

which prove the importance of the letter, and which are still extant in his own hand-writing among the Orford Papers. He here commented with greater freedom than he could venture to do in parliament, and answered the arguments in favour of the motion with more spirit than moderation, and more indignation than temper.

That part of his insertions which is most worthy of notice, was the answer given to the statement made in the house, respecting the prince's establishment, said to have been regulated by the king. From a fair investigation of the paper which the prince's officers had shewn to the house, he demonstrated, that it was not an *establishment*, but a calculation founded on the expenditure of preceding years; that it was exaggerated and overcharged in almost every branch, and that so far from having been regulated by the king, his majesty had not even a knowledge of its existence.

The indiscretion of the prince in bringing so unconstitutional a question before parliament, contrary to the judgment of his real friends; the violence of his counsellors, and particularly the petulant and indecorous insinuations thrown out against the queen * in the course of the debate, highly offended the king, and rendered the breach between the father and son irreparable. Coldness, reserve, and distance increased. The prince considered himself a state prisoner in the palace of his father, pined for a release, and seized the first plausible pretence of emancipating himself from the controul of his parents.

The royal family being at Hampton Court, the princess of Wales was seized with the pangs of child-birth, and the prince, without the least intimation to the king and queen, hurried her away to St. James's, where she was that night delivered of a princess, before the queen, or any of the officers of state, who, since the revolution, were accustomed to be present, could arrive.

The prince
leaves,
Hampton
Court.
July 31.

The prince apologized for his abrupt departure to the queen, who went the next morning to visit the princess. He observed, that the suddenness with which his wife was seized, rendered it necessary to obtain immediate assistance, and that it was thought most prudent to return to London, where

* Walpole having in his speech maintained that the parliament had no right to interfere in the creation or maintenance of a prince of Wales, and that in the case of Richard, who on the death of his father, the Black Prince, was created prince of Wales, in consequence of an address or petition from parliament, that measure was in all probability directed by Ed-

ward the Third: In reply to this assertion, the opposition indecorously alluded to the influence of queen Caroline over the king, and her preference of the duke of Cumberland to the prince of Wales, by observing, that Edward doated in his old age, and was solely governed by Alice Pierce, and his second son the duke of Lancaster.

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1734¹⁰ 1737.Resentment
of the king.

good assistance was to be obtained, than wait till the physicians and midwives could arrive at Hampton Court, which might be too late; he entreated the queen to explain to the king the motives which induced him to retire from Hampton Court, without intimating his design, which the hurry of his departure had alone prevented; and he professed also his intention of waiting on the king that morning. The queen advised him to delay this visit for a few days, in which the prince acquiesced. He repeated the same apology to Sir Robert Walpole and lord Harrington, who had come by the king's command to be present at the birth. The king, however, was not moved by this justification, but resolved to express his resentment in a manner no less public, than that in which he conceived the indignity was offered. A draught of a message was accordingly prepared by Sir Robert Walpole, and submitted by him to the consideration of the lord chancellor, lord Wilmington, and lord Harrington. The chancellor, with a view to shew great tenderness to the situation of the princess, and to gain time for conciliation, before the most aggravating circumstances of the rupture were rendered permanent, and incapable of modification, by being committed to writing, disapproved the draught, and proposed another in more soft and gentle terms:

"The king hath commanded me to acquaint your royal highness, that his majesty is most heartily rejoiced at the safe delivery of the princess, but that, on account of certain circumstances in your royal highness's behaviour relating to that event, which have given his majesty just offence, he thinks it not proper to see you, with the particular reasons whereof he will cause your royal highness to be acquainted in due time."

Lord Wilmington, who seldom declared himself explicitly on any subject, supported, however, with unusual warmth, the original draught; and as lord Harrington was silent, the chancellor's alteration was rejected, and the original carried. On the 3d of August, it was sent to the prince by lord Essex, the lord of the bedchamber in waiting, and contained these words:

His message.

"The king has commanded me to acquaint your royal highness, that his majesty most heartily rejoices at the safe delivery of the princess, but that your carrying away her royal highness from Hampton Court, the then residence of the king, the queen, and the family, under the pains, and certain indications of immediate labour, to the imminent danger and hazard both of the princess and her child, after sufficient warnings for a week before, to have made the necessary preparations for this happy event, without acquainting his majesty or the queen with the circumstances the princess was in, or giving them the least notice of your departure, is looked upon by the king to be such a deliberate indignity, offered to himself and to the queen, that he has
commanded

commanded me to acquaint your royal highness, that he resents it to the highest degree." Chapter 48.

1737.

In reply to this message, the prince wrote a letter, in which, after expressing his mortification at having displeased the king, he justified his conduct, repeated the same motives as he had stated to the queen in person, and requested permission to wait upon the king the next morning. This request having been rejected, the prince repeated, in another submissive letter, his earnest hopes of being restored to favour. No answer was returned to this application, but a message from the king was conveyed by the earl of Dunmore, appointing the baptism to be performed on the 29th, declaring, that he should send the lord chancellor to stand god-father as his proxy, the queen's lady of the bedchamber for the queen, and desiring the princess to appoint one of her ladies of the bedchamber to represent the dowager duchess of Saxe Gotha, the other god-mother. August 4.

The prince took this opportunity to reiterate, both to the king and queen, his application for pardon, with increasing earnestness and humility. His entreaties, however, had no effect. The king adopted the violent resolution of making a total separation between his family and that of the prince, by dismissing him from his residence in the palace of St. James's. In taking this resolution, he was, if not confirmed, at least not opposed by the minister.

The prudence and moderation of the chancellor saw the danger of such a separation. However disagreeable his interposition might be, both to the king and Walpole, he thought it his duty to prevent, if possible, such extremities. With this view, he went over to New Park, and had a long and interesting conference with Sir Robert Walpole *.

Conference
between the
chancellor
and Wal-
pole.

"He laid it down as a principle, that in this nice affair, two great points were always to be pursued. First, the real and essential interest of the king and his family, in which the whole of the kingdom was involved; and next, the support of that authority and reverence, which was due to his majesty. That it was the duty of his ministers and servants to endeavour to combine both these views, and in their conduct not to lose sight of either. That he could not help thinking, that if there was a disposition to it, a reconciliation might be effected consistently with both; but if that should be found impossible, a total separation must indeed be submitted to. However, he begged leave to lay before him several considerations, which seemed mate-

* This conference is given verbatim, from lord Hardwicke's interesting narrative before mentioned.

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rial in this great question, some whereof distinguished the case from that of the quarrel in the late reign, and made the present breach more formidable.

" 1. That it ought to be considered what influence it would have on that side of the question, which had been once moved in parliament, and was expected to be brought there again, viz. the prince's demand of a larger allowance, and this upon different suppositions. It appeared to him, that if the king should be finally in the right, and the prince continue, as he was certainly at first, on the affair of the departure, in the wrong, it would strengthen the king as to that question; for nobody could, with any shadow of reason, maintain that the king could with decency be addressed to increase his son's allowance, while he was standing out in defiance. But on the other hand, it must be attended to, that this offence was such as to admit of a satisfaction between a father and a son; and if the world should think the prince had made a proper submission, and yet the king turn him out of doors, it would strengthen the prince in his demand; since it might then be said, that the king had causelessly obliged him to live by himself, with an increase of family, at a great expence. He added, that it must be expected that even those who least wished a reconciliation, would advise him to make such a submission, when they were sure it could not, or would not, be accepted.

" 2. That in the next place, the situation and circumstances of the royal family deserved the greatest attention. In the late reign, the difference concerned only the king and prince; there were no other children to be affected by it. The moment the breath was out of the late king's body, it was at an end as to the royal family, though particular subjects might feel its effects. That now the case was far different. A queen consort, the duke and four princesses, not to include the princess of Orange, must necessarily be, to a degree, involved in it. If the prince should survive his father, he must, and by the course of law and nature, ought to reign. All these will be more or less in his power. The queen possibly least of all is; but how far the honey-moon of a new reign may carry men as to her large jointure, no one can foresee. The others absolutely. Yet these must now, as they justly deserve, live at court in the sun-shine of the king and queen's favour, the prince being excluded. This will naturally breed an alienation of affection, great envying and much ill blood, which may break out into fatal consequences when the prince shall find himself their sovereign. Add to this, that it is not probable that any settlement will ever be obtained from the parliament to make cadets of the royal family, independant of any person who shall wear the crown.

" 3. He

" 3. He next considered the case of the prince's children: Either the king must take the custody of them, or leave them with his royal highness. If he should take them, having a favourite younger son, and several daughters, justly dear to him, what jealousies and suspicions may not arise in case of accidents. Malice may even suggest what was once believed in France, of the late duke of Orleans. If the king should suffer these branches of the royal family to remain with the prince, will it not greatly weaken the former, and strengthen the latter? And at length, they will be bred up under the same influence which is now objected to their father.

" 4. As to the administration, what an inundation of pensions did the breach in the late reign produce! What a weight did that bring on my lord Sunderland's ministry! And it should be considered whether even that miserable expedient will be found practicable under this king. The present demands of mankind will rise on one side in proportion as greater hopes are held out on the other. It put lord Sunderland on strong measures to secure himself, which yet he could not carry. Witness the peerage bill, wherein were several provisions tempting to the Whigs, and yet they rejected it.

" 5. It will make a coalition between the Whigs desperate and impossible. Before this, the Whigs in opposition wanted a head, became liable to the disagreeable imputation of constantly acting with the Jacobites; had no prospect of ever coming into any share of power, but by reuniting with their old friends. They will now find a head in the prince, and he, being the immediate successor in the protestant line, will be an irrefragable answer to the reproach of Jacobitism. Besides, the Whigs, as a party, will, in good policy, not wish such a coalition, unless it could be accompanied with a reconciliation between the father and son, lest it should throw the successor wholly into the hands of the Tories, and make their cause desperate when he comes to take possession; whereas, by having one set of Whigs in the prince's favour, the party will have a fair chance to be preserved from ruin when that event shall arrive.

" 6. Lastly, it must not be forgot, that if the king should carry his resentment so far as to remove his son out of his palace, it will be necessary that some account of a transaction of this high nature in the royal family, should be given to foreign courts. This measure was taken in the late reign. If the prince should at length fully submit himself to his father, and do that which the world shall judge a complete satisfaction for the late offence, what reasons can openly be assigned to justify such a conduct? He would not say that reasons might not be suggested, from a series of conduct offensive and provoking in many other respects; but when once those come to be coolly

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examined, he suspected whether they would be found such, as it would be extremely difficult, if not impossible, publicly to avow and explain."

"The minister allowed all these to be considerations of great weight, without attempting to take off their force, except as to that of the prince's children, who, he said, were intended to be left with their parents, whilst of tender age, only for nurture. The great point on which he laid his stress, was that the king had now an advantage, by the prince having put himself so much in the wrong, which ought not to be parted with. That he was apprehensive there must be a total breach before there could be a complete reconciliation; and to make up the particular difference about carrying away the princess from Hampton Court, without the grand point, would not be so much as *skinning over the sore*, which would infallibly break out again worse than ever. That it was impossible to reconcile the whole without money, and that could not now be obtained; neither was it fit to advise the king to make such an advance, until his son, by proper acts of submission, and declared alteration of conduct, should put himself in a condition to deserve it.

"As to the submission already made, he enlarged much on the offensive behaviour to the queen; and in particular, objected that, although the king in his message had charged the *fact to be a high indignity to himself and to the queen*, the prince had not in any of his letters asked her pardon, or so much as made an excuse to her majesty for what he had done."

"Hereupon, the chancellor took occasion to observe, that this was manifestly the game of those advisers of the prince, who intended to prevent a reconciliation; and as this last was their point, they could not play their cards better. That consequently the most effectual method of disappointing it must be the best play on the other side: and as the queen had great talents, as well as great power with the king, would not it become her wisdom to suppress the woman's resentment, and take the contrary part to that into which these men wished to drive her? That in his opinion, if her majesty continued unmoved by their ill usage, and in spite of all their provocations would reconcile the father and son, she would endear herself to the nation more than ever, and make an absolute conquest of all her enemies at once."

These sensible representations not only had no effect on the minister, but even seem to have made a contrary impression; for he said afterwards to some of his friends, "The lord-chancellor made me a long visit, and talked like an angel on the subject of the prince, yet I thought his arguments made for my conclusion rather than his," which induced the chancellor

cellor to lament the shortness of human foresight, and exclaim, in the words of Virgil,

Chapter 48.

1737.

"Nescia mens hominum fati, fortisque futuræ,
 "Et servare modum rebus sublata secundis.
 "Turno tempus erit, magno cum optaverit emptum,
 "Intactum Pallanta et cum spolia ista diemque,
 "Oderit *."

Although it cannot be denied that the conduct of the prince had given great and deserved offence to the king and queen, and that in particular his behaviour to the queen had been highly disrespectful, yet it cannot at the same time be sufficiently lamented, that the minister involved in the interests of party, the feuds of the royal family. He considered the struggle as much between himself and opposition, as between the king and prince, and knowing the prince's aversion to his ministry, viewed a cordial reconciliation as tending to his removal.

Conduct of Walpole.

Under these impressions he had drawn up, by order of the king, the substance of a message to be delivered to the prince, ordering him to remove from the palace of St. James; and he communicated it confidentially to the lord chancellor, the duke of Newcastle, and Pelham, for their opinion, before it should be submitted to the whole council. He produced two letters, sent by the prince to the king and queen after the christening; and acquainted them, that the king was not satisfied with the submission made by his son. That with regard to the king himself, they were mere words, and calculated to be offensive and provoking to the queen. That none of the letters contained any assurance of a change of conduct, or of acting in subordination to his father's will for the future. That he was entirely under the influence and direction of persons whom the king had thought fit to remove from his councils and service, and who were in a determined opposition to all his measures; and that lord Chesterfield and lord Carteret were known to be with him in private every day, and were called into his closet after the levee, as regularly as the king's ministers were called into his. He recapitulated many particulars, to shew that the prince had

Farther proceedings in the cabinet.

September 4.

* "O mortals! blind in fate, who never know
 "To bear high fortune, or endure the low!
 "The time shall come, when Turnus, but in vain,
 "Shall with untouch'd the trophies of the slain.
 "Shall with the fatal belt were far away,
 "And curse the dire remembrance of the day."

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avowedly set himself at the head of a faction in opposition to the king, and that these letters were understood by the king to proceed from their dictates, and intended only to amuse and deceive him. That things being in this situation, the king had resolved not to permit his son to reside any longer in his palace, but to send an order for his departure, with his whole family, as soon as it could be done without prejudice or inconvenience to the princess, and had commanded him to prepare a draught of a message for that purpose; which he then read.

The chancellor and his friends having expressed their concern, and delivered their opinion, that such a message should be avoided if possible, consistently with the king's honour; the minister replied, that such was the king's final resolution. It was then proposed, that a message should be sent to the prince, acquainting him with the kind of submission which was required of him, and the alterations in his conduct, which the king expected as the terms of the reconciliation. But the proposal was rejected by Sir Robert Walpole, as likely to beget mutual altercations, and produce a paper war between the king and his son, which would be attended with still more fatal consequences than taking it *short at first* *.

The draught of the message was then taken into consideration. It was couched in very harsh and improper terms, and contained indecorous reflections, inconsistent with the dignity of the crown, and the station of the disputants. A paragraph towards the conclusion, expressed a severe reproach on *persons in general* resorting to the prince, who did not pay their court to the king, but opposed his measures, called them a *FAC*TION, with other strong and harsh words. To all these, the chancellor objected, as a style improper between princes, and indecent from the king to his son. He thought, if a message of this nature must go, it should be strong, but full of decorum. Sir Robert Walpole declared his opinion, that, as the prince had plainly set himself at the head of the opposition, it was right to carry the war into the enemy's country. And as they attacked the king through the sides of his ministers, to return it by falling on the prince's advisers. To this the chancellor replied, that, as to such advisers as fomented this fatal division in the royal family, the harshest words which language could furnish were not too much; but his objection was, that, as the draught then stood, it comprised more, and might extend to all that came to the prince, who happened to differ from the king's ministers in parliament, and did not come to court. That this would include some persons of the first quality and

* Lord Hardwicke's Narrative.

estates in the kingdom, besides great numbers of others who were only misguided; and as it was probable this paper might one time or other be laid before the parliament, it might give rise to very disagreeable debates and questions there. The duke of Newcastle and Mr. Pelham acceded to his opinion; whereupon most of those expressions and epithets were at length struck out, and that remarkable paragraph entirely changed and confined to the *advisers* of the prince, who *fomented the division in the royal family, and thereby weakened the common interest of the whole.*

On the 9th of September, this message was laid before the lords of the cabinet council who were not absent from London*.

Sir Robert Walpole acquainted them with the several causes of the king's displeasure against the prince; he said, that for these reasons the king was of opinion that the families should be separated, and desired their advice on the method of doing it; that he had, by the king's order, and with his approbation, prepared the draught of a message to the prince, which he should now submit to their consideration. He at the same time intimated, that the king thought the style of the draught *full gentle enough.* He then read the letters which had passed between the prince on one-hand, and the king and queen on the other; and directed them to observe the difference between the narrative of the fact contained in the first letter to the king, and the accounts which he gave to the queen, as well as to lord Harrington and himself, the morning after the labour, which last he read from some minutes to which lord Harrington had agreed. He observed, with great emphasis, that these letters were specious empty words, without any assurances or alteration of conduct, and laid great stress on the variations between the letters to the king, and those to the queen, and particularly requested them to remark, that in the letter to the queen, the words, *your majesty*, were never used, but only *madame* and *vous*. He then read the draught of the message.

The lords sufficiently testified their concern, by their looks and expressions. They understood this to be a communication of the king's determined resolution, which was not to be changed. They agreed that he was undoubtedly master in his own family, and as he had been highly offended, he

* Present. Archbishop of Canterbury (Potter)—Lord Chancellor—Lord Godolphin (lord privy seal)—Duke of Grafton (lord chamberlain)—Duke of Richmond (master of the horse)—Duke of Newcastle—Earl of Pembroke (groom of the stole)—Earl of

May—Lord Harrington—Sir Robert Walpole—Sir Charles Wager.

* Absent, Lord president (in Sussex)—Earl of Scarbro' (in Yorkshire, and not sufficiently recovered to attend business)—Duke of Devonshire (in Ireland)—Duke of Dorset (at Namur)—Duke of Argyle (in Oxfordshire.)

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was to judge whether he would forgive or resent. They considered that their advice was only required as to the *method*, not the *measure*, and therefore proceeded to take the draught into consideration. A few exceptions were made to the terms. Two were made by the lord chancellor, the first to the words, *I cannot suffer myself to be imposed upon by them*, as too harsh, and not adequate to the dignity of the personages concerned, he proposed to insert, *I cannot, consistently with my own honour and authority, suffer them to have any weight with me*. But this alteration was not adopted. The second objection was to the word *rendezvous*, as too low and coarse; and as all the lords concurred in the same opinion, it was omitted, and the word *resort* suffered to stand alone. In the place of, *you shall not reside in my palace*, inserted at the proposal of the archbishop, lord Godolphin offered, *I think it not fit that you should reside in my palace*; an alteration which was approved by the chancellor, as expressive of the king's opinion, and properly introductory of the subsequent command to leave St. James's. This was rejected on the observation of Sir Robert Walpole, that those words could not be considered as sufficiently strong.

After making a few other verbal alterations of little consequence, the message was agreed to, and submitted to the final approbation of the king*.

The manner of sending it to the prince was proposed to be by a message signed by the king at the top, with his name at length, and with the two first letters at the bottom, after the form of instructions; and that an order, signed by his majesty, should be delivered to the persons who should be charged with carrying it, reciting the message in the very words, and commanding them to read it to, and leave it with his royal highness. It was also agreed, that copies of this message should be privately delivered to the several foreign ministers in England, and other copies sent to the king's ministers residing abroad, as a *species facti*, or narrative of the king's reasons for this proceeding with his son.

Other particulars were mentioned, and it seemed to be the general sense of the lords that they should be regulated in like manner as upon the *separation* in the late reign; but it was thought proper to leave them to the personal direction of the king himself, without offering any particular advice thereupon. On Saturday, September 10th, this message, signed as before mentioned, was sent to the prince by the duke of Grafton, duke of Richmond, and earl of Pembroke, who had a signed order, as above described, for their justification.

