life. "The behaviour of an officer, he observed, may be influenced by malice, revenge, and faction, and on the pretence of honour and conscience; and if ever any officer of the army, because the king refused to comply with some very unreasonable demand, should resolve to oppose in every thing the measures of government, I should think any man a most pitiful minister if he should be afraid of advising his majesty to cashier such an officer. On the contrary, I shall leave it as a legacy to all future ministers †, that upon every occasion, it is their duty to advise their master that such a man is unfit to have any command in his armies. Our king has, by his prerogative, a power of placing, preferring, and removing any officer he pleases, either in our army or militia: It is by that prerogative chiefly, he is enabled to execute our laws, and preserve the peace of the kingdom: if a wrong use should be made of that prerogative, his ministers are accountable for it to parliament; but it cannot be taken from him or diminished without overturning our constitution; for our present happy constitution may be overturned by republican, as well as by arbitrary schemes. Therefore it must be left to his majesty to judge by what motives an officer acts, and if he thinks an officer acts from bad motives, in duty to himself, he ought to remove him." He then expatiated on the danger of a dictatorship from the measure proposed, and concluded with the constitutional apothegm:

*"Nolumus leges Angliæ mutari."*

The question was negatived without a division ‡.

Foiled in this attempt, the opposition renewed the attack on a ground more plausible and popular, that of personal inquiry. Sandys moved for an address, "humbly to desire his majesty, graciously to inform the house, by whose advice he had been pleased to discharge the duke of Bolton and lord Cobham, and what crimes were alleged against them." Pulteney seconded the motion. The ministry discomfiting the views of their opponents,

\* Lord Catherine said a few words after him, but they contained a simple dissent, unenforced by argument, expressive only of the obligations of the army to the movers of the question.

† Opinions of the Duchess of Marlborough, p. 105. These words are erroneously attributed to Mr. Pelham, by Chandler.

‡ Chandler. Journals.

and knowing that to discuss the question would produce the same effect as pleading to a specific charge, by letting loose on them all the powers of invective; and all the arts of misrepresentation, declined the contest; they made no reply, but called for the question. Sir William Wyndham in vain attempted, by reproaches and invectives, to provoke a debate, the question was again called for, and on a division, negatived by 252 against 193 \*.

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On the same day the duke of Marlborough brought into the house of lords, a bill similar to that in the commons, but it was thrown out after the first reading. A motion to the same purport as that of Sandys, was made by lord Carteret, but rejected. Protests on both occasions were entered on the journals, signed by upwards of thirty peers, and the duke of Bolton and lord Cobham separately signed a short and manly protest.

Another measure of opposition, calculated to render themselves popular, was to revive a self-denying ordinance, which had excited much clamour in the reign of king William, and, after great opposition, had formed an article among the limitations in the act of settlement, but had been afterwards repealed. It was intitled a bill for securing the freedom of parliament, by limiting the number of officers (both civil and military) in the house of commons. Several friends of the minister were strongly inclined to favour the bill, and others could not venture to oppose so popular a question at the eve of a general election.

On the place  
bill :

February 26;

The motion was also so agreeable to the sentiments of many among the Whigs, who usually supported government, that the minister did not use his influence on this occasion. He did not even speak in the debate, but contented himself with giving a silent vote, as he did on the pension bill. For these reasons it was negatived by a very small majority of 230 against 191 †. But a small majority on this single question had no effect on the general state of parties. It fully proved the judgment of Walpole, in not committing himself in subjects of so much delicacy, or pressing his adherents to vote in opposition to popular predilections.

But the question on which the opposition founded their principal hopes, if not of success, at least of embarrassing the minister, was a proposal to repeal the septennial bill, which was first introduced on this occasion, and afterwards annually renewed.

On the repeal  
of the septen-  
nial bill ;

It had been long a matter of surprise, that a question which was so well calculated to increase their popularity, had not been proposed before. But the fact was, that in this particular instance the opposition was divided. The Tories and Jacobites, who had strenuously resisted the introduction of

\* Journals.

† Ibid.

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the bill, could not obtain the co-operation of the disaffected Whigs, as it seemed to imply a dereliction of their principles, to vote for the repeal of a bill which they had once thought necessary for the security of the Protestant succession. At the repeated instigations of Bolingbroke, Sir William Wyndham and the leading Tories persisted, and at length carried their point. The Whigs reluctantly complied, and proved, by their manner of conducting the debate, the awkward situation in which they were placed. The motion was made by Bromley, and seconded by Sir John St. Aubyn. The only Whigs of any consequence who spoke for the question, were Sir John Barnard, who said only a few words, and Pulteney, who rose late in the debate. He made a short speech, and prefaced it with an apology for his apparent inconsistency, in voting for the repeal of a bill which he had supported at the time of its introduction.

The speech of Sir William Wyndham on this occasion, is triumphantly quoted by the modern writers who uniformly stigmatise the Walpole administration, as a master-piece of eloquence and energy; they state his arguments as unanswerable. At the same time these partial reporters never advert to the reply of Sir Robert Walpole, but leave the reader to suppose that scarcely any answer was made, and that the whole strength of the argument lay on the side of opposition \*.

To abridge or detail printed debates, without illustrating them by any new documents, is not the general purport of this work. But on this occasion, where there has been such a wilful suppression of the argument on one side, and such an affected display of the reasoning on the other, it will be almost as great a novelty to give the speech of the minister, as if it had never been in print. I have therefore inserted the Philippic of Sir William Wyndham, and Walpole's reply, verbatim, from contemporary narratives †.

\* Smollet, in recording this transaction, has characterised Sir William Wyndham, by saying that, "His speech spoke him the unrivalled orator, the uncorrupted Briton, and the unshaken patriot." He gives only that part of the speech which relates to the character of Walpole, and concludes, "Notwithstanding the most warm, the most nervous, the most pathetic remonstrances in favour of the motion, the question was put, and it was suppressed by mere dint of numbers, vol. ii. p. 495. If Smollet means any thing by this relation, it must be that no reply was made to the argument of his admired orator, but that the business was got rid of by the cry of *Question! Question!* Belsnam has thus related the transaction: "The minister having defied the opposition to adduce a single

instance, in which the interests of the nation had been injured by the operation of this bill, or by any undue exercise of the royal prerogative connected with it, Sir William Wyndham observed," &c. After quoting Sir William Wyndham's speech, he adds, without taking the smallest notice of Sir Robert Walpole's reply, "Notwithstanding the admiration excited by this sudden burst of eloquence, and the ability with which the motion of repeal was supported by various other speakers, it was negatived on the division, though not by the accustomed ministerial majority, the numbers being 247 against 184."

† Political State of Great Britain.—Historical Register.—See also Chandler.

After

After a short reply to Sir William Yonge, who preceded him, and justifying the assertions of Sir John Barnard, who spoke in favour of the motion, Sir William Wyndham vindicated the triennial bill from the objections of those who declared that it was introduced by the enemies of the revolution, he added, "The learned gentleman has told us, that the septennial law is a proper medium between the unlimited power of the crown, and the limiting that power too much; but before he had fixed upon this as a medium, he should first have discovered to us the two extremes. I will readily allow, that an unlimited power in the crown, with respect to the continuing of parliaments, is one extreme; but the other I cannot really find out; for I am very far from thinking, that the power of the crown was too much limited by the triennial law, or that the happiness of the nation was any way injured by it, or can ever be injured by frequent elections. As to the power of the crown, it is very certain, that as long as the administration of public affairs is agreeable to the generality of the people, were they to chuse a new parliament every year, they would chuse such representatives as would most heartily concur in every thing with such an administration; so that even an annual parliament could not be any limitation of the just power of the crown; and as to the happiness of the nation, it is certain, that gentlemen will always contend with more heat and animosity about being members of a long parliament, than about being members of a short one; and therefore the elections for a septennial parliament must always disturb the peace, and injure the happiness of the nation, more than the elections for an annual or triennial parliament: Of this the elections in the city of London, mentioned by my worthy friend, are an evident demonstration.

"As to the elections coming on when the nation is in a ferment, it is so far from being an objection to frequent elections, that it is, in my opinion, a strong argument in favour of them; because it is one of the chief supporters of the freedom of the nation. It is plain, that the people seldom or ever were in a ferment, but when encroachments were made upon their rights and privileges; and when any such are made, it is very proper, nay, it is even necessary, that the people should be allowed to proceed to a new election, in order that they may chuse such representatives as will do them justice, by punishing those who have been making encroachments upon them. Otherwise, one of these two effects may very probably ensue: either the ferment will break out into an open insurrection, or the encroachment that has been made, may happen to be forgot before a new election comes on, and then the invaders of the people's rights will have a much better lay for getting such a new parliament chosen, as will not only free them from all punishment,



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ment, but will confirm the encroachments that have been made, and encourage the making of new. Thus the rights of the people may be nibbled and curtailed by piecemeal, and ambitious criminals may at last get themselves so firmly seated, that it will be out of the power of the people to stop their career, or to avoid the chains which they are preparing.

“ Now, to return to the power of the crown, which the learned gentleman has told us was too much limited by the triennial law; I think I have made it plain, that the just power of the crown cannot possibly be limited by frequent elections, and consequently could not be too much limited by the triennial law; but by long parliaments the crown may be enabled to assume, and to make use of an unjust power. By our constitution, the only legal method we have of vindicating our rights and privileges against the encroachments of ambitious ministers is by parliament; the only way we have of rectifying a weak or wicked administration is by parliament; the only effectual way we have of bringing high and powerful criminals to condign punishment is by parliament. But if ever it should come to be in the power of the administration to have a majority of this house depending upon the crown, or to get a majority of such men returned as the representatives of the people, the parliament will then stand us in no stead. It can answer none of these great purposes; the whole nation may be convinced of the weakness or the wickedness of those in the administration, and yet it may be out of the nation's power, in a legal way, to get the fools turned out, or the knaves hanged.

“ This misfortune can be brought upon us by nothing but by bribery and corruption; and therefore there is nothing we ought to guard more watchfully against. And an honourable gentleman who spoke some time ago, upon the same side with me, has so clearly demonstrated, that the elections for a septennial parliament are more liable to be influenced by corruption than those for a triennial, that I am surpris'd his argument should be mistaken or not comprehended: But it seems the most certain maxims, the plainest truths, are now to be controverted or denied. It has been laid down as a maxim, and I think it is a most infallible maxim, that a man will contend with more heat and vigour, for a post, either of honour or profit, which he is to hold for a long term, than he will do for one he is to hold for a short term. This has been controverted: It has been laid down as a maxim, and I think equally infallible, that 100 guineas is a more powerful bribe than 50; this has been denied; yet nevertheless I must beg leave to push the argument a little farther.