* Narrative.

"The professions you have lately made in your letters, of your particular regard to me, are so contradictory to all your actions, that I cannot suffer myself to be imposed upon by them. You know very well, you did not give the least intimation to me, or to the queen, that the princess was with child, or breeding, until within less than a month of the birth of the young princess: you removed the princess twice in the week immediately preceding the day of her delivery, from the place of my residence, in expectation, as you have voluntarily declared, of her labour; and both times, upon your return, you industriously concealed from the knowledge of me and the queen, every circumstance relating to this important affair: and you at last, without giving any notice to me, or to the queen, precipitately hurried the princess from Hampton Court, in a condition not to be named. After having thus, in execution of your own determined measures, exposed both the princess and her child to the greatest perils, you now plead surprise, and tenderness for the princess, as the only motives that occasioned these repeated indignities offered to me, and to the queen your mother.

"This extravagant and undutiful behaviour, in so essential a point as the birth of an heir to my crown, is such an evidence of your premeditated defiance of me, and such a contempt of my authority, and of the natural right belonging to your parents, as cannot be excused by the pretended innocence of your intentions, nor palliated or disguised by specious words only.

"But the whole tenour of your conduct, for a considerable time, has been so entirely void of all real duty to me, that I have long had reason to be highly offended with you.

"And until you withdraw your regard and confidence from those by whose advice you are directed and encouraged in your unwarrantable behaviour to me and to the queen, and until you return to your duty, you shall not reside in my palace, which I will not suffer to be made the resort of them, who, under the appearance of an attachment to you, foment the division which you have made in my family, and thereby weaken the common interest of the whole. In this situation I will receive no reply; but when your actions manifest a just sense of your duty and submission, *that* may induce me to pardon, what at present I most justly resent.

"In the mean time, it is my pleasure that you leave St. James's, with all your family, when it can be done without prejudice or inconvenience to the princess. I shall for the present leave to the princess the care of my grand-daughter, until a proper time calls upon me to consider of her education."

All farther application from the prince being ineffectual, he retired from
the

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the palace, to Norfolk-house, in St. James's Square, where he took up his residence, and his house became the centre of political opposition. The king accordingly issued an order, forbidding all persons who paid their court to the prince and princess of Wales, from being admitted into his presence at any of the royal palaces.

All the correspondence which passed between the king, queen, and the prince, on this unfortunate occasion, was published, by the authority of the court, and distributed to each of the foreign ministers in England, and to the British ambassadors abroad.

Anger of the
prince.

As the message delivered on the 10th of September, contained many reflections on the prince, which no man of honour could forgive *, the measure tended still farther to irritate him, and to supply an excuse for his resentment to the king, and his detestation of the minister, who incurred the principal blame in this whole transaction, and was accused of fomenting the misunderstanding, to serve his own sinister purposes. The prince gave credit to these imputations. Walpole was held out as the man who having so often, nay, so constantly sacrificed the national interest to his avarice, his ambition, and his fears, had now sacrificed to his passions the peace of his master's family, and taken that opportunity to make him declare a proscription to all those who opposed the minister †.

Review of
Walpole's
conduct.

In reviewing the conduct of Walpole in this delicate transaction, he cannot be wholly exempted from blame; nor is it easy to ascertain in what degree he was culpable. He had, on former occasions, earnestly laboured to reconcile the father and son, and had infused into the king a spirit of moderation and forbearance. This case was attended with peculiar difficulties, which can never be fully appreciated. Lord chancellor Hardwicke himself says, "Sir Robert Walpole informed me of certain passages between the king and himself, and between the queen and the prince, of too high and secret a nature, even to be trusted to this narrative; but from thence, I found great reason to think that this unhappy difference between the king and queen, and his royal highness, turned upon some points of a more interesting and important nature, than have hitherto appeared ‡."

It is, however, justly remarked by the same candid observer, that those who attempted to reconcile the breach, were not listened to on either side. On the part of the prince, those who wanted to set him at their head, against his father's measures, seemed to have it in view to write such letters to the king as might read well when published to the world, be taken for a sub-

* Opinions of the duchess of Marlborough.

† Lord Bolingbroke to Sir William Wyndham. Correspondence.

‡ Lord Hardwicke's Narrative.

mission, and at the same time effectually prevent that from being accepted, by provoking the queen, and thereby cut off the chance of mediation, and shut the only door through which any reconciliation could enter. On the other side, Sir Robert Walpole seemed to think, that they had now an advantage over the prince which ought not to be parted with, and that it would be better for the administration to have a total and declared separation, than that things should remain in the precarious state in which they then stood *.

In the course of this unfortunate transaction, the prince gave signs of high spirit and extreme sensibility; a striking instance of which is recorded by lord chancellor Hardwicke, which I shall relate in his own words †. “On the fourth of August, the day of proroguing the parliament, I went to St. James’s in my way to Westminster, in order to enquire after the health of the princess of Wales, and the new born princess. After I had performed that ceremony, I went away, and was overtaken at the further end of Pall-mall, by one of the prince’s footmen, with a message that his royal highness desired to speak with me.

Lord Hardwicke’s interview with the prince.

“Being returned, I was carried into the nursery, whither the prince came immediately out of the princess’s bedchamber, and turned all the women out of the room. Having said many civil things, and made me sit down, he shewed me a message which he had received the day before from the king, which he said, he presumed I, being of the cabinet, must have seen before. Without staying for an answer, he made a long apology for his conduct, much to the effect of his first letter to the king, with this addition, that if the king, who was apt sometimes to be pretty quick, should have objected to her going to London, and an altercation should have arisen, what a condition would the poor princess have been in? He then said, he would read me two letters he had written, the one to the king, and the other to the queen; whereupon I asked him whether they had been sent, for if they had not, I was determined in my own mind not to have seen or heard them read. He answered, they were sent the day before by my lord Jersey, and then read them. He asked me what I thought of them; at which I bowed, and said nothing. He went on, that upon those letters the king sent word he would not see him; but he did not think fit to let it rest there on his part, and had sent another letter by lord Carnarvon that morning, which he read, and asked me, if it was not very respectful; to this I

* Lord Hardwicke’s Narrative.

† Ibid.

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answered, *very respectful*; and indeed, it was a much more proper letter than the former.

"I then proceeded to tell his royal highness, that I had heard nothing of this unhappy affair, till my going to Hampton Court on the Tuesday before, to congratulate the king and queen on the birth of their grand-daughter. That I then found their majesties highly offended with what had passed, and I should be unjust to his royal highness, if I concealed from him, that, from the circumstances preceding and accompanying the carrying away the prince, they understood it to proceed from a deliberate intention to take that part without their privity. I added, that incidents of this nature gave the deepest concern and affliction to every one who wished well to the whole royal family, and to none more than myself. That every occasion of that kind ought to be removed; for that *union* in the royal family was most essential to the true interest and preservation of it. That the contrary gave the most formidable advantages to their enemies; whereas nothing could hurt any branch of it when united. That I hoped his royal highness would shew such a submission and dutiful behaviour to the king his father in the present juncture, as would tend to bring about this union, and that I was sure it would be the zealous endeavour of the king's servants, and in particular of myself, to do every thing that might facilitate it.

"He answered, my lord, *I don't doubt you in the least, for I believe you to be a very honest man*; and as I was rising up, embraced me, offering to kiss me: I instantly knecled down, and kissed his hand, whereupon he raised me up and kissed my cheek. The scene had something in it moving; and my heart was full of the melancholy prospect that I thought lay before me, which made me almost burst into tears. The prince observed this, and appeared moved himself, and said, *let us sit down my lord, a little, and recollect ourselves, that we ut may not go out this*. Soon after which, I took my leave, and went directly to the house of lords."

CHAPTER THE FORTY-NINTH:

1737.

*Illness—Fortitude—and Death of Queen Caroline.—Virtues.—Grief of the King.
—Affliction of Sir Robert Walpole.*

I SHALL close the transactions of the year 1737, with the illness and death of queen Caroline, an event highly disastrous to the country, to the king, and to Sir Robert Walpole. This illustrious and amiable woman, had been for some time in a declining state of health. The disorder under which she had laboured, and which occasioned her death, was a rupture, which, from motives of delicacy, she had communicated only to the mistress of the robes, her favourite lady Sundon: she was even so imprudent as to conceal the cause of her illness from the medical men who were called in to her relief. This false delicacy, which was incompatible with her usual magnanimity, was the cause of her death. For the medicines which were administered, and the methods taken, were diametrically opposite to those which would have been adopted, had her disorder been known. Judging from the symptoms, and from her own declarations, the physicians treated it as a gout in her stomach, and administered strong cordials, which aggravated the malady. When the danger became so imminent as to render the concealment impossible, it was too late. She submitted in vain to the most painful operations, and the surgeon who performed them declared, that if he had been acquainted with her real situation two days sooner, her speedy recovery would have been the consequence*.

Illness of the
queen.

Although racked with extreme agony, almost without intermission, during twelve days and nights, she bore her sufferings not only with patience and resignation, but almost without a groan, maintaining, to the last moment of her dissolution, serenity, temper, dignity, greatness of soul, and an unaffected submission to the ways of Providence. In all this melancholy scene, she behaved with such invariable courtesy to every one about her, that one of the physicians observed, he had never met with a similar instance in the whole

* Letter from Charles Ford to Swift, November 22, 1737. Swift's Works.

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course of his practice. She repeatedly expressed to her attendants, her grateful sense of their laborious watchings, and distinguished each of them with appropriate marks of regard.

She recommended her servants, in the most affecting and solemn manner, to the king's favour and protection; extended her concern to the lowest of them, and was equally warm in her solicitude for their welfare; recounting to him the faithfulness of their respective services.

This firmness and resignation were not the effect of insensibility or stoical indifference, but derived from the strongest exertions of reason and religion. On the second day of her illness, she was observed to shed some tears, occasioned either by the lowness of her spirits, the anguish of her sufferings, or by tenderness for the despair of her family; she soon, however, recovered from this debility, and resumed her accustomed fortitude. Apprehensive that during a painful operation, she had so far forgotten herself as to use peevish expressions, she reproached herself with having shewn an unbecoming impatience.

She frequently declared that she had made it the business of her life to discharge her religious and social duties; she hoped God would pardon her infirmities, and accept the sincerity of her endeavours, which were always intended to promote the king's honour, and the prosperity of the nation. She declared that she was a hearty well-wisher to the liberties of the people; and that if she had erred in any part of her public conduct, it arose from want of judgment, not from intention.

Death.

A little before she died, she said to the physician, "How long can this last?" and on his answering, "Your majesty will soon be eased of your pains;" she replied, "The sooner the better." She then repeated a prayer of her own composing, in which there was such a flow of natural eloquence, as demonstrated the vigour of a great and good mind. When her speech began to falter, and she seemed expiring, she desired to be raised up in her bed, and fearing that nature would not hold out long enough without artificial supports, she called to have water sprinkled on her, and a little after desired it might be repeated. She then, with the greatest composure and presence of mind, requested her weeping relations to "kneel down and pray for her." Whilst they were reading some prayers, she exclaimed, "pray aloud, that I may hear;" and after the Lord's prayer was concluded, in which she joined as well as she could, she said, "So," and waving her hand, lay down and expired*.

Novemb. 20.

* The principal circumstances of her death, are extracted from Dr. Alured Clarke's Essay towards the Character of Queen Caroline.

Having

Having already discussed the character of the queen, I shall only add a few traits to the preceding sketch *. She was blessed with a natural serenity and calmness of mind, and often expressed her thankfulness to God, that he had given her a temper which was not easily ruffled, and which enabled her to support every difficulty. It was truly said of her, that the same softness of behaviour and command of herself, that appeared in the drawing room, went along with her into her private apartments, gladdened every body that was about her person, accompanied her as well in the gay and cheerful seasons of life, as under the most trying circumstances, and did not fail her even in the hour of death itself.

One part of her conduct, which reflects the highest honour on her memory, was her maternal attention to her children, and particularly to her daughter. She superintended their education, directed their behaviour, formed their manners, and tempered her reproofs with a mixture of proper severity and kindness, which rendered her equally beloved and respected.

The enemies of queen Caroline, have represented her as being of an unforgiving temper, and even reproached her with a want of maternal affection. It was suggested, that she fomented the misunderstanding between the king and the prince of Wales, but on the contrary, she exerted her utmost influence to abate the petulance of the son, and the irritability of the father. Once in particular, when an action of the prince had been represented to the king with malicious aggravation, the queen defended her son, and good naturedly observed, "Ce n'est qu'une indiscretion de page : " 'Tis nothing but a youthful frolic †. The tongue of slander has even reproached her with maintaining her implacability to the hour of death, and refusing her pardon to the prince, who had humbly requested to receive her blessing. To this imputation, Chesterfield alludes in a copy of verses, circulated at the time :

Aspersions
examined.

" And unforgiving, unforgiven dies."

Pope also has consigned to posterity this aspersions, in terms of malignant irony :

" Or teach the melancholy muse to mourn,
Hang the sad verse on CAROLINA's urn,
And hail her passage to the realms of rest,
All parts perform'd, and ALL her children blest ‡."

I am

* Chapter 31.

† From lord Orford.

‡ See Epilogue to the Satires, Dialogue, 1.
L 79. The satirist, with a duplicity not un-

usual to him, has affected in a note to repair the insult offered to her memory, by observing, that her last moments manifested the utmost courage and resolution. It is, however, justly

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I am happy to have it in my power to remove this stigma from the memory of this great princess. She sent her blessing and a message of forgiveness to her son, and told Sir Robert Walpole, that she would have seen him with pleasure, but prudence forbade the interview, as it might embarrass and irritate the king *.

Liberality.

"Her charities were limited only by her revenue; though she avoided all appearance of ostentation so much, that many persons who subsisted by her bounty, were wholly ignorant of their benefactress; and she was so liberal that her public and private lists, with the occasional sums expended on the same account, amounted to near a *fifth* part of her whole income †."

Her disposition was so humane and benevolent, that the unfortunate in all situations and religions were secure of her protection. She paid a particular attention to those Roman Catholics, whose zeal in favour of the Pretender had exposed them to the rigour of the laws. Several Popish and Jacobite ladies, and particularly the duchess of Norfolk, were admitted to private conferences. Their representations procured liberal supplies of money to many of the most indigent. In some instances, she even carried her protection to an impolitic extreme, and in a manner which distressed Sir Robert Walpole. Archibald earl of Hly, who principally managed the affairs of Scotland, having been reproached for permitting so large a number of Jacobite meeting-houses in Edinburgh, and in other parts of the kingdom, in open defiance of the laws, as they had *not complied with the conditions required* in the act of toleration; he acknowledged the fact, and exculpated himself, by declaring that he had laid a scheme for suppressing them before the minister, who discouraged his attempt, by observing, that their friends had a ready access to the queen by the back stairs, and that all his attempts would be defeated ‡.

justly observed by Dr. Warton, on this passage, * that, "no subtle commentary can torture these words to mean any thing but the most poignant sarcasm on the behaviour of this great

personage to her son on her death bed." and adds, that "about the same time, Pope wrote a couplet on the same subject †"

"Here lies, wrapt up in forty thousand towels,
The only proof that Caroline had bowels."

The evidence that Pope was the author of this infamous quibble, which is generally attributed to Chatterfield, is not given by Dr. Warton. Lord Mansfield had it from Pope himself, and told it to lord Orford, from whom I received it,

with a variation of "seven and twenty," instead of "forty thousand towels."

* From lord Orford.

† Character of Queen Caroline, p. 12.

‡ Etough, imparted by Archibald duke of Argyle.

A conspicuous part in the character of queen Caroline, was her great patronage of learned men. The protection she afforded to the first luminaries of the church has been slightly mentioned. She distinguished Clarke, Hoadly, Butler, Sherlock, Secker, and Pearce, with peculiar marks of regard. The gracious manner in which she listened to recommendations of literary eminence, is well displayed in an anecdote relating to the celebrated author of "The Analogy between Natural and Revealed Religion." Secker *, while he was king's chaplain, mentioned, in conversation with the queen, Butler, who was then rector of Stanhope. The queen said, she thought he was dead, and making enquiries of archbishop Blackburne, if he was not dead, his answer was, "no madam, but he is buried." Soon afterwards, without solicitation, she appointed him clerk of her closet, and he used to attend her every day, from seven to nine, in the afternoon. She also caused his name to be inserted on the list for a vacant bishopric.

Obscurity, disgrace, and banishment, were no obstacles to her bounty and protection. She conferred benefactions on Stephen Duck, who from a common labourer, had raised himself into notice as a poet. She obtained the pardon of Savage, who was condemned to death for having committed a murder in a drunken fray, in spite of the opposition of his unnatural mother, and supported him with an annual pension †. She shewed her esteem for the

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Patronage of
learning.

* Life of Secker.

† "When Savage was disappointed in his application for the place of poet laureat, which was given to Colley Cibber, he applied, in the bitterness of distress, boldly to the queen, that having once given him life, she would enable him to support it; and therefore published a short poem on her birth-day, to which he annexed the odd title of volunteer laureat. Not having a friend at court who would get him introduced, or present him, he published the poem, which was not ill calculated to strike the queen. The queen sent for the verses, and in a few days after the publication, Savage received a bank bill of fifty pounds, and a gracious message by lord North and Grey: That her majesty was highly

pleased with the verses; that she took particularly kind his lines relating to the king; that he had permission to write annually on the same subject; and that he should yearly receive the like present, till something better (which was her majesty's intention) could be done for him. After this, he was permitted to present one of his annual poems to the queen, had the honour of kissing her hand, and met with the most gracious reception." Johnson's Life of Savage.

From these now forgotten poems, may I be permitted to quote one passage which alludes to the beneficial consequences of the pacific system, planned by Sir Robert Walpole, and supported by queen Caroline.

"Here cease my plaint—See yon enlivening scenes!
Child of the spring! Behold the best of queens!
Softness and beauty rose this heavenly morn,
Dawn'd wisdom, and benevolence was born.
Joy o'er a people, in her influence rose;
Like that which spring o'er rural nature throws.

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Grief of the
king.

the memory of Milton, by conferring a present on his grand-daughter. She obtained the recal of lord Lansdowne, and of Carte, the nonjuring historian, who had both been obliged to abscond for suspected principles*.

Words cannot sufficiently express the sensibility and affection of George the Second during her illness, and his regret for her loss. He watched by her bed-side with unabated affection, and could scarcely be prevailed on to take any rest, till she expired.

/ As soon as the first emotions of grief had subsided, he loved to talk of his departed queen, recounted her virtues, and considered how she would have acted on occasions of difficulty. He continued the salaries of all the officers and nominal servants who were not taken into his own household, and commanded a list of her numerous benefactions to be laid before him; saying that it was his intention, that nobody, as far as possible, should be a sufferer besides himself †.

The queen
recommends
Walpole.

On her death bed, the queen testified her approbation of Sir Robert Walpole's measures, and the high opinion she entertained of his capacity and rectitude. Turning to the minister, who with the king was standing by her bed-side, she said to him, I hope you will never desert the king, but continue to serve him with your usual fidelity; and pointing to the king, she added, "I recommend his majesty to you." The king said nothing, and the minister was alarmed, lest this mode of making him of more consequence

War to the peaceful pipe resigns his roar,
And breaks his billows on some distant shore.
Domestic discord sinks beneath her smile,
And arts, and trade, and plenty glad the isle.
Lo! Industry furveys, with feasted eyes,
His due reward, a plenteous harvest rise!
Nor (taught by Commerce) joys in that alone,
But sees the harvest of a world his own.
Hence thy just praise, thou mild, majestic Thames!
Rich river, richer than Pactolus' streams!
Than those renown'd of yore, by poets roll'd
O'er intermingled pearls, and sands of gold.
How glorious thou, when from old Ocean's urn,
Loaded with India's wealth, thy waves return!
Alive thy banks! along each bordering line,
High cultur'd blooms, inviting villas shine:
And while around ten thousand beauties glow,
These still o'er those redoubling lustre throw."

* Biographia Britannica.

† Character of Queen Caroline, p. 41.

than the king, might awaken jealousy, and be the cause of his disgrace *. But these apprehensions were unfounded.

The king was so affected with the queen's death, that for a long time after that melancholy event, he could not see Sir Robert Walpole without bursting into tears. About a fortnight afterwards, the king shewed him an intercepted letter, in which it was observed, that as the queen was dead, the minister would lose his sole protector. "It is false," said he, good naturedly, "you remember that on her death bed the queen recommended *me* to you."