“ Let us suppose a gentleman at the head of the administration, whose only  
safety

safety depends upon corrupting the members of this house : this may now be only a supposition, but it is certainly such a one as may happen ; and if ever it should, let us see if such a minister might not promise himself more success in a septennial, than he could in a triennial parliament. It is an old maxim, that every man has his price, if you can but come up to it : this, I hope, does not hold true of every man, but I am afraid it too generally holds true ; and that of a great many it may hold true, is what I believe was never doubted of, though I don't know but it may now likewise be denied. However, let us suppose this distressed minister applying to one of those men who has a price, and is a member of this house : in order to engage this member to vote as he shall direct him, he offers him a pension of £. 1,000 a year. If it be but a triennial parliament, will not the member immediately consider within himself, if I accept of this pension, and vote according to direction, I shall lose my character in the country, I shall lose my seat in parliament the next election, and my pension will then of course be at an end ; so that by turning rogue I shall get but £. 3,000, this is not worth my while ; and so the minister must either offer him, perhaps double that sum, or otherwise he will probably determine against being corrupted. But if the parliament were septennial, the same man might perhaps say within himself, I am now in for seven years, by accepting of this pension I shall have at least £. 7,000, this will set me above contempt ; and if I am turned out at next election, I do not value it, I'll take the money in the mean time. Is it not very natural to suppose all this ; and does not this evidently shew, that a wicked minister cannot corrupt a triennial parliament with the same money with which he may corrupt a septennial.

“ Again, suppose this minister applies to a gentleman who has purchased, and thereby made himself member for a borough, at the rate of, perhaps, £. 1,500, besides travelling charges, and other little expences : suppose the minister offers him a pension of £. 500 a year to engage his vote, will not he naturally consider, if it be a triennial parliament, that if he cannot get a higher pension he will lose money by being a member ; and surely, if he be a right burgher, he will resolve not to sell at all, rather than sell his commodity for less than it cost him ; and if he finds he cannot sell at all, he will probably give over standing a candidate again upon such a footing ; by which, not only he, but many others, will be induced to give over dealing in corrupting the electors at the next election. But in case it be a septennial parliament, will he not then probably accept of the £. 500 pension, if he be one of those men that has a price ? because he concludes that for £. 1,500, he may always secure his election ; and every parliament will put near  
£. 2,000

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£. 2,000 in his pocket, besides reimbursing him all his charges. After viewing the present question in this light, is it possible not to conclude, that septennial parliaments, as well as the elections for such, must always be much more liable to be influenced by corruption than triennial, or elections for triennial.

“For my own part, I have been often chosen, I have sat in parliament above these twenty years, and I can say with truth, that neither at my election, nor after my return, no man ever dared to attempt to let me know what is meant by bribery and corruption; but am sorry to hear the impossibility of preventing it mentioned, and mentioned too within these walls. The honourable gentleman who spoke last, told us, the evil of corruption was inevitable: if I were so unhappy as to think so, I should look upon my country to be in the most melancholy situation. Perhaps it may be the way of thinking among those he keeps company with; but I thank God I have a better opinion of my countrymen; and since it appears to be a way of thinking among some gentlemen, it is high time for us to contrive some method of putting it out of their power to corrupt the virtue of the people. For we may depend upon this as a certain maxim, that those who think they cannot gain the affections of the people, will endeavour to purchase their prostitution; and the best way to prevent the success of their endeavours, is to raise the price so high, as to put it out of the power of any man, or of any set of men, to come up to it. If a parliament is to be purchased, if elections are to be purchased, it is manifest the corrupting of triennial must, upon the whole, cost a great deal more than the corrupting of septennial elections or parliaments. Therefore, in order to put it out of the power of any man, or of any administration, to purchase the prostitution of a parliament, or of the people, let us return to triennial parliaments; and if that will not do, let us return to annual elections, which, I am very certain, would render the practice of corruption impossible. This is now the more necessary, because of the many new posts and places of profit which the crown has at its disposal, and the great civil list settled upon his present majesty, and which will probably be continued to his successors: this, I say, urges the necessity for frequent new parliaments, because the crown has it now more in their power than formerly to seduce the people, or the representatives of the people, in case any future administration should find it necessary for their own safety to do so.

“That the increase or decrease of corruption at elections, or in parliament, must always depend upon the increase or decrease of virtue among the people;

ple, I shall readily grant; but it is as certain, that the virtue of almost every particular man, depends upon the temptations that are thrown in his way; and according to the quantity of virtue he has, the quantity of the temptation must be raised, so as at last to make it an over-balance for his virtue. Suppose, then, that the generality of the electors in England had virtue enough to withstand a temptation of five guineas each, but not virtue enough to withstand a temptation of ten guineas one with another. Is it not then much more probable, that the gentlemen who deal in corruption, may be able to raise as much money once every seven years, as will be sufficient to give ten guineas each, one with another, to the generality of the electors, than that they will be able to raise such a sum once in every three years? And is it not from thence certain, that the virtue of the people in general is in greater danger of being destroyed by septennial than by triennial parliaments? To suppose that every man's vote at an election, is like a commodity, which must be sold at the market price, is really to suppose that no man has any virtue at all. For I will aver, that when once a man resolves to sell his vote at any rate, he has then no virtue left, which, I hope, is not the case of many of our electors, and therefore the only thing we are to apprehend is, lest so high a price should be offered as may tempt thousands to sell, who had never before any thoughts of carrying such a commodity to market. This is the fatal event we are to dread, and it is much more to be dreaded from septennial than triennial parliaments. If we have therefore any desire to preserve the virtue of our people; if we have any desire to preserve our constitution; if we have any desire to preserve our liberties, our properties, and every thing that can be dear to a free people, we ought to restore the triennial law; and if that be found to be insignificant, we ought to abolish prorogations, and return to annual elections.

"The learned gentleman spoke of the prerogative of the crown, and asked, if it had lately been extended beyond those bounds prescribed to it by law? I will not say that there has been lately any attempts to extend it beyond the bounds prescribed by law; but I will say, those bounds have been of late so vastly enlarged, that there seems to be no great occasion for any such attempt. What are the many penal laws made within these forty years, but so many extensions of the prerogative of the crown, and as many diminutions of the liberty of the subject? And whatever the necessity was that brought us into the enacting of such laws, it was a fatal necessity; it has greatly added to the power of the crown, and particular care ought to be taken not to throw any more weight into that scale. Perhaps the enacting of several of those penal laws might have been avoided; I am persuaded the enacting of the



Period V. 1730 to 1734. law relating to trials for treason, not only might, but ought to have been avoided; for though it was but a temporary law, it was a dangerous precedent; and the rebellion was far from being so general in any county, as not to leave a sufficient number of faithful subjects for trying those who had committed acts of treason within the county.

"In former times the crown had a large estate of its own; an estate sufficient for supporting the dignity of the crown; and as we had no standing armies, nor any great fleets to provide for, the crown did not want frequent supplies; so that they were not under any necessity of calling frequent parliaments. And as parliaments were always troublesome, often dangerous to ministers, therefore they avoided the calling of any such as much as possible. But though the crown did not then want frequent supplies, the people frequently wanted a redress of grievances, which could not be obtained but by parliament, therefore the only complaint then was, that the crown either did not call any parliament at all, or did not allow them to sit long enough. This was the only complaint; and to remedy this, it was thought sufficient to provide for having frequent parliaments, every one of which, it was presumed, was always to be a new parliament; for it is well known, that the method of prorogation was of old very rarely made use of, and was first introduced by those who were attempting to make encroachments upon the rights of the people.

"But now the case is altered. The crown, either by ill management, or by prodigality and profuseness to its favourites, has spent or granted away all that estate; and the public expence is so much enlarged, that the crown must have annual supplies, and is therefore under a necessity of having the parliament meet every year. But as new elections are always dangerous as well as troublesome to ministers of state, they are for having them as seldom as possible; so that the complaint is not now for want of frequent meetings or sessions of parliament, but against having the same parliament continued too long. This is the grievance now complained of; this is what the people desire; this is what they have a right to have redressed. The members of parliament may for one year be looked on as the real and true representatives of the people; but when a minister has seven years to practise on them, and to feel their pulses, they may be induced to forget whose representatives they are; they may throw off all dependance upon their electors, and may become dependants upon the crown, or rather upon the minister for the time being, which the learned gentleman has most ingenuously confessed to us, he thinks less dangerous than a dependance upon his electors.

"We have been told in this house, that no faith is to be given to prophecies, therefore

therefore I shall not pretend to prophesy; but I may suppose a case, which, though it has not yet happened, may possibly happen. Let us then suppose a man abandoned to all notions of virtue or honour, of no great family, and of but a mean fortune, raised to be chief minister of state, by the concurrence of many whimsical events; afraid or unwilling to trust any but creatures of his own making, and most of them equally abandoned to all notions of virtue and honour; ignorant of the true interest of his country, and consulting nothing but that of enriching and aggrandizing himself and his favourites; in foreign affairs trusting none but such whose education makes it impossible for them to have such knowledge or such qualifications as can either be of service to their country, or give any weight or credit to their negotiations. Let us suppose the true interest of the nation by such means neglected or misunderstood, her honour and credit lost, her trade insulted, her merchants plundered, and her sailors murdered; and all these things overlooked, only for fear his administration should be endangered. Suppose him next possessed of great wealth; the plunder of the nation, with a parliament of his own choosing, most of their seats purchased, and their votes bought at the expence of the public treasure. In such a parliament, let us suppose attempts made to enquire into his conduct, or to relieve the nation from the distress he has brought upon it; and when lights proper for attaining those ends are called for, not perhaps for the information of the particular gentlemen who call for them, but because nothing can be done in a parliamentary way, until these things be in a proper way laid before parliament. Suppose these lights refused, these reasonable requests rejected by a corrupt majority of his creatures, whom he retains in daily pay, or engages in his particular interest, by granting them those posts and places which ought never to be given to any but for the good of the public. Upon this scandalous victory, let us suppose this chief minister pluming himself in defiance, because he finds he has got a parliament, like a packed jury, ready to acquit him at all adventures. Let us farther suppose him arrived to that degree of insolence and arrogance, as to domineer over all the men of ancient families, all the men of sense, figure, or fortune in the nation; and as he has no virtue of his own, ridiculing it in others, and endeavouring to destroy or corrupt in all.

"I am still not prophesying, I am only supposing; and the case I am going to suppose, I hope never will happen; but with such a minister, and such a parliament, let us suppose a prince upon the throne, either for want of true information, or for some other reason, ignorant and unacquainted with the inclinations and the interest of his people, weak, and hurried away by unbound-

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ed ambition and insatiable avarice. This case has never happened in this nation; I hope, I say, it will never exist; but as it is possible it may, could there any greater curse happen to a nation, than such a prince on the throne, advised, and solely advised by such a minister, and that minister supported by such a parliament. The nature of mankind cannot be altered by human laws, the existence of such a prince, or such a minister, we cannot prevent by act of parliament; but the existence of such a parliament I think we may: and as such a parliament is much more likely to exist, and may do more mischief while the septennial law remains in force, than if it were repealed, therefore I am most heartily for the repeal of it."