Affecting anecdote.

Horace Walpole has recorded a striking instance of the king's violent grief for the death of his queen, and affection to her memory, which I will relate in his own words. "Mr. Walpole can never be able to forget a melancholy epoch, when, about ten days after his arrival from Holland, upon the queen's death, his majesty found him with the princesses, in their apartment, and their royal highnesses immediately retiring, the king, with a flood of tears gushing from his eyes, which drew an equal torrent from those of his faithful subject then present, with agonies and sobs, gave a confidential detail to Mr. Walpole, of the inimitable virtues of his royal consort, that was now no more, and particularly with respect to the great relief and assistance which he found in her noble and calm disposition and sentiments, in governing such an humourfome and inconstant people; that her presence of mind often supported him in trying times, and the sweetness of her temper and prudence would moderate and alluage his own vivacity and resentment; that incidents of state of a rough, difficult, and disagreeable nature, would by her previous conferences and concert with that able minister, Sir Robert Walpole, be made smooth, easy, and palatable to him, but that he must now lead a helpless, disconsolate, and uncomfortable life, during the remainder of a troublesome reign, that he did not know what to do, nor which way to turn himself. But then recovering himself a little, he said, "as she never forgot her love and concern for me to the last moment of her days, she earnestly recommended it to me on her death bed (and his majesty emphatically added, that it was a just and wise recommendation) to follow the advice of Sir Robert Walpole, and never to part with so faithful and able a minister, this (said the king) is now my only resource, upon this I must entirely depend †."

Some time after the queen's death, before his hour of rising, George said to baron Brinkman, one of his Germans, "I hear you have a picture of my wife, which she gave you, and which is a better likeness than any in my

* From lord Orford.

† Horace Walpole's Apology. Walpole Papers.

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possession; bring it to me." When it was brought, the king seemed greatly affected, and after a short pause, he said, "It is very like, put it upon the chair at the foot of my bed, and leave it till I ring the bell." At the end of two hours he rang the bell, and when the baron entered, the king said, "Take this picture away, I never yet saw the woman worthy to buckle her shoe*."

Walpole was no less deeply affected than the king. He was sensible of the severe loss which he had experienced of the person who supported him in the closet, and he appreciated the difficulty of guiding the king, when the interposition of his patroness was no more, and anticipated the difficulties he was about to encounter from the jealousies of a discordant cabinet. Impressed with these sentiments, he closed a letter to Horace Walpole, in which he speaks of the queen's death, "I must have done, our grief and distraction wants no relation, I am oppressed with sorrow and dread†."

Sir Robert always entertained a high respect for the memory of his royal patroness queen Caroline; and it was principally through a deference to her recommendation, that some time after her death he obtained the deanery of Winchester for Dr. Pearce, and placed Butler upon the bench of bishops.

I shall close this chapter with an elegy on the death of queen Caroline, composed by Dodington‡.

Doding-
ton's elegy.

When Heav'n's decrees a prince's fate ordain;
A kneeling people supplicate in vain.
Too well our tears this mournful truth express,
And in a queen's a parent's loss confess.
A loss the general grief can best rehearse,
A theme superior to the pow'r of verse;
Though just our grief, be ev'ry murmur still,
Nor dare pronounce his dispensations ill;
In whose wise counsels and disposing hand,
The fates of monarchies and monarchs stand:
Who only knows the state of either fit,
And bids the erring sense of man submit.
Ye grateful Britons, to her memory just,
With pious tears imbalm her sacred dust;

* Communicated by Theodore Henry Broadhead, esquire, grandson of Baron Brinkman, who possesses the portrait alluded to in the text.

† Correspondence.
‡ Melcombe Papers.

Confess her grac'd with all that's good and great,
A public blessing to a favour'd state.

Patron of freedom, and her country's laws,
Sure friend to virtue's and religion's cause;
Religion's cause, whose charms superior shone
To ev'ry gay temptation of a crown.

Whose awful dictates all her soul possess'd,
Her one great aim to make a people blest.

Ye drooping muses mourn her hasty doom,
And spread your deathless honours round her tomb.
Her name to long succeeding ages raise,
Who both inspir'd and patroniz'd your lays.
Each gen'rous art sit pensive o'er her urn,
And ev'ry grace and ev'ry virtue mourn.

Attending angels bear your sacred prize,
Amidst the radiant glories of the skies:
Where godlike princes, who below pursu'd,
That noblest end of rule the public good,
Now sit secure, their gen'rous labour past,
With all the just rewards of virtue grac'd:
In that bright train distinguish'd let her move,
Who built her empire on a people's love.

PERIOD THE SEVENTH:

From the Death of Queen CAROLINE, to the Resignation of
Sir ROBERT WALPOLE.

1737—1742.

CHAPTER THE FIFTIETH:

1737—1738.

Historical Deduction of the commercial Treaties between Spain and England, relating to America.—Spanish Depredations.—Meeting of Parliament.—Debate on the Reduction of the Army.—Resolution, prohibiting the Publication of Debates.

HITHERTO the minister had maintained the grand system of policy, which he had laid down as necessary for the support of the protestant succession, and for the maintenance of internal tranquillity, which he justly viewed as paramount to all other considerations; and it may be confidently asserted, without the imputation of partiality, that to his firmness and address, Great Britain was *solely* indebted for a longer period of peace, than had been ever experienced since the revolution. The advantages which resulted from this system were incalculable. But the nation was fated with so great a blessing, and the time was now arrived, when the violence of party, the clamours of merchants, the dreams of heroic grandeur, and the horror of national

national degradation, overcame the repugnance of the minister, and plunged England into war.

Chapter 50.
1737 to 1738.

Exclusive
claims of
Spain to
America.

Settlements
of other na-
tions.

Treaties with
England.

In consequence of having first discovered the new world, and by virtue of an investiture from Pope Alexander the Sixth to Ferdinand the Catholic, Spain assumed an exclusive right to all the continent of America. The other nations of Europe, however, did not acquiesce in this chimerical claim, and Portugal, in particular, made a settlement in the Brasils, which the Spaniards could not prevent. But when Philip the Second acquired possession of Portugal, Brasil fell under his dominion. Having thus obtained possession of the only colony in America which had at that time been occupied by another power, he maintained with greater weight his exclusive right; and so formidable was his naval force, that all attempts made by the English, in the reign of Elizabeth, to settle and trade in South America, were rendered ineffectual. When the naval power of Spain declined, by the defeat of the Armada, and when the vast fabric of her empire began to moulder away under the feeble successors of Philip the Second, the Dutch, French, and English formed settlements on the continent and islands of America. But long after the English had made permanent establishments in America, Spain did not renounce her original title, and even in times of peace, hostilities seldom ceased in the West Indies*.

At length in 1667, a treaty was concluded between England and Spain, which, though loosely worded, was a tacit acknowledgment of the British possessions in America.

This treaty, the eighth article alone excepted, related solely to Europe, but was afterwards wrested by the partisans of the Spanish war, as relating no less to America. It allowed freedom of navigation and commerce, in all places where commerce was before carried on, and is principally remarkable for permitting the liberty of searching merchant ships, sailing near the ports and in the seas belonging to the respective countries, and of confiscating contraband goods, which expression alluded to arms or ammunition, and was principally intended to prevent the English ships from supplying the states of Barbary with military stores. But as the treaty was confirmed and referred to

* For this inquiry I have principally consulted two able and perspicuous papers, drawn up, by Horace Walpole. (1.) Deduction on the depredations between Great Britain and Spain, the Causes of them, and Hints for Re-

medies." (2.) "Considerations relating to the Navigation and Commerce of Great Britain in America, with respect to the Treaties with Spain, and the Depredations of the Guarda Costas." Walpol: Papers.

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1737 to 1742.

by all subsequent contracts, it gave occasion to the searching of ships, by the Spanish guarda costas in the American seas; an article which afterwards occasioned the violent disputes on both sides, that finally terminated in the Spanish war. This compact was introductory to a more explicit treaty in 1670, which seems to have been the first by which Spain formally acknowledged the right of any other nations to part of the new world.

The treaty of 1670 solely relates to America; and besides confirming to the English, the right of sovereign dominion of all lands in the West Indies, then possessed by them, regulates, in the most specific terms, the mode of intercourse between the two nations in that quarter. The 9th article forbids the respective subjects of each nation from sailing or trading with the colonies or dominions of the other in the West Indies, yet permits such navigation and commerce to be exercised according to a licence, granted by either sovereign.

The letter and spirit of this treaty were at direct variance with each other; the letter prohibited and the spirit encouraged a mutual trade between the two nations. For although the express terms prohibited all commerce with the Spanish ports in the West Indies, yet a great facility was given to the mutual intercourse between the two nations, by the formal permission, that English ships should be allowed to put into Spanish harbours, if forced by storms or other inconveniences, and continue there until they had refreshed themselves, and refitted, without giving notice to the governor, unless they were three or four together. Notwithstanding also the right and pre-eminence which the Spaniards claimed to the American seas, care was to be taken, that the liberty of navigation should not be disturbed. These stipulations incontestably prove that the Spaniards were inclined to favour the English, by conniving at, though they did not permit the trade, and such were the effects of this memorable treaty.

Claims of
search.

In virtue of those treaties, the Spaniards claimed a right, which they continually exercised, of searching the British merchant ships which passed near their American ports.

Trade indi-
rectly per-
mitted.

From the conclusion of 1670, to the death of Charles the Second of Spain, a strict friendship and union subsisted between the two crowns, both in Europe and America, and a flourishing, although illicit trade, was, by the connivance and indulgence of Spain, carried on between the English and Spanish plantations. The reason for this favourable treatment is evident; the great opposition and rivalry which then subsisted between France and Spain, and the desire of France to become mistress of the Low Countries, inclined Spain
to

Chapter 50.
1737 to 1738.

to consider the English as her most useful friends, and the most capable of protecting or incommoding, by their maritime force, her foreign dominions. It was no wonder, therefore, that the Spaniards not only strictly observed their treaties, but even extended their indulgence, with respect to trade, farther than could be claimed by specific stipulations.

The *asiento*.

It was easy to foresee that the accession of a prince of the house of Bourbon to the throne, would affect the British trade to Spanish America. The consequences of this event would have been immediately visible, had not the war of the succession, in which Spain became the theatre of bloody hostilities, rivetted the attention of Philip the Fifth to his European dominions. But he was no sooner firmly established on the throne, than he turned his views to the American trade. The treaty of commerce which was concluded at the peace of Utrecht, between Great Britain and Spain, introduced a material alteration in the intercourse between the two nations. The 9th article of the treaty of 1670, which granted permission of trade to the ports and places in the West Indies, with the licence of the sovereign, was annulled; a contract, commonly called the *asiento* treaty, for supplying the Spanish colonies with a certain number of negroes, was granted to the South Sea company, for thirty years, with the privilege of annually sending a single ship of a certain burthen to Spanish America, laden with European merchandise. Excepting these alterations, the treaties of 1667 and 1670 were confirmed, and although those treaties were broken during the two short wars which took place between Spain and England in 1718 and 1727, yet as they were renewed by the quadruple alliance, and the treaty of Seville, the trade to America was nominally placed, in all other respects, upon the same footing as it stood under Charles the Second of Spain.

Origin of
disputes.

It soon, however, appeared new principles were adopted in the Spanish counsels, exactly the reverse of their former proceedings. The letter of the American treaty was now followed, and the spirit by which it was dictated abandoned. Although England still enjoyed the liberty of putting into the Spanish harbours, for the purpose of refitting and provisioning, yet they were far from enjoying the same advantages of carrying on a friendly and commercial intercourse. They were now watched with a scrupulous jealousy, strictly visited by guarda costas, and every effectual means adopted to prevent any commerce with the colonies, excepting what was allowed to the annual ship. The cause of this alteration was evident. Spain was governed by a sovereign connected with France by blood and policy; deprived of the Netherlands, she no longer considered England as her natural ally, and was not interested to obtain her friendship by commercial sacri-

fices.

Period VII.
1737 to 1742.

Illicit trade.

fices. The influence of these considerations was occasionally suspended, during the temporary misunderstandings between Spain and France. At those periods, a more friendly intercourse was connived at, and this variation in the policy of Spain gave rise to a variety of misconstructions.

From the long continuance of this trade, the British merchants began to consider it as a prescriptive right, and not matter of indulgence, and were unwilling to renounce so profitable a branch of commerce, which so many of them pursued in an open and daring manner. They continually put into the Spanish harbours, under pretence of refitting and refreshing; and in many places almost publicly disposed of European merchandise, in exchange for gold and silver. Other vessels sailing near their ports and harbours, were repaired to by smugglers, or sent their long boats towards the shore, and dealt with the natives.

The Spaniards complained that the *assiento* * annual ship, was followed by several other vessels which moored at a distance, and as it disposed of its cargo, continually supplied it with fresh goods. That by those means, and by the clandestine trade which the English carried on, they almost solely supplied the colonies. The fair of Panama, once the richest of the world, where the Spanish merchants were accustomed to exchange gold and silver for European merchandise, had considerably fallen, and they monopolised the commerce of America.

It was no wonder, therefore, that the *guarda costas*, and other armed vessels, made vigorous exertions to prevent this illicit traffic, and that some illegal captures were made, some occasional acts of violence and cruelty committed, which the distance from Europe, the insolence of the English sailors, the delays of the Spanish tribunals, and the interest which the governors had in declaring the vessels confiscated, because they had a share in the cargo, rendered frequent redress of grievances extremely difficult, if not impracticable. The merchants who suffered made violent clamours, overrated their losses, and exaggerated the accounts of insult and barbarity committed by the Spaniards.

Volumes and volumes have been written by the English and Spaniards on the subject of these depredations: but as each side endeavoured to pervert facts, and gave different constructions to the most simple expressions, the dispute could never be finally settled. The state of these differences, and the difficulty of adjusting them, are well explained in a few words by Keene, in a letter to the duke of Newcastle:

* Desormeaux *Histoire d'Espagne*, tom. 5, p. 448.

“ Upon

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1737 to 1738.

" Upon the whole, the state of our dispute seems to be, that the commanders of our vessels always think, that they are unjustly taken, if they are not taken in *actual* illicit commerce, even though proofs of their having loaded in that manner be found on board of them; and the Spaniards on the other hand presume, that they have a right of seizing, not only the ships that are continually trading in their ports, but likewise of examining and visiting them on the high seas, in order to search for proofs of fraud, which they may have committed; and till a medium be found out between these two notions, the government will always be embarrassed with complaints, and we shall be continually negotiating in this country for redress, without ever being able to procure it *."

At the same time that the question of Spanish depredations was agitated, other differences subsisted between England and Spain. The right of cutting logwood in the bay of Campeachy, and collecting salt in the island of Tortuga, was called in question; and some disputes arose in regard to the limits of Carolina and Georgia. Geraldino, the Spanish agent in London, had delivered a strong memorial, claiming part of those colonies which lay contiguous to Florida; and the demand was made in such violent terms, that the ministers were apprehensive of an attack on the province of Georgia, and accordingly a battalion of troops was ordered to embark from Gibraltar for America †.

Contested claims.

Though Elizabeth Farnese had procured the throne of Naples and Sicily for Don Carlos, she was dissatisfied with the peace. She still aspired to the possession of Parma and Tuscany, which she considered as hereditary possessions; and when on the death of John Gaston, the last sovereign of the house of Medicis, Tuscany devolved on the duke of Loraine, she beheld his succession with an unfavourable eye: she even made overtures to England, and insinuated, that if assistance was effectually granted, Spain should relinquish all claims on Gibraltar and Minorca, and accommodate all commercial differences, to the full satisfaction of England. But this overture, which tended to plunge Europe into a new war, being rejected, the queen of Spain was still more irritated, and continued to maintain powerful armaments by sea and land. In conformity to orders, sent from the court of Madrid, the guarda costas became more vigilant and severe than ever; and repeated instances of their violence were transmitted to England.

Increasing in number.

Depredations.

* Benjamin Keene's dispatch to the duke of Newcastle, Madrid, December 13th, 1737. Walpole Papers.

† The duke of Newcastle to Benjamin Keene, September 13th, 1737. Walpole Papers.

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1737 to 1742.

Complaints
of the mer-
chants.

October 11.

November.

A petition was accordingly presented to the king, by a large body of merchants trading to the West Indies, complaining of these depredations, and stating specific cases of illegal captures and confiscations. The king referred this petition to the cabinet council, before whom the merchants were heard. In consequence of their evidence, the duke of Newcastle drew up a spirited memorial, shewing the nature of the trade, and giving such an explanation of the treaties of 1667 and 1670, on the due understanding of which the affair ultimately rested, as appeared to justify the complaints of the British traders, and to criminate the conduct of the Spaniards. This memorial, and the merchants' petition, were sent to Mr. Keene, with orders to present it to the king of Spain. The memorial, after repeating the various applications which had been ineffectually made for restitution of ships and effects unjustly seized, and demanding satisfaction for the depredations and cruelties committed by the guarda costas, required the king of Spain to give effectual orders for punishing the persons guilty of these atrocities, and for granting immediate reparation to his subjects, and concluded by observing, that if, contrary to expectation, these instances should not have the desired effect, the king would be obliged to procure for his subjects that satisfaction which they had a right to demand, by virtue of subsisting treaties, and the law of nations. Mr. Keene presented this memorial on the 10th of December; to which Philip replied, that he would do all in his power to preserve the friendship with the king of England. Notwithstanding the pressing importunities of Mr. Keene, who declared that nothing but immediate restitution and exemplary punishment could give satisfaction, the answer was not returned before the meeting of parliament. It also appeared, that the Spanish court did not view the subject in the same light as had been represented by the English cabinet, and controverted many positions advanced in the memorial.

Meeting of
Parliament.

January 24.

Such was the state of the disputes between England and Spain, when parliament was assembled. The speech* from the throne was unusually short. After recommending the dispatch of public business with prudence and expedition; and ordering the estimates for the current expenditure to be laid before the house, the king trusted that the zeal, affection, and due regard which the commons had shewn in supporting his government and the public safety, would induce them to make the necessary provisions for the honour, peace, and security of his crown and kingdom. He then concluded, by exhorting the house to lay aside all heats and animosities which might unnecessarily obstruct the sessions. The address, after condoling with the king, on his and the nation's irreparable loss, by the death of the queen, assured

him

him that they would avoid all heats and animosities, and effectually raise the necessary supplies; and in gratitude for the regard which his majesty had always shewn for the liberties and privileges of his subjects, would testify their affection and zeal for the support of his government, and the preservation of the constitution*. Although little objection could be made, either to the speech or to the address, it did not, however, pass without some petulant remarks from Shippen and Sir William Wyndham.

Chapter 50.
1737 to 1738.

Views of opposition.

The determined aim of opposition was to increase the misunderstanding with Spain to such a degree, as to render the adjustment of the disputes impracticable, and by inflaming the nation with exaggerated accounts of Spanish cruelties and insults, to compel the minister to enter into a war, which they considered as the probable means of obtaining his removal.

Debates on the reduction of the army.

Feb. 3.

The principal views of opposition being directed to involve the nation in war, they gave a striking instance of their inconsistency and petulance, by resisting, with unusual warmth, the motion for maintaining 17,400 men, and proposing that the army should be reduced to 12,000. Besides the common topics of declamation, usually urged against a standing army, as obnoxious to the constitution, contrary to the principles on which the revolution was founded, and intended to support the system of corruption and arbitrary power; the debate took a new and unexpected turn. Shippen, with a view to cast an odium on the authors of the revolution, and to prove that the liberties of the people had been better secured before, than since that period, affected to date the rise of a standing army in Britain, from the ninth year of William; accused the Whigs who should vote for this question, of having deserted the principles of their ancestors; and made a warm panegyric on the Tories, for having been uniformly steady in their adherence to the true principles of the British constitution.

Walpole's speech.

In reply to these observations, the minister undertook to defend the consistency of the Whigs who voted for the question. He made a judicious distinction between an army composed entirely of British subjects, commanded by gentlemen of the best families, depending for its very being on the annual consent of parliament, and between one of foreign mercenary troops, composed of the lowest populace, and commanded by men of no families or fortunes. After declaring that such an army, so far from endangering the constitution, tended rather to preserve it against faction and

* Journals.

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1737 to 1742.

disaffection, and contributed to protect the people against domestic rapine and foreign invasion; he stated the reasons for keeping up a body of troops, and particularly dwelt on that which arose from the number of persons disaffected to the government. He artfully endeavoured to confound the Tones with the Jacobites, and to consider all those who opposed government, as inclined to the Pretender, and particularly alluded to Shippen.

"Suppose Sir," he said, "we have at present nothing to fear from any foreign enemy, yet it cannot be said we are in absolute security, or that we have nothing to fear. There is one thing I am afraid of, and it is, indeed, the only thing, I think, we have at present to fear. The fear I mean, is that of the Pretender. Every one knows there is still a pretender to his majesty's crown and dignity; there is still a person who pretends to be lawful and rightful sovereign of these kingdoms; and what makes the misfortune more considerable, there are still a great number of persons in these kingdoms so much deluded by his abettors, as to think the same way. These are the only persons who can properly be called disaffected, and they are still so numerous, that though this government had not a foreign enemy under the sun, the danger we are in from the Pretender, and the disaffected part of our own subjects, is a danger which every true Briton ought to fear, a danger which every man who has a due regard for our present happy establishment, will certainly endeavour to provide against, as much as he can.

"I am sorry to see, Sir, that this is a sort of fear, which a great many amongst us endeavour to turn into ridicule; and for that purpose they tell us, that though there are many of our subjects discontented and uneasy, there are but very few disaffected: I must beg leave to be of a different opinion, for, I believe, most of the discontents and uneasinesses that appear among the people, proceed originally from disaffection. No man of common prudence will profess himself openly a Jacobite; by so doing, he not only may injure his private fortune, but he must render himself less able to do any effectual service to the cause he has embraced, therefore there are but very few such men in the kingdom. Your right Jacobite, Sir, disguises his true sentiments; he roars out for revolution principles; he pretends to be a great friend to liberty, and a great admirer of our ancient constitution; and under this pretence, there are numbers who every day endeavour to sow discontents among the people, by persuading them that the constitution is in danger, and that they are unnecessarily loaded with many and heavy taxes. These men know that discontent and disaffection, are like wit and madness, they are separated by thin partitions; and therefore they hope, if they can once render

render the people thoroughly discontented, it will be easy for them to render them disaffected. These are the men we have most reason to be afraid of. They are, I am afraid, more numerous than most gentlemen imagine, and I wish I could not say they have been lately joined, and very much assisted by some gentlemen, who, I am convinced, have always been, and still are, very sincere and true friends to our present happy establishment.

Chapter 30.
1737 to 1738.

"By the accession of these new allies, as I may justly call them, the real but concealed Jacobites have succeeded even beyond their own expectation; and therefore I am not at all ashamed to say I am in fear of the Pretender. It is a danger I shall never be ashamed to say I am afraid of; because it is a danger we must always be more or less exposed to; and, I believe the less number of regular forces we keep up, the more we shall always be exposed to this danger."

Sir John Hynde Cotton replied; "Sir, I do own it gives me a good deal of surprise, to hear gentlemen who act upon revolution principles, talk so utterly inconsistent with what was the language of the Whigs in former times. Sir, I know not what Whigs the honourable gentleman has been acquainted with, but I have had the honour and happiness to be intimate with many gentlemen of that denomination: I have likewise, Sir, read the writings of many authors who have espoused these principles; I have sat in this house during the most material debates that have happened between them and the Tories; and I can declare from my own experience, that I never knew one who acted on true Whig principles, vote for a standing army in time of peace. What the principles of the Whigs in former days were, I can only learn from reading or information; but I have heard of Whigs who were against all unlimited votes of credit: I have heard of Whigs who looked upon open corruption as the greatest curse that could befall any nation: I have heard of Whigs who esteemed the liberty of the press to be the most valuable privilege of a free people, and triennial parliaments, the greatest bulwark of their liberties; and I have heard of a Whig administration who have resented injuries done to the trade of the nation, and have revenged insults offered to the British flag. These, Sir, are the principles, if I am rightly informed, that once characterised the true Whigs. Let gentlemen apply these characters to their present conduct, and then, laying their hands upon their hearts, let them ask themselves if they are Whigs? *"

Sir John
Hynde Cotton.

In reply, the minister again adverted to the danger from the Pretender's party, and he insinuated that the arts used by the discontented

Walpole's
reply

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1737 to 1742.

Whigs to set the people against the government, aided that cause: "For the faction," he said, "which is in the interest of the person who disputes his majesty's title to the crown, always presumes, that whoever is against the administration, is against the establishment likewise; and nothing has more contributed to keep up the spirit of that party, than their industriously propagating that doctrine. This is the true reason that they look upon the lenity of that government as the effect of its weakness, and that they attribute the indulgence they meet with to our fears. This is the true reason why they endeavour to improve to their advantage every accident that happens to the nation, though, perhaps, it is very distant from their purpose, and fell out contrary to their hopes. This is the reason why, on the late melancholy event * that afflicted the nation, their hopes revived, their cabals were set on foot, and every tool of their party was employed in their consultations, to know how to bring about their favourite point. There are many in our galleries now who know what I have said to be true, and if they had the privilege of speaking here, could, if they pleased, convince us how improper the proposed reduction is, while such a spirit subsists in the kingdom.

"I have known a time when gentlemen acted on true Whig principles; and at that time they seemed to be of opinion, that the best, if not the only way to secure us from popery and arbitrary power, was by securing the present establishment of the crown in his majesty's person and family. They were then of opinion, that this was best done by keeping up a regular body of forces; and I should be glad to know if the same reasons do not subsist now as did then, or if they who are the enemies of our present establishment, have been weakened by the opposition of these gentlemen to the administration †."

Debate resumed.

After a reply from Pulteney, and a few unimportant speeches, the debate appeared to be finally concluded, and as no division took place, the triumph on the side of the minister seemed complete. But the altercation was renewed on a subsequent day by the imprudence and petulance of some of the most violent among the Whigs, who were irritated at the assertions advanced by the Tories, that the maintenance of a standing army was inconsistent with the true principles of Whiggism.

Colonel Mordaunt's speech.

The report being made by the chairman of the committee of supply, the estimate for the regiment to be sent to Georgia, was objected to; colonel Mordaunt very injudiciously deviated from the great distinctions which the minister

* Alluding to the queen's death.

† Chandler.

had laid down between those who promoted the cause of the Pretender, and those who supported the protestant succession, and introduced the more narrow distinction of Whig and Tory. He said, "I have always gloried in being thought a Whig; I hope I shall never by my behaviour, either in this house, or without doors, give the least occasion to the world to think otherwise of me; and for this very reason, I am for keeping up an army, because *I think the keeping up an army absolutely necessary for supporting the Whig interest*, and preserving the peace and quiet of the people. In every dispute that has happened of late years about our army, I have looked upon the question to be chiefly, *whether Whig or Tory should prevail?* And as I have always thought, as I believe every unprejudiced Whig in the kingdom thinks, *that if the army should be disbanded, or very much reduced, the Tory interest would prevail*; therefore, I have generally been against such reductions, and always shall be cautious of agreeing to any such proposition. Nay, I am so firmly attached to the Whig interest, that if I should think four times the number of troops absolutely necessary for supporting that interest, I would be for keeping up a standing army four times as numerous as that we have now on foot."

Lord Polwarth's reply.

These injudicious assertions infused a new spirit into the anti-ministerial Whigs. Lord Polwarth, in a sensible and animated speech, justified the Whigs who opposed government, and explained the nature of the old Whig principles. He endeavoured to prove that the question did not turn on distinguishing who were Whigs and who were Tories, but simply according to their present behaviour and political conduct; from thence he insinuated, that the ministerial party, who affected to distinguish themselves by the appellation of Whigs, acted in contradiction to the principles of that party, and were in reality Tories; and that those whom he invidiously styled Tories, while they were directed and actuated by this principle, were in reality Whigs. After making these observations, he added, "I am apt to suspect that my honourable friend calls this 'the Whig interest, and if so, I shall readily agree with him, that what he calls the Whig interest, being what I call the Tory interest, cannot be supported without a standing army. This may be a prevailing argument with him for being against any reduction, but it is an argument that has quite a different influence with me; for I think no interest, nor any party of men, ought to be supported, if a standing army becomes necessary for their support *." Neither the minister nor any of his adherents, took any share in these frivolous altercations, which only tended to the unnecessary prolongation of the debate. After speeches from Sir

* Chandler.

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1737 to 1742.

Misrepresentations of authors.

Thomas Saunderson, treasurer to the prince of Wales, who answered lord Polwarth, and from Lyttleton and Pitt, in favour of the reduction, the motion for reducing the army was negatived by 249 against 164.

I have thought it necessary to enlarge on this debate, and to particularize the part taken by the minister, as well because it proves that the address which Walpole had employed to render the Tories odious, by confounding them with the Jacobites, had not been unsuccessful, as because the substance of the speech has been shamefully misrepresented by some modern writers, who have indirectly attributed to Walpole, expressions used by others which he never employed, and have totally mistaken the spirit and meaning of his arguments*.

The

* The accounts of this debate given by Smollett and Belsham, are here subjoined, to shew that Smollett has misrepresented the debate, and how carelessly Belsham has copied his narrative, and added his own errors.

SMOLLETT.

"The adherents of the minister fairly owned, that if the army should be disbanded, or even considerably reduced, the *Tory interest* would prevail: that the present number of forces was absolutely necessary to maintain the peace of the kingdom, which was filled with clamour and discontent, as well as to support the *Whig interest*; and that they would vote for keeping up four times the number, should it be found expedient for that purpose. The members in the opposition replied, that this was a severe satire on the ministry, whose conduct had given birth to such a spirit of discontent. They said it was in effect a tacit acknowledgment, that what they called the *Whig interest* was no more than an inconsiderable party, which had engrossed the administration by indirect methods, which acted contrary to the sense of the nation, and depended for support upon a military power, by whom the people in general were overawed, and consequently enslaved. They affirmed, that the discontent of which the ministry complained, was in effect owing to that very standing army, which perpetuated their taxes, and hung over their heads as the instruments of arbitrary power and oppression. Lord Polwarth explained the nature of *Whig* principles, and demonstrated that the party which distinguished itself by this appellation, no longer retained the maxims by which the *Whigs* were originally characterised. Sir John Hynde Cotton, who spoke with the courage and freedom of an old English baron, declared he never knew a member of

BELSHAM.

The ministry scrupled not to affirm, "That if the army was disbanded, the *Tory interest* would quickly predominate: that the kingdom was filled with clamour and discontent, which a standing military force only could effectually suppress: that the support of the *Whig interest* demanded the maintenance of this force; and it was hoped and presumed the house would triple the number, if adjudged necessary for this purpose." The members of the opposition replied, in their accustomed strain of *vain reasoning*, "that this vindication contained in it a sentence of self-condemnation, for to what cause could the spirit of clamour and discontent be ascribed, but to the conduct of the ministry? and it was from their own acknowledgment clear, that what they were pleased to style the *Whig interest*, was, in fact, an inconsiderable party, which had engrossed the power of government by indirect and unconstitutional methods, which acted contrary to the sense of the nation, and which depended for support upon that very military force which was the grand source of the national discontent, which perpetuated the national taxes, and which menaced the national liberties with destruction. The claim of the ministry and their adherents in the house to the appellation of *Whigs*

The Spanish affairs so much occupied the public attention, that all other considerations were totally overlooked. Had not this been the case, a resolution made this session, would have attracted public notice, and have incurred the censure of those writers who affect a high regard for the liberty of the press. I allude to the enforcement of the standing order of the house, prohibiting the publication of the debates while the house was sitting, and the extension of that prohibition to the recess. The speaker observed, he saw with concern, that an account of their proceedings was inserted in the newspapers, and other periodical publications, by which means the speeches were liable to great misrepresentations, and he hoped the house would find some method of preventing this abuse. Sir William Yonge, Sir William Wyndham, and Winnington, agreed with the speaker on the propriety of this measure. Pulteney enforced the necessity of putting a stop to the practice so justly complained of. He was of opinion, that no appeals should be made to the public concerning the proceedings of the house. He urged, that to print speeches, even if they should not be misrepresented, was making the speakers accountable without doors, for what they said within. He then declared, that however anxious to check this scandalous practice, he was unwilling that it should be done in such a manner as might affect the liberty of the press, or appear as if the house claimed a privilege to which it was not entitled. That although he had no doubt it was in the power of that house to punish printers for publishing an account of their proceedings, even during the recess, yet as that practice had been long connived at, he did not wish to punish any past offences, and thought it sufficient to pass resolutions which might deter in future. He urged, that such a resolution would not affect any person who should print an account of their proceedings when the parliament should be dissolved, and alluded to the history of the parliament which had been published in 1713, the author of which, he observed, had never been called to account by either house of parliament. He added,

of that house, who acted on true Whig principles, vote for a standing army in time of peace, &c." History of England, vol. 3. p. 5.

Smollett imputes to the adherents of the minister, expressions which were only used by one individual member, who was not in administration; and Belsham, omitting the words adherents of, and putting only the ministry, leaves the reader to suppose, that Walpole himself, or some of the ministry, had been so absurd as to declare, that a standing army was necessary to support the Whig interest, and that if the army was disbanded, the Tory interest would prevail.

Whigs, was warmly disputed; and Sir John Hynde Cotton declared, that a genuine Whig could never vote for a standing army in time of peace, &c." This author has substituted, of his own authority, frequent parliaments, for triennial parliaments, the expression used both in Chandler and Smollett. *Memoirs of the Brunswick Family*, vol. 1. p. 372.

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that parliaments, when they do amiss, ought to be arraigned with freedom ; he hoped this parliament would not deserve it, but if it did, he should be sorry that any resolutions were entered into which might prevent its being represented in its proper colours. The minister, he trusted, would agree with him in this opinion ; and he hoped that the house would never stretch their privileges so far as to cramp the freedom of writing on public affairs. " But this consideration," he concluded, " can never affect the resolution which gentlemen propose to come to now. We have rather been too remiss in not putting a stop to this scandalous practice that has been long complained of. I always thought that these pamphlets containing our debates, were circulated by encouragement, and at the expence of government ; for, till the honourable gentleman who spoke last save one (Mr. Winnington) mentioned the magazines in the manner he did, I have still been used to look on the publishing them as a ministerial project ; for I imagined that it being found impracticable to make the people buy and read the Gazetteer by itself, it was contrived so that the writings of the other party, being printed in the same pamphlet, it might be some invitation to the public to look into the Gazetteer, and I dare say, Sir, the run which the magazines have had, has been entirely owing to this stratagem. The good and the bad are printed together, and people are by this means drawn in to read both. But I think it is now high time to put a stop to the effects they may have, by coming to a resolution that may at least prevent any thing being published during the time of our sitting as a house, which may be imposed upon the world as the language and words of gentlemen who perhaps never spoke them."

The observations of the minister, and his reply to these invectives, which had little reference to the subject, was manly and dignified, and bears all the internal marks of authenticity.

" Sir, you have with great justice punished some persons for forging the names of gentlemen on the backs of letters ; but the abuse now complained of is, I conceive, a forgery of a worse kind ; for it tends to misrepresent the sense of parliament, and impose upon the understanding of the whole nation. It is but a petty damage that can arise from a forged frank, when compared with the infinite mischiefs that may be derived from this practice. I have read some debates of this house, Sir, in which I have been made to speak the very reverse of what I meant. I have read others, wherein all the wit, learning, and argument, have been thrown into one side, and on the other, nothing but what was low, mean, and ridiculous ; and yet when it comes to the question, the division has gone against the side which, upon the

the face of the debate, had reason and justice to support it. So that, had I been a stranger to the proceedings, and to the nature of the arguments themselves, I must have thought this to have been one of the most contemptible assemblies on the face of the earth. What notion, then, Sir, can the public, who have no other means of being informed of the debates of this house, than what they have from these papers, entertain of the wisdom and abilities of an assembly, who are represented to carry every point against the strongest and the plainest argument and appearances. However, Sir, as I believe gentlemen are by this time sensible of the necessity of putting a stop to this practice, it will be quite unnecessary for me to argue a point wherein we are all agreed. But I cannot help taking notice of one thing mentioned by the honourable gentleman who spoke last, since I was the person to whom he was pleased to appeal. He mentioned that the history of a whole parliament had been printed, and seemed to insinuate that people might make very free with parliaments. Really, Sir, I will be so free as to own, that I do know of such a pamphlet being printed: nay, I believe, I know a little of the author, and the publication. But at the same time, I know, Sir, that that was one of the worst houses of commons that ever this nation saw; that they had a design to introduce the Pretender; that they had approved of a scandalous peace, and after the most glorious war that was ever carried on; and had it not been for some very favourable circumstances, they would have set aside the present happy establishment in his majesty's person and family. I hope, Sir, no gentleman will find fault with any reflections that could be thrown out against such a house of commons; I hope, likewise, that no gentleman will pretend to draw any parallels betwixt their conduct and our's. But, Sir, besides these considerations, gentlemen are to reflect, that the parliament which was described in that history, had been dissolved before the history itself was published. And not only so, but there is a noble lord * in the other house, who can, if he pleases, inform gentlemen, that the author of that history was so apprehensive of the consequences of printing it, that the press was carried to his house, and the copies printed off there.

"This, I think, Sir, will be sufficient to shew, that the author did not think himself out of danger, even though the parliament was dissolved. But I am not for carrying things to such a length at present. It may be sufficient, if we come to a resolution to prevent the publication of any part of our proceedings during the recess, as well as the sitting of the parliament. As to what

* Probably lord Cobham.

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the honourable gentleman says, with regard to the magazines being published and distributed by order, and at the expence of government, I don't know if he was serious or not. If he was serious, he must have a very contemptible opinion of the understanding of those gentlemen, who have the honour to serve his majesty, if he imagines that they would be so weak as to propagate papers, every page almost of which had a direct tendency against their own interest. If any gentleman will take the trouble, which, I own, I very seldom do, to look into these magazines, he will find four pages wrote against the government for one that is in its favour; and generally the subject is of such a nature, as would be severely punished under any other government than our own. If the honourable gentleman was not serious, I think a more proper time might have been chosen for shewing his wit, than while we are considering of the means of putting a stop to a practice, which he himself, and every gentleman who spoke in this debate, allows so nearly to affect the dignity and privileges of this house. For my own part, Sir, I am extremely indifferent, what opinion some gentlemen may form of the writers in favour of the government. But, Sir, I shall never have the worse opinion of them for that; there is nothing more easy than to raise a laugh; it has been the common practice of all minorities when they were driven out of every other argument. I shall never be afraid to do what I think right, and for the service of his majesty and my country, because I may be laughed at. But really Sir, I will be so free as to say, that if the want of wit, learning, good manners, and truth, is a proper object of contempt and ridicule, the writers in the opposition seem to me to have a much better title to both, than those for the government. No government, I will venture to say, ever punished so few libels, and no government ever had provocation to punish so many. I could name a government in this country, under which those writings, which are now cried up, as founded upon the laws, and in the constitution, would have been punished as libels, even by the gentlemen who are now the warmest advocates for the liberty of the press, and for suffering the authors of those daily libels that appear in print, to pass with impunity. But I ask pardon for what I have said, that may appear foreign to the present consideration; I was led to it by what had been thrown out by the gentleman who spoke before."

It was then unanimously resolved, "that it is a high indignity to, and a notorious breach of the privilege of this house, for any news writer, in letters or other papers (as minutes, or under any other denomination) or for any printer or publisher, of any printed newspaper of any denomination, to presume to insert in the said letters or papers, or to give therein any account of the debates, or other proceedings of this house, or any committee thereof, as well during

during the recess, as the sitting of parliament; and that this house will proceed with the utmost severity against such offenders *."

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It is remarkable that this resolution, which at this time would be considered as a great infringement of the liberty of the press, and rouse the indignation of the public, passed without a single dissenting voice, and with little public animadversion. It is no less remarkable, that not one of our historical writers has taken the smallest notice of the debate, which is the reason why I have deemed it not improper to give a place in these memoirs, to a transaction of such great historical importance. This resolution was not followed by the smallest beneficial effects; on the contrary, it tended only still farther to excite public curiosity, while it rendered truth more difficult of access. It compelled the compilers of periodical publications to adopt a covert method of giving the debates, which made it more easy to falsify them, and it is a well known fact, that after this period, the accounts became less authentic than before †. The Gentleman's and the London Magazine were at that period the principal vehicles of the parliamentary debates. The Gentleman's Magazine published the debates in the senate of Lilliput, under the names of Lilliput and Brobdingnag, and the London Magazine gave a journal of the proceedings and debates in a political club, with Roman appellations. Each miscellany afterwards explained these fictitious titles in advertisements affixed to the respective volumes.