After the intervention of a short speech from Henry Pelham, and another from Pulteney, Sir Robert Walpole thus addressed the chair;

Walpole's  
reply.

"Sir, I do assure you, I did not intend to have troubled you in this debate, but such incidents now generally happen towards the end of our debates, nothing at all relating to the subject, and gentlemen make such suppositions, meaning some person, or perhaps, as they say, no person now in being, and talk so much of wicked ministers, domineering ministers, ministers pluming themselves in defiance, which terms, and such like, have been of late so much made use of in this house, that if they really mean no body either in the house or out of it, yet it must be supposed they at least mean to call upon some gentleman in this house to make them a reply; and therefore I hope I may be allowed to draw a picture in my turn; and I may likewise say, that I do not mean to give a description of any particular person now in being. When gentlemen talk of ministers abandoned to all sense of virtue or honour, other gentlemen may, I am sure, with equal justice, and, I think, more justly, speak of anti-ministers and mock-patriots, who never had either virtue or honour, but in the whole course of their opposition are actuated only by motives of envy, and of resentment against those who have disappointed them in their views, or may not perhaps have complied with all their desires.

"But now, Sir, let me too suppose, and the house being cleared, I am sure no person that hears me can come within the description of the person I am to suppose. Let us suppose in this, or in some other unfortunate country, an anti-minister, who thinks himself a person of so great and extensive parts, and of so many eminent qualifications, that he looks upon himself as the only person in the kingdom capable to conduct the public affairs of the nation, and therefore christening every other gentleman who has the honour to be employed in the administration, by the name of blunderer. Suppose this fine gentleman lucky enough to have gained over to his party some persons really of fine parts,

parts, of ancient families, and of great fortunes, and others of desperate views, arising from disappointed and malicious hearts; all these gentlemen, with respect to their political behaviour, moved by him, and by him solely; all they say, either in private or public, being only a repetition of the words he has put into their mouths, and a spitting out that venom which he has infused into them; and yet we may suppose this leader not really liked by any, even of those who so blindly follow him, and hated by all the rest of mankind. We will suppose this anti-minister to be in a country where he really ought not to be, and where he could not have been but by an effect of too much goodness and mercy, yet endeavouring, with all his might and with all his art, to destroy the fountain from whence that mercy flowed. In that country suppose him continually contracting friendships and familiarities with the embassadors of those princes who at the time happen to be most at enmity with his own; and if at any time it should happen to be for the interest of any of those foreign ministers to have a secret divulged to them, which might be highly prejudicial to his native country, as well as to all its friends; suppose this foreign minister applying to him, and he answering, I will get it you, tell me but what you want, I will endeavour to procure it for you: upon this he puts a speech or two in the mouths of some of his creatures, or some of his new converts; what he wants is moved for in parliament, and when so very reasonable a request as this is refused, suppose him and his creatures and tools, by his advice, spreading the alarm over the whole nation, and crying out, gentlemen, our country is at present involved in many dangerous difficulties, all which we would have extricated you from, but a wicked minister and a corrupt majority refused us the proper materials; and upon this scandalous victory, this minister became so insolent as to plume himself in defiance. Let us farther suppose this anti-minister to have travelled, and at every court where he was, thinking himself the greatest minister, and making it his trade to betray the secrets of every court where he had before been; void of all faith or honour, and betraying every master he ever served. I could carry my suppositions a great deal farther, and I may say I mean no person now in being; but if we can suppose such a one, can there be imagined a greater disgrace to human nature than such a wretch as this?

“Now, to be serious, and to talk really to the subject in hand. Though the question has been already so fully and so handsomely opposed by my worthy friend under the gallery, by the learned gentleman near me, and by several others, that there is no great occasion to say any thing farther against it; yet as some new matter has been stated by some of the gentlemen who have since that



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that time spoke upon the other side of the question, I hope the house will indulge me the liberty of giving some of those reasons which induce me to be against the motion. In general I must take notice, that the nature of our constitution seems to be very much mistaken by the gentlemen who have spoken in favour of this motion. It is certain, that our's is a mixed government, and the perfection of our constitution consists in this, that the monarchical, aristocratical, and democratical forms of government are mixed and interwoven in our's, so as to give us all the advantages of each, without subjecting us to the dangers and inconveniences of either. The democratical form of government, which is the only one I have now occasion to take notice of, is liable to these inconveniences, that they are generally too tedious in their coming to any resolution, and seldom brisk and expeditious enough in carrying their resolutions into execution: that they are always wavering in their resolutions, and never steady in any of the measures they resolve to pursue; and that they are often involved in factions, seditions and insurrections, which exposes them to be made the tools, if not the prey of their neighbours. Therefore in all the regulations we make, with respect to our constitution, we are to guard against running too much into that form of government which is properly called democratical: this was, in my opinion, the effect of the triennial law, and will again be the effect, if ever it should be restored.

“ That triennial elections would make our government too tedious in all their resolves is evident; because in such case, no prudent administration would ever resolve upon any measure of consequence, till they had felt not only the pulse of the parliament, but the pulse of the people; and the ministers of state would always labour under this disadvantage, that as secrets of state must not be immediately divulged, their enemies (and enemies they will always have) would have a handle for exposing their measures, and rendering them disagreeable to the people, and thereby carrying perhaps a new election against them, before they could have an opportunity of justifying their measures, by divulging those facts and circumstances from whence the justice and the wisdom of their measures would clearly appear.

“ Then, it is by experience well known, that what is called the populace of every country, are apt to be too much elated with success, and too much dejected with every misfortune. This makes them wavering in their opinions about affairs of state, and never long of the same mind; and as this house is chosen by the free and unbiassed voice of the people in general, if this choice were so often renewed, we might expect, that this house would be as wavering and as unsteady as the people usually are; and it being impossible to

carry on the public affairs of the nation without the concurrence of this house, the ministers would always be obliged to comply, and consequently would be obliged to change their measures as often as the people changed their minds.

“With septennial parliaments we are not exposed to either of these misfortunes, because, if the ministers, after having felt the pulse of the parliament, which they can always soon do, resolve upon any measures, they have generally time enough before the new election comes on, to give the people a proper information, in order to shew them the justice and the wisdom of the measures they have pursued; and if the people should at any time be too much elated, or too much dejected, or should without a cause change their minds, those at the helm of affairs have time to set them right, before a new election comes on.

“As to faction and sedition, I will grant, that in monarchical and aristocratical governments, it generally arises from violence and oppression; but in democratical governments, it always arises from the people’s having too great a share in the government. For in all countries, and in all governments, there, always will be many factious and unquiet spirits, who can never be at rest, either in power or out of power. When in power they are never easy, unless every man submits entirely to their direction; and when out of power, they are always working and intriguing against those that are in, without any regard to justice, or to the interest of their country. In popular governments such men have too much game, they have too many opportunities for working upon and corrupting the minds of the people, in order to give them a bad impression of, and to raise discontents against those that have the management of the public affairs for the time; and these discontents often break out into seditions and insurrections. This would, in my opinion, be our misfortune, if our parliaments were either annual or triennial: by such frequent elections, there would be so much power thrown into the hands of the people, as would destroy that equal mixture, which is the beauty of our constitution. In short, our government would really become a democratical government, and might from thence very probably diverge into a tyrannical. Therefore, in order to preserve our constitution, in order to prevent our falling under tyranny and arbitrary power, we ought to preserve that law, which I really think has brought our constitution to a more equal mixture, and consequently to a greater perfection than it was ever in before that law took place.

“As to bribery and corruption, if it were possible to influence, by such base means, the majority of the electors of Great Britain, to chuse such men as would probably give up their liberties; if it were possible to influence, by such

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such means, a majority of the members of this house to consent to the establishment of arbitrary power, I should readily allow, that the calculations made by the gentlemen of the other side were just, and their inference true; but I am persuaded that neither of these is possible. As the members of this house generally are, and must always be, gentlemen of fortune and figure in their country, is it possible to suppose, that any of them could by a pension or a post be influenced to consent to the overthrow of our constitution, by which the enjoyment, not only of what he got, but of what he before had, would be rendered altogether precarious. I will allow, that with respect to bribery, the price must be higher or lower, generally in proportion to the virtue of the man who is to be bribed; but it must likewise be granted, that the humour he happens to be in at the time, and the spirit he happens to be endowed with, adds a great deal to his virtue. When no encroachments are made upon the rights of the people, when the people do not think themselves in any danger, there may be many of the electors, who, by a bribe of ten guineas, might be induced to vote for one candidate rather than another; but if the court were making any encroachments upon the rights of the people, a proper spirit would, without doubt, arise in the nation, and in such a case I am persuaded that none, or very few, even of such electors, could be induced to vote for a court candidate, no not for ten times the sum.

“There may be some bribery and corruption in the nation, I am afraid there will always be some. But it is no proof of it that strangers are sometimes chosen; for a gentleman may have so much natural influence over a borough in his neighbourhood, as to be able to prevail with them to chuse any person he pleases to recommend; and if upon such recommendation they chuse one or two of his friends, who are perhaps strangers to them, it is not from thence to be inferred, that the two strangers were chosen their representatives by the means of bribery and corruption:

“To insinuate that money may be issued from the public treasury for bribing elections, is really something very extraordinary, especially in those gentlemen who know how many checks are upon every shilling that can be issued from thence; and how regularly the money granted in one year for the service of the nation, must always be accounted for the very next sessions in this house, and likewise in the other, if they have a mind to call for any such account. And as to gentlemen in offices, if they have any advantage over country gentlemen, in having something else to depend on besides their own private fortunes, they have likewise many disadvantages: they are obliged to live  
here,

here at London with their families, by which they are put to a much greater expence, than gentlemen of equal fortune who live in the country. This lays them under a very great disadvantage in supporting their interest in the country. The country gentleman, by living among the electors, and purchasing the necessaries for his family from them, keeps up an acquaintance and correspondence with them, without putting himself to any extraordinary charge; whereas a gentleman who lives in London, has no other way of keeping up an acquaintance and correspondence among his friends in the country, but by going down once or twice a year, at a very extraordinary expence, and often without any other business; so that we may conclude, a gentleman in office cannot, even in seven years, save much for distributing in ready money at the time of an election; and I really believe, if the fact were narrowly inquired into, it would appear, that the gentlemen in office are as little guilty of bribing their electors with ready money, as any other set of gentlemen in the kingdom.

“That there are ferments often raised among the people without any just cause, is what I am surpris’d to hear controverted, since very late experience may convince us of the contrary: do not we know what a ferment was raised in the nation towards the latter end of the late queen’s reign? And it is well known what a fatal change in the affairs of this nation was introduced, or at least confirmed, by an election coming on while the nation was in that ferment. Do not we know what a ferment was raised in the nation soon after his late majesty’s accession? And if an election had then been allowed to come on while the nation was in that ferment, it might perhaps have had as fatal effects as the former; but, thank God, this was wisely provided against by the very law which is now wanted to be repealed.