CHAPTER THE FIFTY-FIRST:

1738.

Proceedings in Parliament relative to the Spanish Depredations.—Petitions.—Examination of Witnesses.—Case of Jenkins.—Report of the Committee.—Debates thereon.—Firm and temperate Conduct of Walpole.—Resolutions of both Houses.

THE remainder of the session was principally devoted to the discussion of the Spanish depredations.

Spanish depredations.

On the 3d of March, the minority commenced their attack. A petition,

Petition of merchants,

* Chandler.

† Tindal.

prepared

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prepared with great art and asperity, from divers merchants, planters, and others, trading to and interested in the British plantations in America, was presented to the house by aldermen Perry, recapitulating all that had passed in consequence of former applications, and declaring that the Spaniards still continued their depredations, and carried them to a greater height than ever.

Debates.

This petition was referred to a committee of the whole house. Alderman Perry, who presented it, moved that the petitioners should be heard by themselves *and* counsel. The speaker having objected, as a point of form, that it never was the custom of the house to admit parties to be heard by themselves *and* counsel, proposed an amendment, by themselves *or* counsel. Sir John Barnard and Sir William Wyndham objected to this amendment, as no less captious and frivolous, than highly prejudicial to the petitioners; the minister said, "Sir, I must humbly beg leave to differ from both the honourable gentlemen. The judgment which we should form in this case, ought to be grounded on facts as they are fairly represented, not as they are artfully aggravated. Every gentleman, I believe, from his bare reflection on the injuries our merchants have received from Spain, feels within his breast an indignation arise, which there is no occasion to increase by the power of eloquence, or the arts of a lawyer. When gentlemen see an affair through the mist that passion raises before their eyes, it is next to impossible they should form a just judgment. I believe there is scarce any gentleman here, who is not acquainted with as much geography, and as much of the history, both of Britain and Spain, as may enable him, from a plain representation of facts, to judge whether the allegations in this petition be true or false. Now, Sir, are not the merchants themselves the most proper to give us this representation? Are they not most immediately interested in the facts? Where then, is the necessity of counsel? Or what occasion is there to work upon the passions, where the head is to be informed? I believe, Sir, every gentleman will find his heart as much affected by the artless accounts of the sufferers themselves, as by the studied rhetoric of the most eloquent counsel. However, Sir, I shall not take the liberty to make any motion on this head, but entirely submit it to gentlemen's consideration."

Walpole's
speech.

Willimot's
answer.

The answer of alderman Willimot to these moderate remarks, will prove the temper by which the party in favour of the war were actuated.

"Sir, I think the petitioners ought to have liberty to be heard, not only by themselves and counsel, but if it were possible that we could indulge them in other advantages, we ought to do it. To talk of working upon the passions!—Can any man's passions be wound up to a greater height, can any man's

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man's indignation be more raised, than every free-born Englishman's must be, when he reads a letter which I received this morning, and which I have now in my hand. This letter gives an account that seventy of our brave sailors are now in chains in Spain. Our countrymen in chains! and slaves to Spaniards! Is not this enough to fire the coldest? Is not this enough to rouse all the vengeance of national resentment? And shall we sit here debating about words and forms, while the sufferings of our countrymen call loudly for redress?" Notwithstanding these intemperate effusions, the house agreed to the amendment proposed by the speaker, that the committee should be instructed to admit the petitioners to be heard, if they thought fit, by themselves or counsel.

On the same day, other petitions were presented, and referred to a committee of the whole house, in the same manner as that of the merchants. Sir John Barnard, after inveighing against these unjust seizures and depredations, and stating the necessity of preventing them in future, moved for an address to the king, "That he would be graciously pleased to give directions for laying before the house, copies or extracts of the several petitions, representations, memorials, and all other papers relating to the Spanish depredations upon the British subjects, which had been presented to his majesty, or delivered to either of his majesty's principal secretaries of state since Midsummer last; together with copies or extracts of such memorials or representations, as had been made either to the king of Spain or his ministers, and the answers returned by them to the same; and together with copies or extracts of the letters written to his majesty's minister at Madrid, with the answers received from him, relating to the said depredations."

Motion for
papers.

This motion brought on a long and warm debate, in which the cruelties and insults of the Spaniards, and the pusillanimity of the British cabinet, were equally exaggerated. The minister, ever anxious to avoid any violent resolutions, which might offend the irritable temper of the court of Madrid, and particularly to decline entering upon the question concerning the right claimed by the Spaniards, of searching for illicit goods, stated the difficulty and delicacy of his situation, either in opposing or concurring with the motion. By opposing it, he was in danger of becoming obnoxious to the public, and by his concurrence, might act against his own judgment, and the interests of the king, which are always inseparable from those of the nation. He then adverted to the danger of creating a misunderstanding between the crown and parliament, if the commons should call for papers, which should be deemed improper for communication. Although he was for treating all the claims of Spain as unfounded, yet he was apprehensive that
such

Walpole's
objections.

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such difficulties might arise in resisting them, as would require much address and wisdom to remove. The king had, by the most prudent methods of negotiation, endeavoured to reconcile the interests of the kingdom with its peace; and the present was the critical period when the effects of those negotiations were to take place.

He owned that the British merchants and seamen had been often treated most unjustly and inhumanly by the Spanish guarda costas, and that both the honour and interest of the nation were deeply concerned in obtaining reparation for such injuries, and a proper security in future; at the same time, he declared that recourse ought not to be had to arms, while there was any prospect of obtaining redress in a peaceable manner.

"It is without doubt," he said, "a very popular way of arguing, to talk highly of the honour, the courage, and the superior power of this nation; and, I believe, I have as good an opinion of the honour, courage, and power of this nation, as any man can, or ought to have; but other nations must be supposed to have honour as well as we, and all nations generally have a great opinion of their courage and power. If we should come to an open rupture with Spain, we might in all probability have the advantage, but victory and success do not always attend upon that side which seems to be the most powerful. Therefore, an open rupture, or declared war between two potent nations, must always be allowed to be an affair of the utmost importance to both; and as this may be the consequence of our present deliberations, we ought to proceed with great coolness, and with the utmost caution*."

He next recapitulated the late treaties and transactions with Spain, and endeavoured to prove, that the inflexibility of the Spaniards was owing to the perplexed state of affairs in Europe, since the treaty of Seville, which had prevented the meeting of the commissioners for finally adjusting the respective pretensions of the two countries. He observed, that the claims of the English were not considered, either at home or abroad, to be so clear as they were there represented. He attempted to shew, that the Spaniards had hitherto done as much to satisfy the English sufferers as could well be expected, that the distance between Madrid and the West Indies was considerable, that the Spanish governors were extremely insolent, and not subject to sufficient controul, and that therefore it was no wonder if the crown sometimes found difficulties in bringing them to reason.

He gave some instances of ships that had been unconditionally released

* Chandler.

by the Spaniards, of others, on giving security to stand trial whether they had been engaged in illicit trade; and he mentioned several whose claims were likely to be satisfied *.

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He did not, however, intend to oppose the communication of papers in general, but only of some, which if made public, might occasion much inconvenience. He frankly acknowledged, that the last answer from the Spanish court was unsatisfactory, and that if it should be communicated to the house, and from thence, as must unavoidably happen, to the public, the most fatal consequences might be produced. That notwithstanding the harshness of that answer, the ministry had sent to the court of Madrid some propositions which might tend to soften matters. He said, if they were not soon answered to the satisfaction of the king, he himself would move that every paper relating to Spain should be laid before the house, but that till that answer arrived, it would be improper to comply with the motion.

He concluded by moving as an amendment, the omission of "answers from the court of Spain, and the British minister at Madrid." This candid and moderate speech, which was peculiarly adapted to the temper of the house, who were not inclined to reject the whole motion, and which proved that he did not wish to protract the inquiry longer than prudence and policy directed, had a due effect. The temperate representation of the minister, ably enforced by Horace Walpole, Sir William Yonge, Henry Pelham, and Sir Charles Wager, prevailed over the more violent counsels of the opposition, though supported by all the eloquence and abilities of Pulteney, Sir John Barnard, and Sir William Wyndham. The original motion, as proposed by Pulteney, was negatived by a majority of 164 against 99, and the amendment, as proposed by the minister, carried without a division †.

And Amendment.

The triumphant majority with which this question was carried, was productive of no essential advantage to the cause which Walpole was so anxious to support. While the attempts were making to adjust the differences with Spain, and while the court of Madrid seemed inclined to make due reparation for the injuries complained of, Sir Thomas Fitzgerald, or, as he is usually called, Don Thomas Gerdano, the Spanish minister, was employed in fomenting the disturbances and inflaming the public discontents. He caballed with the leaders in opposition, and acquainted them with the secret information which his instructions or his correspondence enabled him to communicate. He did not hesitate to assert openly that the English ministry imposed upon the people, in pretending that the court of Spain would be

Carried.
Conduct of
Gerdano.

Tindal.

† Chandler

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inclined to recede, in the smallest degree, from the claim of searching all ships which sailed near their coasts in America. His intemperance gave great advantages to opposition; and in the course of the debates in both houses, many facts were disclosed by the members of that party, which ought to have been confined to the cabinets. The ministry, having soon discovered by whose means they obtained possession of those facts, complained of his imprudence, and desired Mr. Keene to lay the indecency and consequences of his conduct before the court of Madrid. But Geraldino had frustrated the effects of these representations, by stating, that the views and principles, even of the minister himself, and the most pacific part of the English government, were absolutely inconsistent with every maxim of the Spanish monarchy, and all the security of its trade. This information found a ready belief at Madrid, and their ministers, through Geraldino's advice, became persuaded, that they could not be so effectually served as by fomenting and encouraging the discontents of the people of England against their government *.

Numerous
petitions.

Examination
of witnesses. *

At this period the house was daily inundated with petitions and papers relating to the inhumanities committed upon the English prisoners taken on board of trading vessels. They represented these prisoners as not only insulted and pillaged, but compelled to work in the Spanish dock yards and fortifications, with irons upon their legs, subsisting upon loathsome provisions, and overrun with vermin, frequently tortured and imprisoned in dungeons. Several captains and other seamen were examined at the bar of the house, and if full credit be given to the witnesses, the facts were unquestionably proved; but their evidence must be received with great caution. They were not examined upon oath, and were not confronted with any testimony on the side of the Spaniards. They were induced by their own interests, and by the hopes of obtaining reparation, to exaggerate their injuries. They saw that it was popular to inveigh against the Spaniards, and were encouraged to render a disastrous tale more disastrous; they were taught to believe, that if they made good their allegations, the minister who had tamely suffered such oppressions would be removed, and that his successors would act with such vigour as to force the king of Spain to indemnify them for their losses and sufferings †.

The captains and seamen who appeared at the bar of the house, gave the most exaggerated accounts of the insults permitted and exercised by the Spaniards; and many related the most incredible tales of horror, which were implicitly believed, almost in proportion to their absurdity.

Case of
Jeakins.

Among those who were examined, and whose story seemed to make the

* Tindal.

† Ibid.

deepest impression, was one Jenkins: This man was captain of the Rebecca, a trading vessel; he sailed for Jamaica in the beginning of 1731, and was boarded by a guarda costa, and treated with much insult and indignity. In the account which was given at the time, by the periodical papers and the pamphlets of opposition, the Spanish captain is reported to have put the men to the torture, to have hanged up Jenkins three times, once with the cabin boy at his feet, and then to have cut off one of his ears, and bid him carry it to his king. On his arrival in England, Jenkins is said to have gone to court, and laid his case before the king, and as some compensation for his treatment, or to pacify him, to have been appointed captain of an East Indiaman*.

This ridiculous story, which Burke justly calls, "The Fable of Jenkins's ears," seems to have made little impression at the time, but it was now revived with additional circumstances of cruelty and insult; and Jenkins was produced at the bar of the house of commons, to give an account of a transaction which had happened seven years before †. March 16.

According to contemporary accounts, after relating the transaction, with many additional circumstances of insult and barbarity, he displayed the ear, which he had preserved, as some assert, in a box; and others in a bottle, asserting, that after *tearing* it off, the Spaniard had said to him, "Carry it to your king, and tell his majesty that if he were present I would serve him in the same manner." His evidence is mentioned as a model of *noble simplicity*. One point, in particular, was ostentatiously circulated. Being asked by a member what he thought when he found himself in the hands of such a barbarian, he replied, "I recommended my soul to God, and my cause to my country." These words, and the display of his ear, *which, wrapped up in cotton, he always carried about him*, filled the house with indignation.

* Gentleman's Magazine for 1731. Craftsman.

† It was positively asserted in the contemporary publications, that Jenkins was examined at the bar of the house of commons, and gave the evidence mentioned in the text, and it is generally admitted as a fact; yet it is remarkable that no traces of his evidence are to be found in the Journals. The whole that is mentioned in the Journals are the two following passages:

16th March. "Ordered, That Captain

Robert Jenkins do attend this house immediately."

17th March. "Ordered, That Captain Robert Jenkins do attend, on Tuesday morning next, the Committee of the whole house, to whom the petition of divers merchants, planters, and others, trading to, and interested in, the British plantations in America, in behalf of themselves, and many others, is referred." But on Tuesday the 21st, there is no farther mention of Jenkins.

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Clamours of
the people.Report of the
Committee.

March 30.

Pulteney's
Motion.

The effect of this ridiculous story * on the nation at large, was proportionate to the impression of horror and vengeance it created in the house of commons. It was made the vehicle of popular frenzy, and so highly inflamed the public mind, that Pulteney declared in parliament, the very name of Jenkins would raise volunteers.

When the nation was irritated by these exaggerated accounts and unwarrantable artifices, to the highest degree, the business was resumed by the commons. On the 30th of March, Alderman Perry submitted to a committee of the whole house, a report which was calculated to augment the general indignation. After the examinations of several witnesses, Murray, afterwards earl of Mansfield, was heard as counsel for the petition, and supported, with unusual eloquence, the justice of the complaints.

Pulteney then rose, and in a speech of great length, spirit, and perspicuity, expatiated on the amazing instances of cruelty, barbarity, and injustice, proved at the bar to have been exercised on the king's subjects; he stated the rights of the British nation, which had been controverted and infringed by the Spaniards, and on which he proposed to found his motion; the right of free navigation to every part of the American seas, provided the ships do not touch at any ports possessed by the Spaniards; the right of carrying all sorts of goods, merchandise, or effects, from one part of the British dominions to the other; to cut logwood in the bay of Campeachy, and to gather salt on the island of Tortuga. He concluded, by proposing

* See Gentleman's Magazine for July 1736. Where it is said, that the *Spanish* Captain was a Lilliputian, (*English*) Kenegado — London Magazine. — Chandler. — Smollett, vol. 3. p. 19. — Belsham, vol. 2. p. 3. — Bryan Edwards's History of the British West Indies, vol. 1. p. 144. Voltaire, who never spoils a

good story in the telling, says, "Le capitaine Espagnol avait saisi le vaisseau de Jenkins, mis l'équipage aux fers, fendu le nez et coupé les oreilles au patron. En cet état Jenkins se présenta au parlement, &c." Histoire de la Guerre de 1741.

Pope has thus ludicrously mentioned the incident.

"The Spaniards own they did a waggish thing,
"Who cropt our ears, and sent them to the king."

In spite of these authorities, I am inclined to give credit to the suggestion of Tindal, "that Jenkins lost his ear, on part of his ear, on another occasion, and pretended it had been cut off by the crew of a guarda costa." vol. 29. p. 372. It would be unjust to the Spaniards not to mention, in this place, a counter story, which was no less believed in Spain than the "fable of Jenkins's ears" in England. "Un Capitaine Anglois, après avoir, par un trait de perfidie, et sous prétexte de commerce, invité deux

gentilshommes Espagnols à bord de son vaisseau, les laissa sans manger pendant deux jours, pour leur extorquer une rançon; mais, comme cet expédient ne lui réussit pas, il coupa à l'un des deux les oreilles et le nez, et le força, le couteau sur le gorge, de les manger; procédé, qui, sans contredit, mettoit les Espagnols en droit d'user de représailles; aussi, en usèrent ils à la rigueur." Histoire du Ministère du chevalier Robert Walpole. tom. 2. p. 408.

a set of resolutions, calculated to assert these rights in the most unequivocal and specific manner.

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Walpole's amendment.

The minister saw and appreciated the deep impression which the speech had made upon the house, and the manner in which he answered it, plainly shewed the embarrassment under which he laboured. He said, he did not pretend to call in question any of the rights and privileges which the honourable gentleman had been pleased to enumerate; this nation had an indisputable title to them, no British subject would pretend to controvert any one of them; and he should be as zealous for defending them as the honourable gentleman himself. But though such was his opinion, yet he would not agree that they ought to be vindicated and asserted by the house in the manner now proposed, because no British subject could call them in question; and any resolutions made by that house would not bind foreign powers. He next contended, that the passing of such resolutions would be not only unnecessary but prejudicial. For although these rights were secured by the law of nations, or by solemn treaties, yet they had never been explicitly acknowledged by Spain, excepting in such general terms, and by such general words, as only conveyed an implied concession, in the same manner as we possessed Jamaica. But as these general words were as secure and indisputable as the most express declaration, he entreated the house not to pass any resolutions which would preclude the ministers from proposing or accepting any such general acknowledgments and concessions. The resolutions proposed would cramp the negotiations, now carrying on; if Spain did not accede to the specific terms, it would occasion a rupture between the two nations, and render peace unattainable, until one of the parties was wholly subdued. It would be as easy, he said, to force them to sign a carte blanche, as to compel them to make such particular concessions as were mentioned in the resolutions; and as the rights in dispute with Spain might be as fully secured by general words in a future treaty as by particular declarations, he saw no reason for precluding the possibility of such a treaty, which might attain all the ends proposed by the resolutions, and avoid all their inconveniences.

"For this reason," he said, "I shall be against our coming to any peremptory resolutions, with respect to any of the particular rights the Spaniards now pretend to contest; but I shall most readily agree to any motion that can be proposed, for shewing it to be our opinion, that our merchants have fully proved their losses, and that the depredations that have been committed are contrary to the law of nations, contrary to the treaties subsisting between

Period VII. 1737 to 1742. between the two crowns; in short, that they are every thing bad, and without the least pretence or colour of justice. This, I say, I shall most willingly agree to, because I think the petitioners have fully proved the allegations of their petition; I think they have fully proved, that the subjects of this kingdom have met with such treatment from the Spanish guarda costas, and governors in America, as deserves the highest resentment. But still, I think, if proper satisfaction and full reparation can be obtained by peaceable means, we ought not to involve the nation in a war, from the event of which we have a great deal to fear; and the utmost we can hope for from the most uninterrupted success, is a proper satisfaction for past injuries, and a proper security against our meeting with any such hereafter, both which we are bound to think there are still hopes of gaining by negotiation; because, if it had been otherwise, his majesty would certainly have acquainted us with it, and have desired us to provide for obtaining by force, what he saw was not to be otherwise obtained.*

He concluded by offering an amendment, which adopted only the first sentence of the proposed resolutions, "That it is the natural and undoubted right of British subjects to sail with their ships on any part of the seas of America to and from any part of his majesty's dominions." After this sentence the minister proposed to insert, "That the freedom of navigation and commerce, which the subjects of Great Britain have an undoubted right to by the law of nations, and which is not in the least restrained by virtue of any subsisting treaties, has been greatly interrupted by the Spaniards, under pretences altogether groundless and unjust. That before and since the execution of the treaty of Seville, and the declaration made by the crown of Spain pursuant thereto, for the satisfaction and security of the commerce of Great Britain, many unjust seizures and captures have been made, and great depredations committed by the Spaniards, which have been attended with many instances of unheard of cruelty and barbarity: That the frequent applications made to the court of Spain, for procuring justice and satisfaction to his majesty's injured subjects, for bringing the offenders to condign punishment, and for preventing the like abuses in future, have proved vain and ineffectual; and the several orders or cédulas, granted by the king of Spain, for restitution and reparation of great losses sustained, by the unlawful and unwarrantable seizures and captures made by the Spaniards, have been disobeyed by the Spanish governors, or totally evaded and eluded. And that these violences and depredations have been carried on to the great loss and damage of the

* Chandler.

subjects of Great Britain trading to America, and in direct violation of the treaties subsisting between the two crowns *."