“It has, indeed, been said, that the chief motive for enacting that law now no longer exists: I cannot admit that the motive they mean was the chief motive; but even that motive is very far from having entirely ceased. Can gentlemen imagine, that in the spirit raised in the nation not above a twelve-month since, Jacobitism and disaffection to the present government had no share? Perhaps some who might wish well to the present establishment did co-operate, nay, I do not know but they were the first movers of that spirit; but it cannot be supposed that the spirit then raised should have grown up to such a ferment, merely from a proposition which was honestly and fairly laid before the parliament, and left entirely to their determination! No, the spirit was, perhaps, begun by those who are truly friends to the illustrious family we have now upon the throne; but it was raised to a much greater height than, I believe, even they designed, by Jacobites, and such as are enemies to our present establishment, who thought they never had a fairer opportunity



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portunity of bringing about what they have so long and so unsuccessfully wished for, than that which had been furnished them by those who first raised that spirit. I hope the people have now in a great measure come to themselves, and therefore I doubt not but the next elections will shew, that when they are left to judge coolly, they can distinguish between the real and the pretended friends to the government. But I must say, if the ferment then raised in the nation had not already greatly subsided, I should have thought a new election a very dangerous experiment; and as such ferments may hereafter often happen, I must think that frequent elections will always be dangerous; for which reason, in so far as I can see at present, I shall, I believe, at all times think it a very dangerous experiment to repeal the septennial bill."

It is impossible at this distance of time to appreciate exactly the effect of the minister's speech; but a contemporary writer \* asserts, that it was one of the best he ever made. The fate of these two speeches is singular: Sir William Wyndham, by his disrespectful allusions to the king, drew on himself a reproof, the justice of which neither himself or his friends have endeavoured to disprove. It was considered as an intemperate effusion, and did not lose the minister a single supporter in parliament, or a single adherent in the country; yet it has been carefully inserted by party writers, calling themselves historians, while that of the minister has been no less invidiously suppressed.

Walpole's speech, as far as it relates to that personality which seems to be the recommending characteristic of the other, has certainly less claim to be recorded, because the character and situation of Bolingbroke, contrasted with his own, are less able to give permanence and publicity to invective. The faults of an ex-minister, or aspiring leader of a party, are less interesting, to the community, than those of the man who holds the reins of government. But the immediate result of Walpole's unpremeditated reply to this studied attack, was a sense of shame in the opposition Whigs, and of indignation in the principal Tories, which interrupted their cordial union. Several Whigs re-united themselves to the minister, and the leading Tories, ashamed of appearing the puppets of Bolingbroke, though they continued to thwart and oppose the measures of government, did not, of themselves, bring forward any new question during the remainder of the session.

Unpopularity  
of Boling-  
broke.

It may not perhaps be improper in this place to observe, that the sensation which Walpole's speech made in the house of commons, and the effect which it had out of doors, in developing the intrigues of Bolingbroke with the opposition in England, and of laying open his cabals with foreign courts and ministers, were the immediate cause, that he quitted this country, and re-

\* Tindal.

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tired to France. Pulteney, who saw and appreciated the fatal consequences of his unpopularity among the Whigs, to which party he himself was always cordially attached, bitterly complained that Sir William Wyndham received too implicitly the dictates of Bolingbroke. With a view therefore to remove this stigma from opposition, he recommended to him a temporary retirement from England. Bolingbroke was extremely mortified, that all his repeated professions of honour, virtue, and disinterestedness did not gain credit; he found himself reduced to the most wretched situation which an aspiring mind like his could suffer, that of being excluded from a share in the legislature, and heading a party in continued opposition, without the smallest hopes of ever being restored to his seat in the house of lords. In his letters to Sir William Wyndham, he feelingly describes his own situation, "I am still," he says, "the same proscribed man, surrounded with difficulties, exposed to mortifications, and unable to take any share in the service, but that which I have taken hitherto; and which, I think, you would not persuade me to take in the present state of things. My part is over, and he who remains on the stage after his part is over, deserves to be hissed off\*."

In consequence of these sentiments, he waited until the meeting of the new parliament, when a large majority still supporting the minister, during whose continuance in power he had no chance of obtaining a complete restoration, he followed the advice of Pulteney, and retired in disgust to France.

Retires to France.

The adversaries of the minister had taken advantage of the inflamed state of the public mind, to circulate reports, both in their speeches and writings, that the liberties of the subject were in danger, and that he had planned a regular system of oppression, which, if not resisted, would erect a despotic and arbitrary power on the ruins of the British constitution.

The speech which Walpole composed for the king, on the dissolution of the parliament, was calculated, in the existing circumstances, to counteract these reports, and to conciliate the public. It was full of sentiments which none but a free nation could understand and appreciate; sentiments which do honour to the minister who composed it, to the king who uttered it, to the parliament who heard it, and to the people who applauded it.

Speech on the dissolution of parliament.

"The prosperity and glory of my reign depend upon the affections and happiness of my people, and the happiness of my people upon my preserving to them all the legal rights and privileges, as established under the present settlement of the crown in the Protestant line. A due execution and strict observance of the laws, are the best and only security both to sovereign and subject: their interest is mutual and inseparable, and therefore their en-

April 16th.

\* Lord Bolingbroke to Sir William Wyndham, Paris, November 29, 1735.—Correspondence, Period III. Article Bolingbroke.

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deavours for the support of each other ought to be equal and reciprocal. Any infringement or encroachment upon the rights of either is a diminution of the strength of both, which, kept within their due bounds and limits, make that just balance, which is necessary for the honour and dignity of the crown, and for the protection and prosperity of the people. What depends upon me, shall, on my part, be religiously kept and observed, and I make no doubt of receiving the just returns of duty and gratitude from them \*."

## CHAPTER THE FORTY-THIRD:

1733—1734.

*View of Foreign Transactions from the Death of Augustus the Second to the Dissolution of Parliament.—Successful Hostilities of France, Spain, and Sardinia against the Emperor.—Neutrality of the Dutch.—Causes which induced England to reject the Application of the Emperor for Succours.*

**I**F any man ever deserved the appellation of minister of peace, that man was Sir Robert Walpole. The foreign transactions of this eventful period will sufficiently verify that assertion. Yet it cannot be denied, that peace itself may be dearly purchased by the dereliction of national honour, by the breach of treaties, by permitting the loss of dominions to those whom it is our interest to support, and the aggrandisement of those whom it is our interest to depress. And it must be confessed, that if any censure can be justly thrown on the pacific system adopted by Walpole, it must be thrown on the inactivity of England at this critical juncture; in her refusal to assist the Emperor, against the united arms of France, Spain, and Sardinia; in suffering the Spanish branch of the house of Bourbon to wrest from the house of Austria, Naples and Sicily; and, what was still more hostile to the interests of Great Britain, in permitting the accession of Lorraine and Bar to France. For if it be allowed, that any merit is due for preserving this country and Europe from a general war, that merit is due to Walpole; so on the other hand, it cannot be denied, that if any blame can be imputed to the cabinet for tameness and pusillanimity, that blame must also attach solely to him; as he alone stood forth in opposition to the king and part of the cabinet, and by refusing to assist the Emperor, maintained his country in peace.

I shall confine myself at present to a brief deduction of the facts and

\* Chandler, vol. 8. p. 248, Journals.

negotiations which preceded and followed the death of Augustus the Second, interspersed with such observations as may tend to elucidate his conduct, and display the motives that induced the minister of finance to abstain from entering into offensive operations against France, and to suffer the aggrandisement of the house of Bourbon, and the depression of the house of Austria; which proved afterwards so fatal to the interest of England, and of which we now experience the evil effects. In making this deduction, it is not my intention either to censure or to commend, but simply to state the sum and substance of the motives, which the papers in my possession have enabled me to assign for his conduct.

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1733 to 1734.

For a term of twenty years, Europe had enjoyed an unexampled state of tranquillity, only broken by the petty hostilities between Spain and England in 1718 and 1727. This tranquillity had been owing to the temporary separation between France and Spain, to the reciprocal interests of France and England in the maintenance of peace, and to the good intelligence between the two cabinets.

Pacific state  
of Europe.

But the reconciliation between France and Spain, and the re-union of England and Austria, by the treaty of Vienna, had scarcely taken place, before the jealousies between the two nations began to revive; their counsels were no longer guided by the same mutual good will and harmony. The efforts to give a king to Poland, on the death of Augustus the Second, the indignation of Elizabeth Farnese against the Emperor, for having deceived her in not accomplishing the marriage between her son, Don Carlos, and an archduchess, and the disputes which arose concerning the succession of Tuscany and Parma, kindled a war between the houses of Austria and Bourbon, which would have become general, had not Walpole prevented the diffusion of hostilities.

February 1.

The death \* of Augustus the Second had no sooner been announced, than Louis the Fifteenth determined to support the claims of his father-in-law to the crown of Poland, in defiance of the Emperor and Russia, who favoured the elector of Saxony, son of the deceased monarch. He declared to all the foreign ambassadors, that he would not suffer any power to oppose the freedom of election in Poland. This declaration implied, that he expected no opposition to be made to the election of Stanislaus, because the influence of France

Consequences of the  
death of Augustus the  
Second.

Conduct of  
France:

\* The substance of this chapter is taken from the dispatches of Horace Walpole, lord Harrington, the duke of Newcastle, and Thomas Robinson; Walpole, Orford, and Grantham Papers. Also from several papers drawn up by Horace Walpole, particularly, "Reflections on the present state of affairs, October 3, 1733." "Conduct of England, with re-

gard to what has passed in Poland, since the death of king Augustus, and the transactions in other parts relative thereto, extracted from the correspondence with his majesty's ministers in foreign parts," from February to November 1733. "Continuation of the Conduct, &c." from November 1733 to July 1734.



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Of England.

in Poland was to great, as to preclude the choice of any other candidate. And as Spain was prepared to act offensively against the Emperor, and the king of Sardinia was on the point of concluding an alliance with France and Spain, Walpole had a difficult and delicate part to act. He was no less anxious than the Emperor or Russia, to exclude Stanislaus; and yet he was unwilling to offend France, by taking an open and active share in his exclusion. He was no less zealous to promote the election of Augustus, in return for his guaranty of the pragmatic sanction. But as he was determined to decline entering into a war, if it could be declined with honour, his conduct evinced the most consummate address and prudence.

Although the assurances to second the pretensions of the elector, and to exclude Stanislaus, were as strong as words could express; yet every declaration was avoided which seemed to imply, in the most distant degree, the co-operation of force. To the Czarina, who announced her inclination to unite with the king and the Emperor in filling the vacancy, and hoped that the choice would not fall on Stanislaus, or any French prince, it was replied, that the king would use his endeavours for the election of an unexceptionable person, and would second the Czarina's disposition to secure the public tranquillity.

To the Emperor, who declared his resolution to support the freedom of election, according to the constitution of Poland, which expressions were construed as meaning an exclusion of Stanislaus, and who requested that the English minister at Warsaw might act in concert with him, Russia, and Prussia, every assurance was given, that the king of England approved the resolution of promoting a new and free election in favour of an unexceptionable prince, and would forward the same design, as far as could be done by good offices. It was also urged that Mr. Woodward, the minister at Dresden, should contribute as much as possible to the same views; and if any complaint should be afterwards made, that he had acted less warmly than might be expected against Stanislaus, he was to alledge, as an excuse, the unwillingness of the king to give such an offence to France, without advantage to himself or his allies, and the small influence the king could expect to have in the affairs of that distant kingdom.

At the same time the king ordered his minister at Warsaw to give the strongest assurances of his affection and friendship towards that republic. He was to declare upon all occasions, in the king's name, for a free election, in favour of any prince, who was not displeasing to the neighbouring powers, and in whom the Poles might find a security for their liberties. He was to act in concert with the ministers of the Emperor and the Czarina, and assist them in obtaining the election of Augustus; but he was to act with the utmost discretion

discretion and moderation, not to join in giving the exclusion to any person, except the Pretender or his children. He was to oppose Stanislaus, but not in such a manner as might give offence, though he need not conceal his wishes in favour of the party espoused by the Emperor and his allies. If any encouragement was given to the Pretender, he was to protest against it, and leave the kingdom.

The British cabinet carried their caution on this occasion to the highest degree of delicacy. The Imperial ministers delivered to Mr. Robinson \* a paper, importing, that France appearing determined to break the peace, a rupture might be prevented by a strict union between the Emperor and his allies. For this reason the Emperor desired to concert measures with England and the United Provinces, either for deterring France, or for repelling hostilities. The Emperor, it was urged, had amply provided Luxenburgh, but the remaining part of the Netherlands should be jointly secured, and the empire protected. The concurrence of the king of England was expected, because he had approved all the measures and sentiments adopted by the Imperial court, in regard to the Polish election. In reply to these insinuations, Mr. Robinson was ordered to observe, that this expression might be understood as if the king had actually approved the exclusion of Stanislaus by force, that such an insinuation ought not to pass unnoticed, because it was directly contrary to the most positive assurances, which had been transmitted from England to the British minister at Vienna; that the king was so far from having approved any design to commit hostilities in Poland, that he never could believe the Emperor had entertained such a design, and that he had always declared for a free election. The truth of this statement was acknowledged by the court of Vienna; and Mr. Robinson was again directed to dissuade them from pursuing such measures as might cause disturbances in Europe. These strong and repeated remonstrances finally prevailed on the Emperor, not openly to employ force, but to leave that part to the Czarina.

July 24.

In conformity to the same principle, the British ministers at Warsaw and Vienna expressed the disapprobation of the king, that the Imperial minister at Warsaw accompanied the Russian ambassador when he notified the resolution of the Czarina to exclude Stanislaus by force, and when the Emperor was solicitous to engage England in a treaty of mutual defence with Russia, the answer of the king implied, that he was ready to conclude a treaty of friendship with the Czarina, but would not agree that it should contain defensive stipulations, or engagements to assist her, if she should be attacked in Europe on account of the transactions of Poland.

\* July 15, Walpole Papers.

During

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Election of  
Stanislaus.

April.

Counter-  
election of  
Augustus.

France,  
Spain, and  
Sardinia, de-  
clare war  
against the  
Emperor.

Their suc-  
cessful opera-  
tions.

The Empe-  
ror claims the  
assistance of  
England.

Nov. 1734.

During these transactions, the election took place in Poland. The French party so far prevailed in favour of Stanislaus, who in 1710 had been declared for ever incapable of being elected king of Poland, that a majority of the diet of convocation entered into a confederation to choose no one but a native, born of Roman Catholic parents, who possessed no sovereignty out of Poland, and was not supported by any foreign troops beyond the frontiers. In consequence of this resolution, which was declaring in his favour, Stanislaus secretly passed into Poland, made his appearance at Warsaw, and was chosen by the diet of election, which assembled on the 12th of September. Against this election, the Saxon party came forward, supported by a Russian army which entered Warsaw without resistance. The adherents of Stanislaus were dispersed, he himself fled to Dantzic, and the partisans of Augustus assembled at Wola, near Prague, the suburbs of Warsaw, and proclaimed him king of Poland.

The indignation of Louis the Fifteenth, was not appeased by the professions of the Emperor, that he had not acted offensively against Stanislaus, because he had sent no troops into Poland; but arguing that the co-operation of his minister at Warsaw with the Russian and Saxon ministers, and the assembling of 6,000 men on the frontiers of Poland, were the same as if he had openly employed force, declared war against him, in conjunction with Spain and Sardinia.

The declaration of war on the part of the three allied powers, was followed by instant hostilities. The French army, under Marshal Berwick, took the fort of Kehl, and invaded Germany; another corps, under the count of Belle Isle, overran Lorraine.

The Emperor, in a memorial delivered by Count Kinski, his ambassador in London, claimed the succours stipulated by the last treaty of Vienna, and claimed them in a manner which shewed his conviction, that England could not in justice refuse them. In fact, he had many reasons to suppose that he should obtain the required assistance. For notwithstanding the precautions which the English cabiner had taken to dissuade the Emperor from using force in Poland, they at the same time secretly employed every effort to obtain the exclusion of Stanislaus, the validity of whose election the English minister at Warsaw refused to acknowledge. They had been highly instrumental in promoting the conclusion of the alliance between the Emperor and Augustus, by which the Emperor, in return for the guaranty of the pragmatic sanction, promised assistance to procure his free nomination to the throne of Poland, in opposition to the partisans of Stanislaus, and to support him, if chosen, by force of arms.

The

The king was decidedly in favour of assisting the Emperor; the queen, though desirous of upholding the pacific system of Walpole, did not venture to oppose his wishes; and lord Harrington, who, as secretary of state, principally conducted the negotiation with the court of Vienna, was inclined to the same opinion.

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Delicate situation of Walpole.

In this crisis of affairs, Walpole stood in a very delicate situation, and was reduced to a disagreeable alternative. On one side, he was to oppose the earnest wishes of the king, to act in contradiction to the sentiments of part of the cabinet, and at the same time to appear as if he was abetting the degradation of the house of Austria, and promoting the aggrandisement of the house of Bourbon. On the other side, he was to plunge the nation into a war for the ostensible purpose of giving a king to Poland, in which England had no immediate concern, in opposition, perhaps, to the public opinion, and at the eve of a general election. But as he had for some time foreseen that he should be reduced to follow one of these disagreeable alternatives, he had previously collected all the information necessary to regulate his decision, and to enable him to pursue that conduct which seemed liable to the fewest inconveniences.

The Emperor had been repeatedly exhorted to put the Austrian Netherlands in a state of defence; from a certain apprehension, that unless that was effected, the barrier would be exposed, and the Dutch so alarmed, from the danger of being overrun by the French, that they would never have the spirit to act with vigour, in co-operation with England. But instead of hearkening to these just remonstrances, Luxemburg was alone provided with the necessary means of defence; the fortifications in the other parts were left in a most defenceless state, and the care of them consigned to the English and Dutch; a care which, the greffier Fagell observed, in a letter to Bruyninx, "The Dutch, not yet recovered from the expences of the late war, *could not*, and the English *would not* take upon themselves."

Improvidence of the Emperor.

The Emperor had also been repeatedly exhorted to conclude a defensive alliance with the king of Sardinia, who was strongly inclined to prefer his friendship to that of France and Spain; and his co-operation, which, instead of opening to the French the key of Italy, would have excluded them from that country, might have been obtained by trifling sacrifices. But the Emperor had, either from his usual dilatoriness, or from an unwillingness to cede any portion of the Milanese, declined engaging on his side so important an ally, until it was too late; and Charles Emanuel \* apolo-

\* Walpole Papers. Letter from the King of Sardinia to George the Second, March, 1734. Correspondence.



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gized to the king of England, that he had been reluctantly compelled, for his own safety and interest, to close with the offers of France and Spain, because the Emperor had refused to comply with his terms. In consequence of this imprudent neglect, and a total inattention to the common means of defence, his Italian dominions were incapable of resisting the inroads of the combined powers.

State of the  
United Pro-  
vinces.

The situation of the United Provinces did not afford the smallest prospect of inducing them to engage in offensive operations. The leading men were offended with the king of England, for having given the princess Anne in marriage to the prince of Orange, without previous notice, and were suspicious that he was attempting to revive the office of stadtholder. The dread of being exposed to a French invasion, should they take an active part in favour of the Emperor, was so great, that the states general were inclined to accept the offers of France to conclude a neutrality for the Austrian Netherlands, and to agree not to assist the Emperor, in consequence of any events which related to the Polish election. Repeated remonstrances had been ineffectually made from the British cabinet, against this precipitate measure.

Mission of.  
Horace Wal-  
pole to the  
Hague.

April 18,  
1734.

At length Walpole, anxious to obtain the co-operation of a power, without whom England could not venture to act, sent his brother Horace\* to the Hague, though not in an official capacity, for the purpose of conciliating the leading men, over whom he had great influence, and of persuading the states general to adopt a more manly and decisive conduct. On his arrival at the Hague, he found things in a very indifferent situation; the people in general were much dissatisfied, not only with the conduct of the court of Vienna, but with that of England, upon a mistaken notion, that the king was labouring, out of partiality to the Emperor, to force them into the present war, and was endeavouring to promote the interests of the prince of Orange, at the expence of the Dutch constitution.

The news of the mission of the minister's brother had an instantaneous effect in raising the hopes of the Imperial court†, and gave a convincing proof that the cabinet of London were serious in their wishes to assist the Emperor, if it could be done without endangering the security of England. It however had no other consequences than to restore the confidence between the two nations, and to conciliate the leading men in Holland. For the Dutch were so dispirited with the defenceless state of the Netherlands, so disgusted with the conduct of the Emperor, and so averse to resume the

\* Horace Walpole's Apology and Dispatches.

† Mr. Robinson to Lord Harrington, May 11th 1733., Grantham Papers.

burthens of war, that he could not bring them to adopt vigorous measures, or to countenance the smallest hopes of joining in offensive operations \*.

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1733 to 1734.

The internal situation of England was no less unfavourable to an immediate breach with France; a long period of peace and tranquillity had increased commerce, agriculture, and the resources of the country. The landed proprietors were highly satisfied with the diminution of the land tax, the monied men were no less pleased with deferring the payment of the national debt, the Jacobites were daily decreasing; the Tories, though personally hostile to the minister himself, began to experience the comforts of good order, derived from a settled government. Confidence in government had taken place of distrust; and the state of the country, both at home and abroad, exhibited the strongest symptoms of stability and credit. Walpole saw and appreciated these happy effects, derived from external peace and internal tranquillity; he was unwilling to risk the unpopularity of imposing new burthens; he was well aware that a war with France would renew the hopes and excite the efforts of the fallen party, and realise his constant prediction, that the crown of England would be fought for on British ground.