These amendments occasioned a long and vehement debate, which, according to the opinion of a contemporary author, "is grossly misrepresented in the parliamentary collections of that time." The gentlemen in opposition had not studied the term of contraband goods with sufficient precision, and they confounded them with illicit goods. The difference between the intention and meaning of the treaty concluded with Spain in 1667, and that of 1670, was not sufficiently defined; the former relating to the European commerce, and the latter restricted solely to the American. Neither was there sufficient foundation for a house of parliament to assert the right which the English had of cutting logwood in the bay of Campeachy, and it was certain that that right had not only been warmly contested by the Spaniards in former negotiations, but had been tacitly given up by some of the English ministers, and the whole of it was absolutely inconsistent with the interest of the South Sea company. It was maintained by Sir Robert Walpole and his friends, during the course of the debate, that the resolutions moved for by him, contained all that could be reasonably expected from Spain at that time; and that whatever claims the English had to lands in the province of Jucutan, or to cut logwood in the bay of Campeachy, or to other privileges, either of possession or navigation, it could not be affected or weakened by the amendment; which, after a long and sharp debate †, was carried without a division. When the resolution, amended in the committee, was reported to the house by alderman Perry, the minority proposed that it should be re-committed, but the motion was negatived by 224 against 163 ‡. Then alderman Perry proposed, and carried an address, "beseeching the king to use his endeavours to obtain effectual relief for his injured subjects, and to convince the court of Spain that he could no longer suffer such constant and repeated insults and injuries, to the dishonour of his crown, and to the ruin of his trading subjects; assuring the king, that should his friendly instances for procuring justice, and for the future security of their navigation and commerce, which his people have an undoubted right to by treaties and the law of nations, fail of success, the house will effectually support his majesty in taking such measures as honour and justice shall make it necessary to pursue §."

The great object of the minister in moving his amendment, was to pre-

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Resolutions
of the Com-
mons.

Resolutions
of the Lords.

* Chandler, p. 204.

† Tindal, vol. 20. p. 374.

‡ Journals.

§ Ibid.

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vent any mention of not searching ships, which he well knew would never be agreed to by Spain. But he had no reason to boast of his victory, for on the same day, the house of lords, after a long debate, voted resolutions much stronger than those which passed the commons, and what rendered this circumstance more extraordinary was, that the ministerial party seemed to have almost adopted the arguments of the opposition, and to have employed all the violent expressions of those who wished to bring on a war. The lords not only asserted the undoubted right of Great Britain to navigate on the American seas, but also "to carry all sorts of goods and merchandise, or effects, from one part of his majesty's dominions to any other part thereof, and that no goods, being so carried are, by any treaty subsisting between the crowns of Great Britain and Spain, to be deemed or taken as contraband or prohibited goods; and that the searching of such ships, on the open seas, under pretence of their carrying contraband or prohibited goods, is a violation and infraction of the treaties subsisting between the two crowns *."

These resolutions were formed into an address, promising the most effectual support, should the king's instances fail of having a due effect on the crown of Spain.

The king sanctioned these strong resolutions by a no less strong reply: "I am sensibly touched with the many hardships and injuries sustained by my trading subjects in America, from the cruelties and unjust depredations of the Spaniards. You may be assured of my care to procure satisfaction and reparation for the losses they have already suffered, and security for the freedom of navigation for the future; and to maintain to my people the full enjoyment of all the rights to which they are entitled by treaty and the law of nations. I doubt not but I shall have your concurrence for the support of such measures as may be necessary for that purpose †."

Bill for securing trade.

As the public mind became more and more exasperated against Spain, and as the pusillanimity of the minister became the constant object of popular invective, the opposition determined to exert one great effort to bring on immediate hostilities, and to preclude the minister from availing himself of the interval which was still left open for negotiation. Pulteney, who conducted this whole business with great address and ability, was the organ of the minority. He moved to bring in a bill under the plausible title of effectually securing and encouraging the trade to America. It was to revive part of two acts, passed in the reign of queen Anne, and in effect, if carried, it would have amounted to a declaration of war, and tended to involve the country

May 5.

* Lords' Debates.

† Tindal, vol. 20. p. 377. Lords' Debates.

with all the commercial nations in Europe. The intention of the act was, to give the property of all prizes taken from the Spaniards, after a declaration of war, to the officers and seamen present in the action; head money, or £.5, for every Spaniard made prisoner at sea, was to be granted to the sailors; and the property of all places taken was to be vested, by the king's patent, in the captors.

During its progress the minister attacked it with great strength of argument. He endeavoured to shew its impropriety at this juncture, and pointed out the injustice of particular parts. On the first clause he observed, "That as the bill then stood, if hostilities were immediately to commence against Spain, and a squadron of English ships were to take the whole Plate fleet or flotilla of the Spaniards, with all their register ships, it would become the property of the English seamen, though it was notorious that not one-fifth part of that treasure, in reality, belonged to the Spaniards, but was the property of the French, the Dutch, and other trading nations of Europe."

Opposed by
Walpole
May 12.

To the clause for granting head money he made no objection; he thought it just and reasonable that the sailors in case of a war should have such encouragement, and declared that he would willingly concur in any motion for that purpose.

The third clause he conceived to be highly dangerous, because it would effectually preclude the conclusion of a safe and honourable pacification; as in all negotiations for peace, some places on both sides are usually restored to facilitate the accommodation, which could not be effected if the king, by letters patent, should part with the property to private owners. In opposition to this clause he urged, that the bill, if passed in the present form, would be attended with the total ruin of the British commerce in Europe. It must give so great an alarm to the French for their property, which is even greater than that of the Spaniards on board of the galleons, that they would not hesitate taking part with Spain, and joining their whole naval force to convoy the Spanish merchant fleet to the ports of Europe.

"But a more material consideration still remained; most of the French, Dutch, and Danish property at sea, was insured in England or Holland in time of peace, and therefore the loss, in fact, must fall upon the British and Dutch insurers, as they could have no pretext to indemnify the French and other nations for the losses they would sustain; so that the bill, if passed into a law, might ruin the Dutch as well as the British insurers."

He desired the house to consider, in such an event, what must be the case of the British merchants then residing in Spain, their persons, their ships,

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and their properties, all which the Spaniards would certainly sequester. "What must the Dutch," said he, "think of such a bill? Or what power in Europe can be our hearty friend, should it, at this time, pass into a law *."

In the course of the debates many personal reflections, highly injurious to his character, were cast on the minister, and a bitter altercation arose between him and Pulteney, who was loudly called to order, and obliged to acknowledge, that the warmth of his temper had transported him to use some unguarded expressions, for which he testified his concern.

In answer to those who alledged he was afraid of a war, because peace was his only safety, Walpole observed, "It is but a mean excuse for a minister, when a wrong step is made in government, that he is not accountable for the events of measures that never were advised by him, and in which he was over-ruled by his superiors. I have always disdained those mean subterfuges; and with what face can I appear again in this house, if full and ample satisfaction is not made, or at least if we do not do our utmost to obtain it, either by fair and peaceable means, or by exerting all our strength, in case a war becomes necessary. If my country should call me to account, I would willingly take upon me the blame of every step that has been made by the government, since I had the honour to enter into the administration. As to the common notion of a minister's being afraid to enter upon a war, I do not understand upon what it can be grounded. For my part, I could never see any cause, either from reason or from my own experience, to imagine that a minister is not as safe in time of war, as in time of peace. Nay, if we are to judge by reason alone, it is the interest of a minister, conscious of any mismanagement, that there should be a war; because by a war, the eyes of the public are diverted from examining into his conduct; nor is he accountable for the bad success of a war, as he is for that of an administration †."

Thrown out,
May 15.
Prorogation
of parlia-
ment.

The bill was negatived by a large majority ‡.

A few days after this debate, the session was closed by prorogation.

Thus was concluded this difficult session, in which the minister contrived to place the disputes with Spain on such a footing as to give an opening to an amicable negotiation, during the course of which, he trusted that a due mixture of vigour, moderation, and forbearance would induce the court of Madrid to agree to such conditions, as would satisfy the English nation, might restore harmony, and prevent a rupture. The resolutions of the house of commons were transmitted to Mr. Keene, to lay before the king of Spain;

* Tindal, vol. 20. p. 369 and 370.

† Ibid.

‡ Journals

letters of reprisals were offered to the merchants; a squadron of ten ships of the line sailed for the Mediterranean, under the command of admiral Haddock; many single ships were sent to America, and the infant colony of Georgia was supplied with troops and stores for resisting the Spaniards, who threatened to invade it from Saint Augustine. These precautions for defence and attack, were obviously calculated to give weight to the negotiation with Spain, and they had their due effect.

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CHAPTER THE FIFTY-SECOND:

1738—1739.

Difficulties attending the Negotiation with Spain.—Articles of the Convention.—Protest of Spain.—Parliamentary Proceedings.—Debates on the Convention.

THE remainder of the year was passed in attempts to adjust the differences between Spain and England.

Negotiations
with Spain.

There never was any negotiation which commenced with more unfavourable appearances, and was attended with greater difficulties. These difficulties principally arose from the punctilious and inflexible spirit of the Spanish court, the high expectations of the English nation, the discordant resolutions of the lords and commons, and the disputes between the crown of Spain and the South Sea company.

The first difficulty arose from the Spanish court, tremblingly alive to all discussions on points which related to their American possessions; for although Philip appeared well inclined to give full satisfaction for past depredations, and full security for freedom of navigation, which did not promote the illicit commerce, carried on with his subjects in America, or which did not infringe on his sovereignty; yet he could not be prevailed on to grant any specific proposition for not *searching* ships, either in the open seas, or hovering on their coasts, under the pretence of trading to and from the British plantations.

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The difficulty of managing so capricious a court, was increased by the high expectations of the English nation. The people, fired with enthusiasm, and inflamed by the exaggerated accounts of the Spanish depredations, wildly and imperiously clamoured for redress. They laid their demands of reparation at a very high rate; they required ample satisfaction for past injuries, and full security against future depredations, which security was made to consist in an explicit renunciation of the right of *searching* ships, in all places except the Spanish ports and seas.

Walpole, well aware of the inflexibility of the Spanish court on this delicate question, had contrived to word the resolutions, which passed the commons, in such a manner as to omit the mention of the word *Search*. He had avoided, with great prudence, all specific claims, and confined the expressions of the house to general topics. But this design had been frustrated by the resolutions of the lords, which reduced the question to a specific proposition, and positively declared the illegality of *searching* English vessels on the open seas, and trading to and from the different parts of the British dominions. These discordant resolutions naturally produced numerous embarrassments, and would have occasioned insuperable obstructions, had not the minister resolved to adhere to the decision of the commons.

But the negotiation encountered the greatest difficulty from the disputes of the crown of Spain with the South Sea company. The origin and progress of that company, and the fatal consequences of the project of commerce to South America, have been already related *.

Before the *asiento* treaty, a very advantageous, though contraband trade, was carried on from Jamaica to the Spanish colonies. The Spanish governors connived at the introduction of negroes, and the importation of English manufactures. The profit of this traffic was certain and expeditious, and was still greater, because it was not attended with the payment of any duties to the king of Spain, or other incumbrances. •

But this branch of traffic was evidently diminished by the *asiento* treaty. It then became the interest of Spain, for the sake of the duties, as well as of the South Sea company, who wished to monopolize the trade to the Spanish West Indies, to stop this commercial intercourse, and many remonstrances were made for that purpose to government, as well as to the Spanish court, by the directors, who considered all British subjects, trading to the Spanish settlements, as interlopers upon their province. Hence disputes frequently arose between the South Sea company, and the traders of Jamaica; and the direc-

tors, by their remonstrances, often occasioned the seizure and confiscation of vessels which were taken in the act of carrying on an illicit trade, or with illicit goods on board. The court of Spain had made a merit with the British government, of having endeavoured to check a commerce which was prejudicial to so great a public company*, and at the same time the British traders made the most violent complaints against the *guarda costas*, for making these seizures, which they termed illegal and unjust.

The assiento treaty stipulated the payment of certain duties, for the introduction of negroes, and other articles of trade. These had been always paid to the Spanish officers, according to the rate of exchange between Great Britain and Spain, and received without complaint. But as Spain had, several years before this period, given currency to another species of dollars, a claim was now made of the difference between the two species of dollars, ever since the new regulation, under the denomination of arrears. In addition to this, another demand was made, for the fourth of the profits acquired by the annual ship, which was due to the king of Spain. On the other side, the company claimed reparation for the damages sustained by the seizure of their effects in 1718 and 1727, before war had been declared between England and Spain.

In the midst of these difficulties, the minister exerted all his influence, at home and abroad, to settle the differences in a satisfactory manner, or to refer the settlement to the decision of plenipotentiaries, by which means farther time would be obtained to prevent the commencement of hostilities. A double negotiation was opened, between the ministers and Geraldino in London, and between Keene and La Quadra at Madrid, which had no immediate communication with each other. Walpole wholly influenced the negotiation at London, but he could only modify that which was carrying on at Madrid.

Geraldino having delivered a message, importing that his master was inclined to enter into measures for conciliating past differences, and agreeing upon a method for preventing them in future; an account was stated of the demands on each side, which, after some difficulties, was reduced to a balance of £. 140,000, in favour of England, and sent to Mr. Keene to be ratified. But when this agreement was transmitted, the court of Madrid refused to ratify it, declaring that Geraldino had surpassed his powers.

Foiled in this attempt, the minister modified and tempered the violent orders sent from the duke of Newcastle to Mr. Keene, and exhorted him to

* Tindal, vol. 20. p. 411.

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use every effort with de la Quadra, and to represent the necessity of adjusting the differences amicably.

This pacific spirit fortunately prevailed in the counsels of England; and due consideration was paid to the honour, jealousy, and even to the prejudices of Spain. Keene seconded the pacific efforts of the minister with great address and ability, and finally overcame the dilatoriness, the punctilios, and the repugnance of the Spanish court.

Articles of
the conven-
tion.

A convention was accordingly settled on the following basis: "That within six weeks, two plenipotentiaries should meet at Madrid, to regulate the respective pretensions of the two crowns, with relation to the trade and navigation in America and Europe, and to the limits of Florida and Carolina, as well as the other points which remained to be adjusted, according to former treaties. That the plenipotentiaries should finish their conferences within eight months: That in the mean time, no progress should be made in the fortifications of Florida and Carolina. That his Catholic majesty should, within four months from the day of exchanging the ratifications, pay to the king of Great Britain, the sum of ninety-five thousand pounds, as a balance due to Great Britain, after deduction made of the demands of Spain. That this sum should be employed for the satisfaction, discharge, and payment of the claims of British subjects upon the crown of Spain. That this reciprocal discharge, however, should not extend or relate to the accounts and differences which subsisted between the crown of Spain and the assiento company, nor to any private contracts between either of the two crowns, or their ministers, with the subjects of the other; or between the subjects of each nation respectively."

Protest of
Spain.

In all his conferences with Mr. Keene, de la Quadra had insisted, that £.68,000 was due to his master from the South Sea company; and had declared that the convention would not be ratified, unless that money was paid. Keene represented, that the interests of the company, and those of England, were distinct considerations; and that the convention was a settlement of accounts between the two nations, the other, a private transaction between the king of Spain and the company. He said, that if it was proved that £.68,000 was owing, the money should be paid. This de la Quadra considered as a positive promise, that the £.68,000 should be liquidated before the execution of the articles of the convention. Accordingly, at the very moment when the convention was to be ratified, the Spanish minister delivered to Keene, a declaration or protest, declaring, in due form, that the king of Spain reserved to himself the right of suspending the assiento treaty, should the company not pay within a short time the £.68,000. Under the validity and force

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force of this protest, and that, upon the firm supposition that it would not be eluded on any motive or pretext, he was ready to sign the convention. Keene seeing the obstinacy of the Spanish court, knowing the anxiety of the British minister, to receive the ratification before the meeting of parliament, and aware, that unless he accepted the protest, the negotiation would be instantly broken off, consented to receive it, though without admitting the fact it assumed, and simply to be transmitted to the consideration of the British cabinet. Clogged with this obstruction, the convention was finally signed at Madrid, and transmitted by a courier to London, who did not arrive till the 15th of January.

Agitation of
the public.

The public mind was agitated to a degree of frenzy, and their expectations to a pitch which no reasonable concession could gratify. Besides punishment inflicted on the Spanish captains, and others who had committed depredations, they required, that the Spaniards should positively disclaim all right to search British ships in the American seas, and disavow their right to Georgia, and a part of South Carolina; that they should pay £.340,000 as a compensation for the captures and confiscations, to discharge the balance of the account, due to the South Sea company, for the effects confiscated, which amounted to no less a sum than a million sterling; and it was said, that if the nation should not receive satisfaction on these particulars, no justice was procured, and no security obtained. In the midst of these clamours, every eye was directed to the meeting of parliament, which was to assemble on the 18th of January. But the public were disappointed: on that day the parliament was farther prorogued until the first of February, and it was known that the difficulty in adjusting the disputes with Spain, had been the cause of this prorogation.

Meeting of
parliament.

On the first of February the parliament assembled. The speech from the throne mentioned the ratification of the convention.

King's
speech.

"It is now a great satisfaction to me, that I am able to acquaint you, that the measures I have pursued have had so good an effect, that a convention is concluded and signed between me and the king of Spain, whereby, upon consideration had of the demands on both sides, that prince has obliged himself to make reparation to my subjects for their losses, by a certain stipulated payment: and plenipotentiaries are therein named and appointed for regulating, within a limited time, all the grievances and abuses which have hitherto interrupted our commerce and navigation in the American seas; and for settling all matters and disputes, in such a manner, as may for the future prevent and remove all new causes and pretences of complaint, by a strict observance of our mutual treaties, and a just regard to the rights

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rights and privileges belonging to each other. I will order the convention, and the separate articles, to be laid before you.

“ It hath been my principal care to make use of the confidence you reposed in me, in this critical and doubtful conjuncture, with no other view, but the general and lasting benefit of my kingdoms; and if all the ends which are to be hoped for, even from successful arms, can be attained, without plunging the nation into a war, it must be thought, by all reasonable and unprejudiced persons, the most desirable event *.”

Proceeding

The motion for an address encountered violent opposition in both houses. In the lords, however, it passed without a division, by the interposition of the earl of Scarborough and the duke of Argyle, who, though they declared their disapprobation of that thing called a convention, yet conceived it would be irregular to mention it till it was laid before them, and thought that unanimity was highly necessary at the present juncture.

In the commons, an address being moved for as usual, in the terms of the speech, Sir William Wyndham objected to all expressions which might appear an approbation of the convention, and therefore proposed omitting all the paragraph which alluded to it, and merely to thank the king for his speech, and to assure him that the house would grant the necessary supplies, and endeavour to avoid all heats and animosities.

Sir Robert Walpole, in a long and able speech, defended the conduct of ministers in the negotiation with Spain. He declared that the accommodation was attended with all the advantages which the most successful warfare could have procured. He shewed, under the existing circumstances, it was more prudent and beneficial to avoid extremities; that all the commercial nations, even France itself, did not object to the claim of searching and seizing their ships, when taken in the act of carrying on illegal trade. He then extolled the convention, with a wantonness of praise not usual with him, and declared he thought it his peculiar happiness, that the nation would deem the influence he possessed, the principal means of its ratification; and that he should not be sorry if it was considered as a measure entirely his own. He finally observed, that it was unfair to decide on the merits or demerits of the convention, before it was known; that in a few days it would be submitted to the house, when a candid discussion would take place; and that as there was no reason to suppose it contrary to the known interest of the nation, he saw no ground for opposing the address. He reminded the house, that the last session he declared him-

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self answerable for the measures pursued by government, while he was minister; he was prepared to make good his promise; all he desired was a candid hearing, and that he hoped would not be denied. He concluded, by opposing the amendment, and supporting the original address.