State of England.

The result which he drew from this combination of circumstances and events was, that it would be highly imprudent to involve the country in hostilities, without the co-operation of Holland. He was fully convinced that the nation would not readily approve a war for a Polish election; and that parliament would not be inclined to grant sufficient supplies for so chimerical and distant a project.

He did not think it prudent, however, to oppose at once the decided opinion of the king, who was eager for a war. He insinuated the necessity of temporising, till a new parliament was chosen, and the nation could be roused to a sense of the danger which would arise from the aggrandisement of the house of Bourbon, and until the people were made capable of judging, that the only foundation upon which the liberties of Europe could subsist, was the indivisibility of a power like the house of Austria, sufficient to be opposed to the house of Bourbon †.

Prudence of Walpole.

It was not however without great difficulty that he obtained the consent of the king and cabinet to adopt a line of conduct, which appeared no less pusillanimous in itself, than opposite to the tenour of the last treaty concluded at Vienna. But he gained his point by firmness and perseverance; by inculcating the necessity of mature deliberation, and of avoiding extremities

\* Journal of Horace Walpole. Walpole Papers.

† Mr. Robinson to Mr. Pelham, Vienna, November 11, 1733. Grantham Papers.

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1730 to 1734.

till it should appear that the measures were no less practicable than advantageous; and he considered it prudent to feel the pulse of public opinion, which ought always to be consulted in cases of such extreme importance as a declaration of war.

Answer to  
the Emperor.

In consequence of this determination, an answer was returned to the request of succours, made by the Imperial court, importing, that the king was concerned to see the peace broken, and the Emperor attacked; that he had hitherto employed his best offices, though unsuccessfully, to prevent the rupture, and would now use all possible means to accommodate matters. That the motives hitherto alledged for the commission of hostilities, being founded upon Polish affairs, in which the king had taken no part, but that of using his good offices, it was far from being clear, that he was obliged, purely upon that account, to enter into the quarrel. That as to the demand of succours, the king, though always ready to execute his engagements, and shew his particular friendship for the Emperor, must yet be satisfied that the demand was founded on positive engagements, before he involved his people in a war. That, therefore, he must carefully examine the allegations on both sides, and consult his allies, particularly the States General, and put himself in such a posture, as might enable him to provide effectually for his own security, and for the execution of his engagements.

Artful policy  
of the Em-  
peror.

The Emperor, highly indignant at the backwardness of the cabinet, projected an expedient which seemed calculated to forward the accomplishment of his views. Well knowing the aversion of England to the marriage between an archduchess and a prince of the house of Bourbon, and the remonstrances which had been made to him on that subject, not only during the time when he was at variance with England, but even lately by Mr. Robinson, in the strongest manner, on the mere rumour that such a measure was in agitation; he affected to open a negotiation with Spain, to renew the proposal of a marriage between his second daughter and Don Carlos.

On the arrival of a courier from Vienna\*, count Kinski painted in the strongest colours to the king, the great uneasiness and danger of the Emperor's situation; his inability to resist singly the united arms of France, Spain, and Sardinia, and at the same time the little dependance to be placed upon the king of Prussia. He stated the unpromising conduct of several other princes of the empire, and the neutrality already accepted by some of them, together with the strong indications of a resolution and concert among several, even of the electors, to prevent the empire itself from taking any

\* Continuation of the conduct of England, &c. January 1734. Walpole Papers.

part; and lastly, the despair of assistance from the States General. He concluded these representations with insisting absolutely, in the Emperor's name, that the king should no longer defer explaining his intention as to the part he would take, but should immediately give a positive promise to come, the very next campaign, to his assistance, without which promise, he insinuated, that the Emperor must comply with the demands of Spain, in giving his second daughter in marriage to Don Carlos, as a means still in his power, and the only one in that case remaining, for extricating himself and his family from their present difficulties, and the ill consequences so justly to be apprehended from them, even to the destruction of the house of Austria, and of the equilibrium in Europe.

This artful expedient, however, did not succeed. Walpole had not been so much alarmed on a former occasion, at the rumour of such a marriage, as lord Townshend and the other ministers, and he now conceived that matters were considerably changed. He conjectured that the Emperor only threw out this insinuation, with a view to alarm England, rather than with a determination to adopt the measure; and he was of opinion, that even if the Emperor should be in earnest, provided the eldest of the archduchesses was affianced to the duke of Loraine, the marriage of the second with Don Carlos would not be productive of great disadvantages. In all events, to use his own expressions, "Circumstances change; things distant and uncertain must yield to present and certain dangers \*."

Defeated by  
Walpole.

In conformity with these sentiments, orders were immediately dispatched to Mr. Robinson, to explain to the Imperial court, the several reasons which made it absolutely impossible for the king, even though it should have appeared to him, that the Emperor's claim of succours was well founded, to come so soon as was expected to his assistance. He was at the same time to declare, that the king no longer continued to oppose the marriage of the second archduchess with Don Carlos, it being represented to him to be the only means left for retrieving the Emperor's affairs, by detaching Spain from France. Mr. Robinson was, however, to insist, that nothing should be concluded in this affair, without the king's intervention, and that due precautions should be taken for preventing the dangers that might be apprehended to the liberties of Europe from such an alliance; amongst which, he was to insinuate, that the marrying of the eldest archduchess

\* Among the Orford Papers, I find some reflections on this subject, written by Sir Robert Walpole. They are without date or sig-

nature, but they were undoubtedly made at this period. See Correspondence.



## MEMOIRS OF

## PERIOD THE SIXTH:

From the Dissolution of Parliament, to the Death of Queen  
CAROLINE.

1734—1737.

## CHAPTER THE FORTY-FOURTH:

1734—1735.

*Successful Operations of the Allies.—Embassy of Horace Walpole to the Hague.—Indignation of the Emperor, and his Attempts to remove Walpole.—Origin, Progress, and Termination of the Secret Convention.—Renewal of Hostilities.—Fluctuating State of the British Cabinet.—Embarrassments and Firmness of Walpole.*

Success of  
the allies.

May.

THE Emperor exposed, without the assistance of a single ally, to the united arms of France, Spain, and Sardinia, was reduced to a most disastrous situation. The Milanese was wholly subdued by the allied forces; the victory of Bitonto secured to Don Carlos the conquest of Naples and Sicily; and Mantua, the only possession which remained to the Emperor in Italy, was threatened with a siege, and unable to hold out for any length of time. In Germany, the Imperial forces, though commanded by Eugene, were too inferior to resist the operations of the French; the capture of Treves, Traerbach,

and Philipsburgh, opened to the French the entrance into the Empire, and Eugene was compelled to act on the defensive.

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1734 to 1735.  
Preparations  
in England.

This disastrous situation of the Austrian affairs, alarmed the British cabinet, and though the minister was firmly resolved to avoid hostilities, yet he saw the immediate necessity of augmenting the forces, both in England and Holland, and to be at all events prepared for war.

The great object was, to secure the concurrence of the United Provinces, and to prevail on them to act in concert with England, that the mediation of the two maritime powers might be accepted by the Emperor, and respected by France and her allies.

In order to obtain the co-operation of Holland, Horace Walpole had been again dispatched to the Hague, with the character of ambassador extraordinary, and had warmly pressed the States General to augment their forces; and although his representations had not been attended with due effect, yet he had considerably removed the jealousy and disagreement which had recently arisen between the two maritime powers, and gave hopes that his attempts might prove successful.

Embassy of  
Horace  
Walpole to  
the Hague.  
July 27,  
1734.

While these transactions were passing between the king and the Republic, under the promise of inviolable secrecy on both sides, frequent memorials were presented by count Kinski, calling upon the king in the strongest manner, to fulfil his engagements towards the Emperor, by sending instantly the most effectual succours.

Remon-  
strances of  
the Emperor

Although no specific answer could be returned whilst the negotiation at the Hague was depending, yet previous intimations had been given to the Imperial court, that no immediate assistance could be expected from England in the present situation of affairs.

But as soon as the negotiation was brought to a conclusion, and it was determined to make the offer of their joint mediation and good offices for an accommodation of the differences, Lord Harrington gave to count Kinski, an account of this resolution; and orders were transmitted to their ministers at Paris and Madrid, to propose a general pacification through the mediation of the maritime powers. The Emperor received the notification communicated by Mr. Robinson, with no less surprise than indignation, and his minister delivered in a strong and pointed memorial. In this paper, the Emperor insisted on the rectitude of his own conduct and views, the insincerity of France, and the wanton aggressions of the allies; claimed from the maritime powers effectual co-operation to insure the guarantees stipulated by existing treaties, previous to his acceptance of their proposed mediation, and

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1734 to 1737.

His indigna-  
tion against  
Walpole :

added, he would never have acted as they had, and after a delay of nine months, offered his mediation instead of sending assistance \*.

While the answer to this memorial was preparing in concert with the States General, the Emperor became indignant at the delay, and imputing the denial of succours to the influence of Sir Robert Walpole, broke out into the most intemperate expressions against him. Totally unacquainted with the first principles of the English constitution, and forming, from the accounts transmitted by count Kinski, wrong notions of the king's power, and of the state of parties, knowing that George the Second was personally eager for the war, he entertained the most sanguine hopes that the nation would be brought over to his opinion.

Under these impressions, he revived the chimerical plan which he had ineffectually adopted in 1726, of appealing to the nation against the minister. His ambassador in London caballed with opposition; endeavoured to excite the sympathy of the nation; threw the blame of his depression on Sir Robert Walpole; appealed to the king's feelings, and to his inveterate hatred of the house of Bourbon, and endeavoured, by means of the Empress, to interest queen Caroline in his favour.

These imprudent attempts did not escape the knowledge of Walpole. An intercepted letter from the Emperor to count Kinski, fully developed the plan in agitation, and displayed the threats which Charles the Sixth was weak enough to suppose would alarm the minister, and compel him to act offensively against France.

Attempts to  
effect his re-  
moval.

He even carried his resentment so far, that he attempted to obtain the removal of Walpole, by means of a meddling emissary, who was ill calculated to succeed in so difficult an enterprise.

Character  
and cabals of  
the bishop of  
Namur :

This emissary was Strickland, bishop of Namur, by birth an Englishman, and by religion a Roman catholic. He had been warmly attached to the cause of the Pretender, and having sacrificed his country to his principles, had been promoted to the Abbey of Saint Pierre de Preaux, in Normandy. He had, in the latter end of the reign of George the First, maintained a correspondence with the opposition; and had through their interest with the Emperor, been raised to the bishopric of Namur; he afterwards became a spy to the English ministry, and rendered himself so useful, that he was considered as a proper person of confidence to reside at Rome, for the purpose of giving information with regard to the Pretender. With this view, lord

\* Reponse de la cour Imperiale aux representations de Messrs. Robinsen et Bruininx, 30 Juin, 1734. Walpole Papers.

Harrington \* applied to the Emperor for his interest to obtain for him a cardinal's hat; and Mr. Robinson was ordered to second that recommendation with his whole influence. The bishop being a man of an artful and intriguing turn, plausible in his manner, and having gained great credit for his strict regularity and disinterestedness in the management of his diocese, was admitted to several audiences of the Empress, and succeeded so far in insinuating himself into her good graces, that he was employed to thwart the marriage of the eldest archduchess with Don Carlos, to which she had an insuperable aversion.

During these audiences, he artfully insinuated such remarks on the mismanagement of the Imperial ministry, as induced the Empress to obtain for him a private audience of the Emperor. He availed himself of this permission to present several memorials, for the amelioration of the domestic affairs, which were well received by the Emperor, fond of new schemes, and inclined to think unfavourably of his ministers. From these topics, he digressed to lord Harrington's recommendation, and represented himself as capable either of forcing the British administration to enter into the war, or if that failed of success, of driving out Sir Robert Walpole, through the intrigues of the opposition. The Emperor weakly acceded to this proposal, and supplied the bishop of Namur with private credentials to the king and queen of England. On his departure, he was instructed to take advantage of the decided inclination of the king to enter into the war, of the apparent lukewarmness of the queen to support the pacific system, and of the disunion of sentiments in the ministry.

The bishop of Namur was received by the king and queen in so gracious a manner, as to give umbrage to Sir Robert Walpole. He had a long and secret conference with lord Harrington †; and reports were soon in circulation, that he would draw the nation into a war, and that he was privately supported by the king and queen, and abetted by lord Harrington; and that the fall of the minister would be the immediate consequence.

It became necessary to discredit these rumours. Horace Walpole hinted to lord Harrington his opinion of the bishop, and the ill policy of appearing to countenance so dangerous a person. In the private correspondence which he held with queen Caroline ‡, he also artfully represented the impropriety

Countersacted  
by Walpole.

\* Walpole and Grantham Papers. Mr. Robinson to lord Harrington, September 8. To Horace Walpole, November 13, 1734. Correspondence.

† Orford Papers. Correspondence.  
‡ Orford Papers. Letter to queen Caroline; October 18-29, 1734. Correspondence.



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1734 to 1737.

of giving such a reception to a missionary who was so favourable to the opposition; he urged the necessity of not suffering a person of his suspicious character to remain in England; and insinuated that the Emperor should be undeceived in his notion, that the king was of a different opinion from the ministry, and be positively informed that England could not take a part in the war. Walpole, in concert with his brother, supported this measure, and suggested to the queen, that she should herself write to the Empress \*, to contradict the false accounts sent by Kinski and the bishop of Namur, and candidly to declare that no succours could be given by England, until the offer of the mediation had been rejected. The minister carried his point; the bishop of Namur was civilly dismissed; the king was either convinced of the necessity of adopting pacific measures, or yielded reluctantly to a plan which he could not venture to oppose. Lord Harrington submitted to the superior influence of Walpole; and the Emperor, with some hesitation, agreed to admit the good offices, and to accept the mediation of the maritime powers.

Meanwhile, a secret negotiation was suddenly opened with France, which seemed at first to afford a prospect of a speedy accommodation, and on that account was eagerly embraced by Sir Robert Walpole, but which involved both him and his brother in considerable embarrassments, excited, in the course of its progress, the displeasure of the king, and occasioned a temporary disagreement among the ministers.

Intimacy of  
Horace  
Walpole  
with baron  
Gedda.

Horace Walpole maintained an intimate correspondence with baron Gedda, the Swedish minister at Paris, for whom he procured an annual pension of £. 400; and as Gedda was on good terms with cardinal Fleury, and had communicated the private sentiments of the French minister, Horace Walpole had, at the suggestion of his brother, found means to convey hints for a general accommodation.

Embarrassing  
situation of  
the cabinet.

The situation of the British cabinet was exceedingly embarrassing; being reproached on one side by the Emperor for not fulfilling the guaranty by declaring war, and on the other by France, for not being cordially disposed to favour a peace, it became expedient to take a decided part. But the co-operation of the United Provinces was considered by the minister as a necessary means to insure success.

The disposition of persons and affairs in Holland was so timid and fluctuating, as to afford little hope of terminating hostilities, unless France

\* Correspondence.

could be induced, of her own accord, to open a negotiation. For it was sensibly urged\* by the ambassador at the Hague, that although these conditions might not be such as would be accepted by the Emperor, yet if they were once proposed to him by England and the States General, he would be undeceived in his fond expectations, that those powers would enter into the war for the purpose of recovering his dominions in Italy, and be inclined to turn his attention to some expedient for an accommodation.

With this view, Horace Walpole, with the private approbation of his brother, employed the intervention of his friend at Paris, and finally obtained the object so much desired. Baron Gedda acquainted him, that the cardinal, impressed with a desire to give peace to Europe, proposed to enter into a confidential correspondence with him, for the purpose of settling the preliminaries for a general pacification, to be communicated to no one but the Pensionary Slingelandt†. This overture being considered by a part of the cabinet as tending only to amuse, and as a snare employed by France to prevent the adoption of vigorous measures, was at first warmly opposed; but being supported by queen Caroline and Sir Robert Walpole, and those members of administration who adhered to their opinion, it was immediately accepted; a private correspondence took place, and the cardinal proposed to send a confidential person, by the name of Jannel, to the Hague, to settle and conclude the terms to which England or France would previously accede, before they were communicated on one side to the Emperor, and on the other to the allies of France.

This proposition of cardinal Fleury being approved by the cabinet, an interesting correspondence took place between him and Horace Walpole, concerning the previous conditions to be settled for adjusting the preliminaries. The letters of the cardinal, and the answers of Horace Walpole, were transmitted to England for the approbation and direction of the king, and private accounts were regularly forwarded to Sir Robert Walpole.

During these transactions, Sir Robert Walpole bestowed extraordinary pains on foreign affairs. Besides holding a secret and constant correspondence with his brother, and suggesting, through his means, those sentiments with which he wished to impress the queen, he examined with peculiar attention the dispatches to and from the secretaries of state; took notes, and made references of the most important letters; and although he displeased

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1734 to 1735.

Overtures of  
cardinal  
Fleury.

Correspondence  
with  
Horace Wal-  
pole.

Application  
and influence  
of Walpole.

\* Horace Walpole to Sir Robert Walpole, August 6, 1734. Correspondence.

† Horace Walpole to the queen. Walpole Papers.

Period VI.  
1734 to 1737.

the king by his firmness in suggesting pacific measures, and in some instances was secretly thwarted by lord Harrington, who acted in deference to the views of his sovereign, yet he would not suffer any measure to be pursued without his approbation, and directed or controuled the whole series of this intricate negotiation.

Negotiation  
with Jannel  
at the Hague.

In consequence of this confidential intercourse, Jannel arrived at the Hague on the 5th of November; continued there only three days, and had three very important conferences with Horace Walpole and the Pensionary, with such secrecy, that his arrival was not suspected, until he had taken his departure. Of these three conferences, Horace Walpole transmitted an accurate and well written account to the British cabinet. An arrangement was taken towards settling the preliminaries, in which the two parties, after proposing terms which could not be acceded to on either side, afterwards gradually approached each other, and seemed to be not very distant from the probability of coming to an amicable agreement. The terms proposed by Jannel, and opposed or assented to by Horace Walpole, were to be referred on one side to the cardinal, and on the other to the British cabinet.

Walpole en-  
forces pacific  
measures.

A plan for the preliminaries was now to be proposed by the cabinet, and forwarded to the Hague, for regulating the conduct of the ambassador.

In order to engage England and Holland in the war, the Emperor had withdrawn all his troops from the barrier towns, and confined himself to the defence of Luxemburgh. He represented that it was more the interest of the maritime powers than his own, to preserve the Low Countries from France, and therefore he should leave to them the care of their defence. This resolution had been privately taken without the knowledge of Walpole, in concert with the king and lord Harrington, who were no less anxious than the Emperor to commence hostilities against France. In consequence of this resolution, a plan was drawn up by lord Harrington\*, to be forwarded to Horace Walpole. It was worded in a most artful manner, and appeared to have no other design than to preserve the Low Countries from France. The ambassador was ordered to insinuate to the Dutch, that if they would authorise the king to assure the Emperor of their design to augment their forces, his majesty would endeavour to prevail on the Emperor to send, without delay, a sufficient number of men from the Rhine for the defence of the Low Countries; and that the king, at the requisition of the Dutch, ac-

\* Lord Harrington to Horace Walpole, Whitehall, November 14th, 1734. Correspondence.

ording to the tenour of the barrier treaty, would supply 10,000 men, provided they would furnish an equal number. Chapter 44.  
1734 to 1735.

This dispatch, before it was sent to the Hague, was forwarded by a messenger to Sir Robert Walpole, who was then at Houghton, for his approbation. The minister highly disapproved the measure, and thought it necessary to express his disapprobation in such strong terms, that lord Harrington totally relinquished his design. In his answer to Walpole, he testified his concern that the draught which he proposed to write to Horace Walpole concerning the Netherlands, was so strongly condemned \*. "The letter itself," he added, "is not sent."

Soon afterwards, lord Harrington drew up, by order of the king, a plan for the preliminaries, which was calculated to throw obstacles in the way of the negotiation with France, and to check the eagerness of Horace Walpole for immediately modifying and closing with the propositions of cardinal Fleury. These instructions were to be forwarded to the Hague, in a letter to the ambassador, by which he was to be implicitly guided in this delicate business †. He prepared this letter on the 12th of November, but as it was an affair of too great importance to be precipitately decided without the concurrence of the minister, who was then at Houghton, he dispatched a messenger with a letter, enclosing a copy, and requesting his opinion. This plan met with no less disapprobation than that which related to the Netherlands; and Walpole was never engaged in a more difficult or delicate part. Although he well knew that to disapprove or alter it, was in effect to act in direct contradiction to the sentiments and wishes of the king, yet he did not hesitate to adopt that resolution. He considered the plan as wholly formed by lord Harrington; and in a very frank and candid manner, gave his objections, without attempting in the smallest degree to conceal, or even to palliate his opinion. And perhaps in no instance were the integrity, prudence, and firmness of Walpole more evident, than in the answer which he returned to lord Harrington on this occasion ‡.

Firm and prudent conduct of Walpole.

In the middle of December, Jannet returned to the Hague, and the conferences were resumed. The consequence of these meetings was, a project of pacification concerted between England and the States, as conformable as possible to the sentiments and desires of France, as they were explained by the cardinal in his private correspondence with Horace Walpole and the

Secret convention.

\* Sidney Papers. November 8th, 1734. Correspondence.

Sir Robert Walpole, November 13, 1734. Correspondence.