He was answered by Lyttleton, Sir John Hynde Cotton, and Sir John Barnard, who took notice that the speech itself was most absurdly worded, because it stated, that plenipotentiaries were to regulate the grievances and abuses that had happened to the British subjects, from the insolence and cruelty of the Spaniards: now to regulate abuses, he said, implied a continuance of them, but only under another form [†].

The motion for the address was carried by 234 against 141 [†]; a majority which inspired the minister with unfounded hopes of a quiet and easy session, for on the contrary, every measure was adopted, and every expedient resorted to for the purpose of harassing administration, and throwing an odium on the measures of government.

Almost the only question which was not resisted, was the proposal for employing 12,000 seamen. The motion for 18,000 land forces was opposed, and a reduction to 12,000, as in the last session, moved by Shippen, but negatived by 253 against 183 [†].

Feb. 14.

Mean while the convention had been laid before the house, and referred to a committee, and its contents having been communicated to the public, a general ferment prevailed in the nation, and a violent outcry was raised against the conditions. One article, agreed to by the English commissaries, which gave much umbrage, and had a great effect in irritating the public mind, was the claim of £.60,000, for the value of the ships taken by admiral Byng, off the coast of Sicily, in 1718. This demand was founded on an article in the peace of Madrid, made under the administration of Sunderland, which promised restitution, and was confirmed by the treaty of Seville. This stipulation had never been performed; the claim on the side of the Spaniards still existed in its full force, and therefore, though unpopular, was just and reasonable. Motions being made by the party in opposition, that the petitioners might be heard by counsel, were warmly opposed by the ministerial party, and negatived, after long and warm debates §. A private petition was also presented from the owners of a ship taken in 1727, and another upon the capture of the ship Sarah, belonging to Bristol, praying

Convention referred to a committee.

General dissatisfaction.

* Tindal, vol. 20, p. 395.

† Journals. Chandler.

‡ Chandler.

§ 242 against 207, and 237 against 208. Journals.

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Feb. 26.

Feb. 5.
Convention
approved in
the lords.

Debated in
the com-
mons.

H. Walpole's
speech.

also to be heard by counsel. The minister justly observed, that if the proprietors of every capture were to be heard by counsel, the house would be solely occupied in such affairs, and could not attend to public business. The question, however, was pressed, and lost only by 13 *. This large minority, upon so disputed a point, inspired the opposition with the most sanguine hopes, and encouraged them to persevere.

After various other petitions, both public and private, the convention was first taken into consideration in the house of lords. On the 1st of March, lord Cholmondeley moved an address, similar to that which was afterwards proposed in the house of commons, by Horace Walpole. After a warm and vigorous contest, the address was voted by a majority of 95 against 74, and a strong protest was made by nine and thirty peers †. At the head of those who voted in opposition, was the prince of Wales.

Notwithstanding their defeat in the house of lords, the opposition entertained hopes, that the convention would be disapproved and rejected by the commons. At length, the 6th of March was the day appointed for taking into consideration, the various petitions relating to the convention. The members repaired so early to the house, that 100 had taken their seats before eight in the morning. The public attention was no less powerfully attracted to this important debate, the result of which was expected to decide the fate of the minister. The sixth and seventh were occupied in examining witnesses, and hearing some West India merchants, in support of their petitions.

On the 8th, at half past eleven, Horace Walpole, who had thoroughly understood the subject, and had drawn up several papers relative to the transaction, opened the debate by a speech of two hours and a half ‡. He began by expressing his hopes, that in discussing this important question, on which depended the issue of peace or war, gentlemen would lay aside wit and railing accusations, avoid personalities, not mistake a popular outcry, for the voice of the people, as distinguished from that of parliament, and would not be biased by strong assertions without proof. After making a general observation, that in all differences between two nations, an immediate declaration of war ought not to be the first resolution of either, he

* 175 to 162, Journals. Tindal, vol. 20, p. 200.

† Lords' Debates.

‡ Among the Orford Papers, are a few parliamentary memorandums, in the hand writing of Sir Robert Walpole, taken by him during

the first debate on the convention. They are minutes of part of Horace Walpole's speech, Sir Thomas Saunderson's, and Mr. Pitt's. Though short and imperfect, they sufficiently prove the general accuracy of the speeches, given by Chandler, on that occasion.⁹

observed,

observed, that the three great points on which he should rest the defence of the convention were, first, honour; second, satisfaction; and third, security. He then undertook to prove, that the honour of the nation was preserved, that satisfaction had been given for past injuries, and security obtained against future grievances.

"As to the first position, which regards the honour of the nation; I observe," he said, "that gentlemen, in discussing our differences with Spain, are impressed with a notion, that the honour of the nation has been sacrificed. This is a topic on which some gentlemen have fondly expatiated. I am no less jealous of the national honour than any other gentleman; but true honour is founded on justice and humanity, and not on ambition, false glory, or interest, and I am convinced that this treaty is founded on the former, and not on the latter.

"The differences with Spain arose from disputes on matters of right, or from depredations committed by Spanish subjects. The matter of right being incontestible, and the depredations great and frequent, had interest, ambition, or false glory been the objects, the king had sufficient pretence to declare war without having recourse to amicable means. But as these were not his objects, he considered the peace and happiness of his people, as the solid foundation of his glory. He made repeated, but ineffectual applications to Spain, to adjust the differences in an amicable manner. At length, supported by the resolutions of both houses during the last sessions, he made a peremptory demand, and insisted, that unless a speedy and categorical answer was given, recourse must be had to those extremities which he so much wished to avoid. This declaration, and the preparations which accompanied it, had a due effect. The king of Spain agreed to enter upon an immediate discussion of the rights in dispute, and to make every just compensation. Hence the king, concluding that there was a probability of accommodating differences, could not, on the principles of justice and humanity, commence hostilities, or refuse to accept a preliminary convention, by which satisfaction was to be obtained for past, and security against future injuries.

"Honour may be satisfied by submission, as well as by vindictive justice; and public honour differs essentially from private honour. The honour of the nation can be injured but by some public or national act. When therefore any injury is done, or an affront given by the subjects of one state to those of another, the state, whose subjects have suffered injury, ought to apply to the other for satisfaction, and ought not to consider its honour as affected, till the state, whose subjects committed the insult, has made the act its own, by refusing to punish the transgressors, or to make reparation for

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damages. Let us apply this reasoning to the present subject. The Spanish depredations have been committed by private subjects; application has been made for reparation: The crown promises reparation.

"This method of agreeing to the convention, and suspending hostilities, until it could be seen what effect it would produce, is not only consonant to honour and justice, but agreeable to the advice given by both houses of parliament. The addressees exhorted the king to use his endeavours to obtain effectual relief for his injured subjects, and promised, if his instances should prove ineffectual, to support him in taking such measures, as honour and justice required. It appears, from the articles of this convention, that the king has obtained such satisfaction and such security as could reasonably be expected.

"With regard to satisfaction for past injuries, the mode of reparation is not only finally adjusted, but the payment of a specific sum is actually promised within a very short time after the exchange of the ratifications. There being mutual demands for damages sustained, it seemed necessary to settle and balance the account: It then appeared, that our demands upon Spain

amounted to	-	-	-	-	-	-	£. 200,000
Those of Spain upon us to	-	-	-	-	-	-	£. 60,000
Which made a balance of	-	-	-	-	-	-	£. 140,000

This the king of Spain proposed to pay by assignments upon his revenues in America. But as we knew the tediousness and precariousness of that fund, it was proposed to make an allowance for prompt payment, on the condition of paying the money in a short time at London; the allowance agreed on was £. 45,000, which reduced the sum due us to £. 95,000, and this sum his Catholic majesty has expressly promised, by this convention, to pay at London, in four months after the exchange of the ratifications. From hence it appears, that we have not only got all the reparation any reasonable man could expect, but all the reparation we could insist on, with any pretence of justice.

"The next great object under consideration is our future security. Now it is plain, that security depends on those matters of right which are now in dispute, and therefore cannot be effectually provided for, until those rights are fully ascertained. But as this is a discussion which depends not only on several disputable points in the law of nations, but also on the nature and tenour of various treaties, and on many facts and local circumstances, which can only be ascertained in the West Indies, it was impossible to settle the business in a few weeks, or by a preliminary convention. For this reason, this discussion is referred to plenipotentiaries, who are to meet within

six weeks after the exchange of the ratifications, and must finally settle the points referred to them within the short term of eight months, which is all that we could expect, and as much as we could, with justice or reason, desire.

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“ On this account the treaty must be considered as a good preliminary, and such as ought to have been accepted in preference to a war, even had there not been one word in the treaty, which could tend to a presumption that Spain had relinquished any of the rights which were the objects of dispute. But this is not the case. The principal right exercised by Spain, is that of searching British ships in the open seas, and seizing them, if Spanish money or merchandise are found on board. But this right Spain has renounced in the present preliminary, if not by the letter, at least by the spirit of the treaty. This right is not *claimed* by Spain, but *exercised* only. How then could it be remedied but by consent, either by a reparation, or by an explanatory treaty. The reparation is actually made, and the treaty is to follow, which is to prevent future aggressions.

“ The preamble of the convention recites all the grievances complained of, and specifies *visiting, searching, and taking of vessels, and seizing effects*. It acknowledges them to be of such a nature, *that without future care, they might occasion an open rupture between the two crowns*. Here then Spain avows, that the searching of ships is a cause of complaint, and she allows it to be a grievance which ought to be remedied. But can the exercise of a *just right* be deemed a cause of complaint? Can it be allowed to be a grievance? And is it not a reasonable conclusion that Spain, having by the preamble disclaimed her right, indicates a resolution to disclaim it also in the definitive treaty.

“ But the court of Madrid has not only acknowledged the searching of ships on the open seas, and confiscating them for having Spanish money and effects on board, to be a grievance which ought to be remedied, but they have in some measure owned it to be wrong. They have allowed it to be an injury, by giving a reparation for all such captures as are proved to have been illegal. Therefore the plenipotentiaries are not to settle the right, not to determine whether it be a grievance or not, for that is allowed; they are to settle, by a definitive treaty, the means to prevent new abuses, and remove the causes of future complaints. But in this their powers are circumscribed. For the regulations which they are to accede to, must be conformable to the existing treaties. This must be settled within a limited time, and must be ratified by the king; so that should the plenipotentiaries adjust the business in such a manner

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manner as not to satisfy the country, they may still be not ratified, and we may then have the choice of war or peace.

“ The chief question, therefore, now seems to be, whether we ought to go to war, rather than grant a delay of eight months, for giving full satisfaction and absolute security, and I do not think that any man who considers the present situation of Europe, or the present circumstances of this nation, would be for involving the country in a dangerous and expensive war, rather than grant such a delay.

“ In considering this question, I trust that gentlemen will not pretend to decide from general declamations on peace and war, but reflect that the true state of the question rests on the specific circumstances of the present moment, and the dangers of war, as it concerns the present times, conditions, and trade. War, in all situations, even with the fairest prospect of success, is always dangerous and destructive to a trading nation; it is much more dangerous when the event is doubtful.

“ It follows from these premises, that if the situation of Europe was favourable to us, and if our circumstances were also advantageous, we ought not wantonly to engage in war. How much more ought this evil to be avoided, when the state of Europe wears a most unfavourable aspect, and our internal situation is unpromising.

“ France is powerful, and governed by wise counsels, tranquil at home, and respected abroad. Their sovereign is bound by interest, as well as by the ties of blood, to assist the king of Spain, if he is attacked, and in all probability, a treaty of alliance is now forming, and perhaps concluded, between the two crowns. If we declare war against Spain, we must therefore expect that France will take part with Spain against us; and though I have to good opinion of my country, as to think we are more than a match for the one, and at least an equal match for the other, yet I cannot be so vain as to imagine we are an equal match for both; and consequently, I must think we have reason to be afraid of sinking under the burthen, unless we can obtain assistance from some of the other great powers.”

He then took a view of the state of Europe, which he described as so situated, that England was without a single ally, who was either willing or capable of affording assistance. The Emperor involved in the misfortunes of the Turkish war, and under the direction of France; the Dutch weak, wavering, and loaded with debts; Sweden wholly governed by France; Denmark and Russia at too great a distance, even if inclined, to act in our favour; the king of Naples disposed to take part with the other branches of the house of

Bourbon,

Bourbon, and the king of Sardinia incapable of coming forward singly to our assistance.

"This being the state of Europe," he continued, "would it not be the height of folly and madness to engage in hostilities, if we can with honour and security avoid or delay them?"

"Our domestic situation is no less unfavourable: we are loaded with burthens which are almost too heavy to bear; the public revenue is scarcely sufficient to supply the expences of our civil establishment in time of peace: if we enter into war, new taxes must be imposed; the animosities and divisions which prevail too much amongst us, will be increased; that party which has been hitherto suppressed by our vigour and unanimity, will again rear its head; our enemies will avail themselves of the war, to favour the cause of the Pretender, and as new burthens are unavoidably laid on the public, these misfortunes will be ascribed to the illustrious family on the throne. France and Spain may pour in their troops upon our coasts, which our fleet cannot always prevent; we shall be thrown into confusion at home, and have neither leisure or power to distress our enemies, or protect our colonies.

"I feel as much as others for the sufferings of our merchants, for the indignities which have been inflicted on the nation, by the Spanish guarda costas; but national resolutions ought not to be directed by passion. We ought to shew proper resentment, but our resentment ought to be governed by prudence, and if it is, we shall suspend it, until Europe presents a more favourable aspect. I am therefore of opinion, that if the convention had been less favourable, it ought, in the present juncture, to have been accepted. But I trust I have shewn that we have acquired as much as we could expect from a preliminary treaty, and have every reason to hope, that in the space of eight months we shall obtain, by a definitive treaty, all we can desire."

He then moved an address, "to return thanks for the communication of the convention; for bringing the demands of his subjects to a final determination, and for procuring a speedy payment for the losses sustained by the merchants; declaring their satisfaction in the foundation laid for preventing and removing similar abuses in future, and for preserving peace; to express a reliance on the king, that effectual care would be taken for securing and establishing the freedom of navigation in the American seas; that the British subjects may enjoy, unmolested, their undoubted right of navigating and trading to and from any part of his majesty's dominions, without being liable to be stopped, visited, or searched in the open seas, or being subject to any other violation of the treaties subsisting; and that in settling the limits of

Moves an
address.

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of his dominions in America, the greatest regard would be had to the rights and possessions belonging to the crown and subject; and to assure the king, that in case his just expectations should not be answered, the house would support him in taking such measures, as might be most conducive to vindicate the honour and dignity of his crown, and the rights of his people."

The address was calculated to obviate the strong objections which were made to the convention, arising from its not being a definitive treaty, not sufficiently explicit, and leaving the point to be decided by future discussion.

The opposition strenuously supported the objections, and in reply to the arguments of Horace Walpole, expatiated on the injured honour of the nation, and the pusillanimity of the minister. They deplored the British trade ruined, the British sailors imprisoned and tortured, and the British flag insulted. They exhausted every topic which was calculated to inflame the public mind, and appealed forcibly to the passions and feelings.

Of Sir T.
Saunderson.

The story of Jenkins's ears was not omitted. "Even the Spanish pirate," exclaimed Sir Thomas Saunderson, who spoke first in reply to Horace Walpole, "who cut off captain Jenkins's ear, making use at the same time of the most insulting expression towards the person of our king, an expression which no British subject can decently repeat, an expression which no man that has a regard for his sovereign can ever forgive: Even this fellow, I say, is suffered to live to enjoy the fruits of his rapine, and remain a living testimony of the cowardly tameness and mean submission of Great Britain, and of the triumphant pride and stubborn haughtiness of Spain *."

Of lord Gage.

In contradiction to the statement of Horace Walpole, lord Gage observed, "The losses sustained by the Spanish depredations, amounted to three hundred and forty thousand pounds. The commissary, by a stroke of his pen, reduced this demand to two hundred thousand pounds; then forty-five thousand were struck off for prompt payment. He then allotted sixty thousand pounds as the remaining part of a debt pretended to be due to Spain, for the destruction of her fleet by Sir George Byng, though it appeared, by the instructions on the table, that Spain had been already amply satisfied on that head. These deductions reduced the balance to ninety-five thousand pounds; but the king of Spain insisted upon the South Sea company's paying immediately the sum of sixty-eight thousand pounds, as a debt due to him on one head of accounts, though, in other articles, his

* Chandler, vol. 11. p. 15.

Catholic majesty was indebted to the company a million over and above this demand. The remainder to be paid by Spain, did not exceed seven and twenty thousand pounds, from which she insisted upon deducting whatever she might have given in satisfaction for any of the British ships that had been taken; and on being allowed the value of the St. Theresa, a Spanish ship which had been seized in the port of Dublin *."

Chapter, 52.

1738 to 1739

Pitt, who spoke most ably on this occasion, objected to the question, as of too complicated † a nature to be submitted at once to the approbation of the committee. "The address, he said, was proposed for no other end than to extort an approbation of the convention. He observed, that the house was proceeding upon an artificial ministerial question, covering and taking sanctuary in the royal name, instead of meeting openly, and standing fairly, the direct judgment and sentence of parliament upon the several articles. "Is this," he exclaimed, "any longer a nation? or where is an English parliament, if with more ships in our harbours than in all the navies of Europe, with more than two millions of people in the American colonies, we will bear to hear of the expediency of receiving from Spain, an insecure, unsatisfactory, dishonourable convention, which carries downright subjection in every line."

Of Pitt.

He said, that the great national objection, the searching of ships, stood in the preamble of the convention, as the reproach of the whole, as the strongest evidence of the fatal submission which followed. On the part of Spain, an usurpation, an inhuman tyranny, claimed and exercised over the American seas; on the part of England, an undoubted right by treaties, and from God and nature, declared and asserted in the resolution of parliament, was now referred to the discussion of plenipotentiaries, on one and the same equal foot. This undoubted right was to be discussed and regulated, and if to regulate, be to prescribe rules (as in all construction it is) this right is, by the express words of the convention, to be given up and sacrificed; for it must cease to be any thing from the moment it is submitted to limits. He concluded in the most energetic language; "This convention, Sir, I think, from my soul, is nothing but a stipulation for national ignominy; an illusory expedient to baffle the resentment of the nation; a truce without a suspension of hostilities on the part of Spain; on the part of England, a suspension. As to Georgia, of the first law of nature, self-preservation and self-defence; a surrender of the rights and trade

* Smollett, vol. 3. p. 20. Chandler.

† Memorandums of Sir Robert Walpole.

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of England to the mercy of plenipotentiaries, and in this infinitely highest and sacred point, future security, not only inadequate, but directly repugnant to the resolutions of parliament, and the gracious promise of the throne. The complaints of your despairing merchants, the voice of England has condemned it; be the guilt of it upon the head of the adviser; God forbid that this committee should share the guilt by approving it *."

Of Lyttleton.

It was observed by Lyttleton, "The grievances of England admit but of one remedy, a very short and simple one; that our ships shall not be searched on any pretence. This alone can go to the root of our grievances, all less than this is trifling, hurtful, and fatal to commerce.

"Had we proceeded conformably to the intentions of parliament, we should either have acted with vigour, or have obtained a real security, in an express acknowledgment of our right not to be searched, as a preliminary *sine quâ non* to our treating at all. This we ought to have insisted on in the words of La Quadra's protest (which is the preliminary *sine quâ non* of that crown) we ought to have insisted on in those very words, "as the precise and essential means to overcome the so much debated disputes, and that on the validity and force of this express acknowledgment, the signing the convention may be proceeded on, and in no other manner." Instead of this, what have we done? We have referred it to plenipotentiaries. Is not this weakening our right? Would you, Sir, submit to a reference, whether you may travel unmolested from your house in town to your house in the country? Your right is clear and undeniable, why would you have it discussed? But much less would you refer it, if two of your judges belonged to a gang, which has often stopped and robbed you in your way thither before.

"But what is this wretched reprieve that we have begged for eight months? Will that do us any good? Will that be worth our acceptance? Do we really flatter ourselves that we are now at peace? Peace is a secure and unmolested enjoyment of our rights. But peace, at the expence of rights, of essential rights, peace exposed to insults, peace exposed to injuries, is the most abject, is the most deplorable, is the most calamitous circumstance of human affairs. It is the worst effect that could be produced by the most ruinous war. With scorn let us reject it, that to all we have suffered before, to all the accumulated insults ever heaped upon a nation, a worse dishonour may not be added, and that dishonour fall upon the parliament. And therefore I give my most hearty negative to this question †."