† Lord Harrington to Horace Walpole, November 12, 1734. Lord Harrington to

‡ Sir Robert Walpole to lord Harrington, November 12, 1734. Correspondence.



Period VI. Pensionary, and which ought to have been signed at the Hague by Jannel.  
 1734 to 1737- But as the French ministers had protracted the negotiation, by raising new demands, and creating fresh difficulties, it was thought expedient to satisfy the expectation and impatience of Europe, by publishing the plan.

Accordingly, the king in his speech, which he delivered at the opening of the new parliament, observed, "that in a short time, a plan would be offered to the consideration of all the parties engaged in the present war, as a basis for a general negotiation of peace, in which the honour and interest of all parties had been consulted, as far as the circumstances of time, and the present posture of affairs, would permit \*."

Insincerity of  
Fleury.

The French ministers affected to be dissatisfied with this proceeding; they pretended that it was a breach of that secrecy which had been promised, and they remonstrated, that this hasty publication of the conditions for a general peace, would entirely frustrate the good intentions of France, by alarming the allies. At the same time, Jannel, instead of signing the project of the preliminaries, according to the repeated assurances of cardinal Fleury, received a new counter project, and fresh instructions, which the English and Dutch ministers at the Hague could not agree to, and from which he could not venture to recede. Thus this important negotiation, which had employed six months, and had been conducted with the greatest secrecy, was suddenly suspended. Jannel quitted the Hague, charged with expostulatory letters to the cardinal, on the unexpected miscarriage of this great work, which was expected to give peace to Europe; and on the following day, Horace Walpole set out for London, carrying with him the unsigned project of pacification, which had been concerted with the ministers of the Republic.

Articles of  
the conven-  
tion.

The principal articles of this project were, the abdication of Stanislaus, on the condition of retaining his title; the evacuation of Poland by the Russian troops; the cession of Naples and Sicily to Don Carlos, and of the Tortonese, Novorese, and Vigevenasco to the king of Sardinia. To the Emperor, the restoration of all the other conquests, the immediate possession of Parma and Placentia, and the succession of Tuscany, except Leghorn, which was to be created an independant republic; France to guaranty the pragmatic sanction; Spain and Sardinia to renew their guaranties. This plan to be considered as the basis of an immediate negotiation for a general peace, and an armistice to be strenuously recommended by the mediators.

\* Journals. Chandler, vol. 9. p. 3.

The Emperor having testified his inclination to accept this plan, though he afterwards attempted to make some alterations which were inadmissible, it was presented in form to the respective ministers of the Emperor, France, Spain, and Sardinia. The earl of Waldegrave returned to Paris, with instructions to press the cardinal in the strongest manner to confirm and support this project, according to the most solemn assurances which he had given in his private correspondence with Horace Walpole. But his representations were not attended with any effect. The opinion of lord Harrington, which had been confirmed by the earl of Waldegrave in his former dispatches from Paris, that France was insincere in these overtures, and only intended to deceive the British cabinet, proved true, and Sir Robert Walpole was the dupe of his pacific inclinations.

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1734 to 1735.

The real cause of this failure was derived from the irresolution and inactivity of the Dutch, of which Chauvelin, who either governed or influenced the cardinal, availed himself, to prevent the conclusion of the secret convention with England.

Irresolution  
of Holland.

"One of the fundamental principles of Chauvelin's politics," observes Horace Walpole, in a letter to lord Harrington, "was to separate, if possible, the States from England. The basis of all his measures when he entered into the war, was founded upon this principle; and his language and exertions have been from time to time more or less violent and haughty, in carrying it on, according to the appearance of a division or union between the king and the States; and by this same rule or compass, he has dexterity enough to steer the cardinal's pliant temper, or to adapt his own sentiments to the cardinal's, whenever he finds the old gentleman's vigour, from an apprehension of the maritime powers taking jointly a share in this war, begin to swerve and incline to peace."

Policy of  
Chauvelin.  
September 4.

In the present circumstances, Chauvelin well knew the Dutch could never be induced to enter into the war, as long as they had no apprehensions for the safety of the Netherlands; and although the Pensionary expressed, in a letter to the cardinal, his sentiments in strong and lively terms in favour of the project, with a view to support and add weight to the representations of Horace Walpole; yet the effect of his letter was fully counterbalanced by the report made by Fenelon, the French ambassador at the Hague, of the profound tranquillity in Holland, and of the determined resolution of the Dutch not to engage in hostilities.

The British cabinet now roused itself from its pacific lethargy, and Walpole himself was foremost in recommending and enforcing the necessity of making the most active exertions. Two motions, warmly supported by him,

Active pre-  
parations in  
England.  
Feb. 7 and  
14.

Period VI.  
1734 to 1737.

were carried in the house of commons, though not without great opposition \*, for taking 30,000 seamen and 26,000 soldiers into pay, in addition to 12,000 men in Ireland, and 6,000 Danes, according to the subsidiary treaty with Denmark.

While these augmentations were making with unusual vigour, it was determined to lay before the States General the strongest representations, for the purpose of stimulating them to similar exertions, though all hopes of effecting a general accommodation were not absolutely relinquished. Horace Walpole was directed to take Paris in his route to the Hague, to expostulate with the cardinal on his evasive conduct, and to induce him if possible to ratify the terms to which he had consented, and if he did not succeed in that effort, to endeavour at least to procure an armistice; and at all events to obtain the final sentiments of France, that at his return to the Hague, he might be able to concert proper measures with the States.

Horace Walpole expostulates with cardinal Fleury.

Horace Walpole pursued the object of his mission with no less spirit than address. In a long conference with the cardinal, he explained the motive and purport of his mission, recapitulated the rise, progress, and issue of the secret negotiation, obviated the principal objections which had been urged by the cardinal in his last letters, and supported each article of the project of pacification, which Jannet ought to have signed at the Hague; stated, in the strongest manner, the fatal consequences which might result from his refusal to fulfil his promise, and pressed him to a speedy consent to the plan and armistice. The cardinal, in reply, pleaded the impossibility of compliance, by reason of the general outcry of the French nation, council of state, and allies against the plan, as partial and dishonourable, and particularly represented the impropriety of the demand, that France should guaranty the pragmatic sanction without any advantage in return; and asserted that Tuscany, with Parma and Placentia, in addition to the Milanese, would render the Emperor more formidable in Italy than he was before the rupture: he also hinted at the danger of disobliging Spain, and of compelling her to conclude a separate accommodation with the Emperor.

To these objections, Horace Walpole answered with such address and force, and alarmed the cardinal so much, by declaring that the miscarriage of the negotiation would be followed by a general war, or a family alliance between the courts of Madrid and Vienna, that he brought him in appearance to approve an armistice, for setting on foot an immediate nego-

\* 256 to 183, and 261 to 208. Chandler.

tiation,

tiation, and to promise to use his influence with the king of Sardinia, and by this means to force Spain to accede. He also expressed his willingness, that France and the maritime powers should sign a declaration, engaging to promote, by a secret and confidential concert, the conclusion of a peace, on the conditions regulated in the late correspondence. His approbation was even carried so far, that when Horace Walpole produced a project of a declaration, consonant to the cardinal's new propositions and wishes, he expressed his readiness to take it into consideration, and promised to exert his whole influence to bring the great work to a happy conclusion \*.

Yet notwithstanding these solemn assurances, he either had not power, or wanted inclination to fulfil his promise; he soon after observed, that the project laid before the king of France was deemed inadmissible, and that the article of the armistice, if ratified, would cover France with shame, and deprive her of all her allies.

It was now evident that the cardinal could no longer abide by his declarations of disinterestedness, and that he was endeavouring to suggest some artful means, by which he could contradict his own assertions, that France required nothing for herself. It was plain, though he did not venture to avow it, that Lorraine was the object of her wishes, and that as long as the allies continued to be successful against the Emperor, and England and Holland did not take an active and manly part, the strongest representations would have no effect. In vain therefore did Horace Walpole reproach the cardinal with the duplicity and weakness of his conduct; in vain he renewed his instances for a suspension of arms, and represented the fatal consequences which would probably result from his refusal; in vain he threatened to publish an account of the whole transaction, and expose him to the world.

The cardinal was abashed and confounded, but not in the least convinced, or moved to compliance. Although he affected earnestly to desire that a plan of pacification should be formed and ratified, yet he could not be induced to explain himself, either on the terms or the method, and delivered his sentiments in so confused and inarticulate a manner, that the British ambassador could collect nothing but vague promises, without any specific proposals. Horace Walpole accordingly departed from Paris, leaving the negotiation in the same state in which he found it on his arrival.

Lord Harrington in this instance spoke the unanimous language of the

Application  
to the States  
General:

\* Horace Walpole's Dispatches to the duke of Newcastle, and to pensionary Slingelandt, April 4th and 6th, 1735. Walpole Papers.



Period VI.  
1734 to 1737.

British cabinet, when in his instructions to Horace Walpole \*, he painted in the strongest terms, the king's concern and indignation at the cardinal's late conduct towards him and the States. He observed, that this conduct, whether the effect of artifice or irresolution, made it equally unwise and inexcusable to rely, without being at the same time well provided against all events, upon any future transaction with the cardinal, for bringing about a termination of the present troubles, which threatened to subvert the balance of Europe. He said, the time was now come, in which it was indispensably incumbent upon the maritime powers to defend the liberties of Europe; and to lose no time in putting themselves into a condition to act with vigour, whenever they should find it necessary: He added, that the king hoped the States would immediately make the proper augmentation of their forces, as he had himself done, by sea and land, in order to disabuse France and her allies in their presumption upon the supineness of the republic, and to be in readiness to take such measures, in concert with England, as the preservation of their own, and the liberties of Europe might require.

Ineffectual.

In vain Horace Walpole strenuously exerted himself in pursuit of these instructions. The recollection of the haughty and unfriendly conduct of the Imperial court; of the defection of England, at the peace of Utrecht, without securing a sufficient barrier to the States; their jealousy of the prince of Orange, increased by his late marriage with the princess Anne; a total disregard for the losses of the Emperor in Italy, which they did not consider as their immediate concern, and the security of the Low Countries, by the convention of neutrality concluded with France on the first appearance of a rupture, contributed to prevent the Dutch from taking any part in the war. These resolutions were fortified by the melancholy consideration of the exhausted and distressed state of the republic; by an opinion, generally prevalent in Holland, of the cardinal's pacific disposition, and of the moderation of France; and particularly by the apprehension of confirming the Emperor in his supposed aversion to peace, by any appearance of vigour. Accordingly the States, instead of taking an active part, renewed their instances to the respective powers, for a favourable answer to the plan of pacification.

Impediments  
to the nego-  
tiation.

The Emperor was unwilling to agree to the previous conditions, unless the maritime powers engaged, should these conditions not be accepted by the allies, to commence hostilities; but they declined taking upon them this engagement, because they suspected that the Emperor would throw ob-

\* Walpole Papers. Lord Harrington to Horace Walpole, 15th April 1735.