Of Walpole.

The minister spoke last in this important debate. His principal efforts

* Chandler.

† Ibid.

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1738 to 1739.

were directed to remove the objection of its not being a definitive treaty. He readily allowed that it was not, but contended that it laid the foundation for one. He again adverted to the share which he had in laying this foundation, and declared it to be his greatest boast at present, and would be his greatest honour in succeeding times, to be mentioned as the minister who had endeavoured by this convention to prevent the necessity of making war upon a nation with whom it was our greatest interest to be at peace, at a time when the doubtful situation of Europe left us little hopes of assistance, and gave well-founded apprehensions of being attacked by other powers. He declared that a war with Spain, after the concessions already made, was unjust, impolitic, and dishonourable; that England being a trading nation, the prosperity of that trade ought to be the principal object in view. "Admitting, however," he said, "that the convention has not effectually answered the expectations of the house, should it not be considered whether the declaration of war would benefit trade, what prospect of success could be reasonably entertained, and particularly whether even a successful war with Spain, might not involve us in a very doubtful and expensive war with other powers? These considerations seem never once to have occupied the thoughts of those who are adverse to the question. It is laid down as a maxim, that we ought immediately to enter into a war, and yet nothing is allowed for the uncertainty of the event, for the interruption of commerce, and the prodigious expence with which it would be attended. But should we even lay aside these considerations, are we to have no regard to common justice, to those treaties, the observance of which has been so justly contended for? These treaties prohibit all trade with the Spanish West Indies, excepting that carried on by the annual *asiento* ship. In contradiction then to these express stipulations, are our ships never to be searched, and is the trade to the Spanish West Indies open to every interloper? For what difference is there between throwing that trade open, and having a liberty not only of approaching their coasts, but even of hovering on them as long as we please, without being stopped or searched? These are the unjust concessions which the advocates of a war require. The convention, on the contrary, stipulates that the treaties subsisting between the two crowns, should be the rule for settling disputes relating to trade. We are, therefore, in no danger of suffering from the convention, because it is admitted that all we ought in reason to claim, is the observance of those treaties." He hoped, therefore, that the address would pass.

The address was carried by a majority of only 28; 260 against 232

Address carried

* Chandler.

4 H 2

On

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March 9.
Motion for
re-commit-
ment.

On the ensuing day, the report of the resolution in the committee to address the king, being read, the re-commitment was warmly urged. Pulteney, who had reserved himself for this day, opened the debate, and was seconded by Sir William Wyndham. Their speeches were full of declamation and invective, and contained no new arguments. The minister replied in a long and elaborate speech, in which he defended the convention, and explained the treaties of 1667 and 1670. He shewed that the demand of not leaving British ships was a new demand, and therefore it could not be expected that Spain should renounce a right which they had hitherto exercised, without due examination. He observed, that the business was of so intricate, as well as delicate a nature, that it could not be settled at once, and in a moment, and therefore in reason, justice, and prudence, was properly left to the discussion of the plenipotentiaries. After a few other speeches of little consequence, the motion for a re-commitment was negatived by 244 against 214*.

CHAPTER THE FIFTY-THIRD:

1739.

Secession of the Minority.—Consequences.—Beneficial Acts of Parliament.—Danish Subsidy.—Opposition and Anecdotes of John Duke of Argyle.—Vote of Credit.—Termination of the Spanish Negotiation.—Declaration of War.—Conduct of England:—And of Sir Robert Walpole.—Divisions in the Cabinet.

Secession of
the minority.

THE last effort to prevent the address on the convention having proved ineffectual, great part of the minority carried into execution, a design which they had previously concerted. It was no less than to absent themselves, or, as it was called, to *secede* from parliament.

Speech of
Sir William
Wyndham.

Accordingly, Sir William Wyndham, to whose advice, at the instigation of Bolingbroke, this measure has been usually attributed, said, "I have seen,

* Journals.

with

with the utmost concern, this shameful, this fatal measure, approved of by a majority of but 28, and I now rise to pay my last duty to my country, as a member of this house.

Chapter 53

1739.

"I was in hopes that the many unanswerable arguments urged in the debate against the convention, might have prevailed upon gentlemen to have for once listened to the dictates of reason; for once to have distinguished themselves from being a faction against the liberties and properties of their fellow subjects. I was the more in hopes of this, since in all the companies I have been in from the time this convention has been spoken of, I have not found one single person without doors pretend to justify it. Is it not strange, that the eloquence of one man should have so great an effect within these walls, and the unanimous voice of a brave suffering people without, should have so little? I am surprised that I should be so blind as not to discern one argument that has the least appearance of reason, among all that has been offered, for our agreeing to this address. This must proceed either from the majority of this house being determined by arguments that we have not heard, or from my wanting common sense to comprehend the force of those we have heard. In the first case, I think I cannot, with honour, sit in an assembly which is determined by motives which I am not at liberty to mention; and if the last is the case, I look upon myself as a very unfit person to serve as a senator. I here, Sir, bid a final adieu to this house. Perhaps when another parliament shall succeed, I may be again at liberty to serve my country in the same capacity. I therefore appeal, Sir, to a future, free, uninfluenced house of commons. Let it be the judge of my conduct, and that of my friends, on this occasion. Mean time, I shall conclude with doing that duty to my country I am still at liberty to perform, which is to pray for its preservation:

"May, therefore, that Power which has so often, and so visibly interposed in behalf of the rights and liberties of this nation, continue its care over us at this worst and most dangerous juncture, whilst the insolence of enemies without, and the influence of corruption within, threaten the ruin of her constitution."

The animated tone of voice, and impassioned gesture which accompanied this effusion, were as dignified and striking, as the expressions were petulant and offensive. The insult offered to the house in calling the majority a faction, raised the indignation of Pelham, and he was in the act of rising to move for commitment to the Tower, when the minister, conscious that such a measure would create a dangerous ferment in the country, prevented him.

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1737 to 1742.

Walpole's
reply.

him by rising himself, and with an animation and spirit equal to that which had distinguished Sir William Wyndham, said,

"Sir, the measures which the gentleman who spoke last, and his friends may pursue, give me no uneasiness. The friends of the nation, and the house, are obliged to them for pulling off the mask, by making this public declaration. We can be upon our guard against open rebellion, but 'tis difficult to guard against secret traitors. The faction I speak of, never sat in this house, they never joined in any public measure of the government, but with a view to distress it, and serve a popish interest. The gentleman who is now the mouth of this faction, was looked upon as the head of those traitors, who, twenty-five years ago, conspired the destruction of their country, and of the royal family, to set a popish pretender upon the throne. He was seized by the vigilance of government, and pardoned by its clemency; but all the use he ungratefully made of that clemency, has been to qualify himself according to *law*, that he and his party may, some time or other, have an opportunity to overthrow all *law*.

"I am only afraid that they will not be so good as their word, and that they will return; for I remember that, in the case of their favourite prelate*, who was impeached of treason, the same gentleman and his faction made the same resolution. They then went off like traitors as they were; but their retreat had not the detestable effect they expected and wished, and therefore they returned. Ever since, Sir, they have persevered in the same treasonable intention of serving that interest, by distressing the government. But I hope their behaviour will unite all true friends of the present happy establishment of the crown in his majesty's person and family more firmly than ever; and that the gentlemen who, with good intentions, have been deluded into the like measures, will awaken from their delusion, since the trumpet of rebellion is now audaciously sounded †."

The consequence of this measure was, to the seceders disappointment, and speedy repentance, to the minister satisfaction and triumph. In fact, they had scarcely declared their resolution, before they saw and appreciated the impropriety and ill policy of the measure. They even flattered themselves with the hopes of being called back to their posts. Several of the minority, among whom were Sir John Barnard and lord Cornbury, refused to desert their parliamentary stations; and the applause which they received from their constituents, as well as from all moderate persons, was a tacit reflection on the conduct of the others. In fact, the seceders seemed not un-

* Atterbury.

† Gentleman's Magazine 1739.

willing to retrieve their error as soon they had committed it, by availing themselves of the call of the house, which stood for the ensuing Monday, and to have come down in a body for the purpose of enforcing some violent motion *. But the minister suspecting this design, prevented the execution of it, by obtaining an adjournment of the house till Tuesday †. They now experienced the ill policy of their conduct : The nation was not inflamed by their absence. It required no great depth of understanding to comprehend these simple questions : If it be admitted that the constitution was in danger, why did they quit their station ? If the majority of the commons was a faction, influenced or corrupted by the minister, why did they make that faction stronger by retiring from the house, and leaving the minister in possession of means to extend his corruption with greater facility ?

It was a great cause of satisfaction and triumph to the minister, who declared that no event during his whole administration, had ever relieved him from more embarrassments, or supplied him with greater means of serving the real interests of this country. He observed, that while he was continually baited by opposition, he could not introduce a single bill, of the most beneficial tendency, which would not meet with resistance, or expose him to obloquy. But as the principal leaders of the minority had retired from parliament, he had an opportunity to propose several, which tended to promote the commerce and manufactures of the country.

In conformity with this plan, he encouraged and invited every scheme which seemed calculated for the advantage of the internal and colonial trade. The manufactures of cloth were increased by the bill, which laid additional duties on the exportation of wool, and facilitated its importation from Ireland. The trade of the British colonies in the West Indies, was highly improved by an act permitting the introduction of sugar into foreign parts in English bottoms, without first landing them in Great Britain, and by rendering more effectual the duties on foreign sugar and molasses.

A bill also, of considerable public advantage, passed this session, for enlarging the powers of the commissioners of Westminster Bridge, and for enabling them to execute the whole structure in stone instead of wood ‡.

During the secession, the minister was embarrassed with a motion for the repeal of the test act. The dissenters took this opportunity to renew their

Attempt to
repeal the test
act.

* John Selwyn to Thomas Townshend.
Sidney Papers.

† Journals.

‡ Journals. Chandler.

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petition, from a persuasion, that the absence of the Tories would deliver them from so many certain opponents. The Tories themselves, when appealed to by the minister's friends, expressed a malignant satisfaction at his distress. They wished to see in what manner he would conduct himself in so delicate a situation, and seemed not unwilling that it should pass the house of commons, conscious that it would be thrown out by the lords.

The hopes of the dissenters, and the malice of the Tories, were equally baffled by the event. Many of the Whigs, who usually gave their votes in favour of the repeal, yet detested the principles on which the Tories acted, and considering the motion as improperly introduced, with a view to perplex government, voted against the motion, and, notwithstanding the absence of the Tories, it was negatived by a larger majority than had ever appeared on that occasion, 188 against 89*.

It was probably at this period, that the minister, vexed at the dissenters, and conscious that he should, by submitting to the repeal, incur the displeasure of the numerous friends to the established church who supported his measures, by his imprudent frankness disoblige the whole body. A deputation of dissenters waited upon him, and Dr. Chandler, their principal, requested him to take into consideration, his repeated assurances of good will to their cause, and hoped that he would assist in obtaining the repeal of the test act. He made them the usual answer, that whatever were his private inclinations, the attempt was improper, and the time was not yet arrived. "You have so repeatedly returned this answer," replied, Dr. Chandler, "That I trust you will give me leave to ask you when the time will come?" "If you require a specific answer," said the minister, "I will give it you in a word—Never†."

Danish subsidy.

Fortunately for the minister, the absence of the seceding members delivered him from much of that embarrassment which he must have experienced had they remained in the house during the discussion of the Danish subsidy, which was, nevertheless, a subject of considerable obloquy and misrepresentation. The king, as elector of Hanover, had purchased the castle and lordship of Steinhorst from the duke of Holstein; but the title being disputed by a subject of Denmark, the king of Denmark ordered a corps of troops to garrison the castle. When a detachment of Hanoverians arrived to take possession, a skirmish ensued, and the Danes were driven from the place. This event inflamed the resentment of the king of Denmark, who made

* Mr. Selwyn to the Hon. T. Townshend.
Correspondence.

† From authentic information, communi-

cated by a person who had it from Dr. Chandler.

preparations as if he intended to revenge the insult, but the affair was soon after compromised: A treaty was concluded with the king of Denmark, who agreed to hold in readiness 6,000 troops for the service of England, on receiving an annual subsidy of 250,000 rix dollars, and 150,000 more when they should be taken into British pay*. As this treaty was concluded soon after the dispute concerning Steinhorst, and as the castle and lordship were at the same time ceded by Denmark to Hanover, the opposition naturally coupled these two events together, and when the treaty was announced to the house of commons, suggested that the compromise had been made at the expence of this country, that Steinhorst was acquired by British money: their statement has been adopted as true, and consigned to the pages of history†. This aspersions, however, is contradicted by the secret history of this treaty, which the minister at the time could not avow, and therefore only grounded his defence on the common topic of expediency.

May 5.

At the period now under consideration, a war between England and Spain was unavoidable; and France, foreseeing the probability of being drawn into hostilities, was secretly endeavouring to form alliances with several foreign powers, and to detach others from Great Britain. For this purpose she had secured Sweden, but failing in the attempt to gain Russia, turned her views to Denmark. The situation and circumstances of the sovereign, Christian the Sixth, gave hopes of success. He had involved himself in great expences from his love of building, and various projects, and was at this time encumbered with debts. Chavigni, the French minister at Copenhagen, offered the most advantageous terms if the king would engage in an alliance with France, and as the affair of Steinhorst had recently happened, endeavoured to inflame him against George the Second, and proposed a triple alliance with France and Sweden, by which Russia would be awed, England would have much difficulty in procuring naval stores from the Baltic, and the electorate of Hanover would be exposed to the united arms of the allied powers. To gain Christian, the French offered a subsidy of 400,000 rix dollars, for six, eight or ten years, required no troops, but promised a powerful succour to Denmark if attacked, and demanded no assistance in return if France was invaded. The king of Denmark frankly communicated these proposals to Titley, the English minister at Copenhagen‡; observed, that burthened as he was with debts, he required a subsidy; declared that he preferred the alliance of England, and that he would accept a smaller subsidy, and agree to less advantageous terms from England than were offered by France. The treaty

* Tindal, vol. 20. p. 414.

† Smollett, vol. 3. p. 13. Bellamy, vol. 1. p. 382.

‡ Extract of Titley's Letters to lord Harrington. Walpole Papers.

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was accordingly arranged, and concluded; the insidious designs of France and Sweden were disconcerted, and the peace of the north secured.

If any proofs were wanting to shew that the opposition to the minister was in most cases merely personal, and that every measure, however innocent or indifferant, was supposed to be dictated by him, and promoted for some private view, an incident which passed in the house of lords will leave no doubt on the subject. When the bill for allowing the king to settle an annuity of £. 45,000 a year on his younger children, was brought from the commons to the lords, it was observed, in the course of the debate, that the children of the prince of Wales were not only unprovided but *unprayed* for. This observation alluded to the form of prayer for the royal family, issued by the privy council upon the marriage of the prince of Wales, when the name of the duke of Cumberland stood next to those of the prince and princess, and had not yet been altered. This suggestion was levelled against the minister, as if he had interfered for the purpose of insulting the prince. On this occasion the earl of Wilmington, who seldom spoke in any debate, broke his usual silence, informed the house, that he himself had counselled the king to order the form of prayer as it then stood, and declared that the minister was totally unacquainted with the arrangement. This frank and generous declaration had the desired effect. At the moment it was known that the minister had no concern in the business, the petulance of opposition ceased, and the bill passed without farther impediment *.

At this period the house of lords was no less the theatre of contention than the house of commons; and the number of speakers on the side of opposition great and formidable. The principal speakers on the side of government were, Newcastle, Hardwicke, Hervey, Cholmondeley, Ilay, and Devonshire. Those on the contrary side were, Carteret, Chesterfield, Bathurst, Westmoreland, Bedford, Sandwich, Halifax, Talbot, and Gower.

Opposition
and anecdotes
of John duke
of Argyle.

To this chosen band, was recently added John duke of Argyle and Greenwich, whose principles and motives will be best understood from an account of his previous life and conduct. He was born in 1678, and gave early indications of talents and capacity, which, however, were rather brilliant than solid, and he attained as great a proficiency in classical learning as a desultory application would permit. He discovered an early propensity to a military life, and being permitted to embrace the profession of arms, was promoted by king William to the command of a regiment of foot, before he had attained the age of nineteen.

* Tindal, vol. 20. p. 412.

In 1703 he succeeded his father in his titles and estates, and to the consequence of first feudal lord in the Highlands of Scotland. He was appointed member of the privy council, captain of the Scotch horse guards, knight of the thistle, and one of the extraordinary lords of session. In 1705, he was nominated lord high commissioner to the parliament of Scotland; opened the parliament by a speech, and by his influence had a great share in promoting the union, though he declined being one of the commissioners. On his return to England, his services were so highly approved that he was created an English peer, by the title of baron of Chatham and earl of Greenwich. In 1706, 1708, and 1709, he made campaigns under the duke of Marlborough, and highly distinguished himself on various occasions, particularly at the battles of Ramillies, Oudenarde, and Malplaquet, at the sieges of Ostend and Ghent, and at the assaults of Menin and Tournay. During these campaigns he gave instances of his high spirit and proneness to take offence, by an opposition to the duke of Marlborough, with whom he is said to have been at continued variance. His disgust was carried to so great a height, that in 1710, when it was moved in the house of peers that thanks should be given to the duke of Marlborough, the duke of Argyle made some petulant objections to the motion.

His conduct endeared him to Harley and the Tories, who then paid great court to a nobleman of his high rank, parliamentary abilities, and military talents, and he was accordingly, in 1710, invested with the garter. He now quitted the Whigs, whom he had hitherto supported, spoke and voted with the Tories, and joined in the censure that was passed on the late administration.

In consequence of these exertions, he was appointed ambassador extraordinary and plenipotentiary to Charles the Third, king of Spain, and commander in chief of the British forces in that country. During his continuance in that high station, he performed no exploits of consequence, which he imputed to the ministry, who were employed in negotiating the peace of Utrecht. He loudly complained of their neglect, and was so much offended, that although on his return to England he was constituted commander in chief of all the land forces in Scotland, he soon became a violent opponent of Oxford's administration, and resisted the extension of the malt tax to Scotland. He supported the motion, made by the earl of Seafield, to dissolve the union, which he had so great share in forming, warmly spoke in favour of the proposition, that the protestant succession was in danger, and bitterly censured the peace of Utrecht. In consequence of this opposition he was removed from all his employments.

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1787 to 1742.

On the illness of the queen, which terminated in her death, he repaired, with the duke of Somerset, to the council chamber, insisted that the physicians should be examined, and by his conduct on this occasion, rendered an essential service to the house of Hanover.

On the accession of George the First, his services were not overlooked: He was appointed one of the lords justices till the arrival of the king, restored to his employment of commander in chief of the British forces in Scotland, was a member of the privy council, and made governor of Minorca, and colonel of the royal regiment of horse guards. He was, at this time, in high favour at court, was selected as one of the commissioners for establishing the household of the prince and princess of Wales, and made groom of the stole to the prince.

As commander in chief of the forces in Scotland, he was in 1715 sent to quell the rebellion, and partially defeated the rebels with a much superior force at the battle of Dunblain. His conduct, however, as well as his military operations on subsequent occasions, were exposed to much censure. Though he was a man of high spirit and undaunted courage, and always exposed his person more than became the general in chief, yet he was before the engagement irresolute and diffident of his talents. He did not know how to seize the decisive moment of action.

When he broke the enemy's left wing, he was hurried on by his ardour to pursue them too far, and on his return to the field of battle found that his own troops had suffered extremely, and that had the enemy taken advantage of their success, the king's army might have been entirely routed. In fact his conduct was rallied by the country people, who said that the general was a much better christian than a commander in chief, for he did not let his left hand know what his right hand did *.

He was accused of dilatory measures, and, in his turn, arraigned the ministry for neglect and inconsistency. The letters which passed between him and lord Townshend, are filled with complaints, apologies, and recriminations; and he returned from Scotland as much dissatisfied with the king and ministers as they were dissatisfied with him †.

His situation in the household of the prince of Wales, gave sufficient opportunity to ingratiate himself with the heir apparent. His graceful manners, his dignified demeanour, his splendid talents, his animated conversation, soon captivated the prince, and excited the jealousy of George the First. On

* Answer to the Speech of the Duke of Argyle, p. 38.

† Correspondence between Lord Town-

shend and the Duke of Argyll. Townshend Papers.