

England's Glory, &c. or a Proposal made by Captain George St Lo, for the raising twenty thousand Seamen, qualified, as here under-mentioned, for the Service of their Majesties and the Kingdom, in Manning the Royal Navy on any Occasion, (without Impresssing) in a Month's Time after settling the Office; hereby humbly proposed for that Purpose.

The qualification of each seaman is, that he shall understand the mechanic part of a sailor, which is to reef and furl, and take his trick at helm, and be a man at all calls, properly called a *haulboiling*; so that half a ship's complement of such men before the mast will be sufficient to well man any ship; for masters-mates, midship-men, quarter-masters, quarter-günners, and other small officers, will go voluntarily with their respective commanders; and several others (may be supposed) for preferment, which will not be of this number. And therefore the said twenty thousand able seamen (with the help of the warrant officers, volunteers, officers servants, small officers, and water-men's apprentices, who are sent by their hall, together with the sail-makers, armourers, carpenters crew, and chirurgions crew,) will be sufficient to man their majesties whole fleet.

This method of bringing in seamen without impresssing, will be of vast advantage to the king and kingdom.

1. In saving the great charge of conduct money and bounty money.

2. In saving the charge of hiring smacks, ketches, and other vessels, for impresssing of seamen, which stand the king in 30*l.* a month each vessel, one with another, or thereabouts; and of these each first and second rate ship hath three or four, and a third and fourth rate ship hath one or two; besides the captains of each ship according to the rate and bigness, have imprest money, some 100*l.* some 50*l.* some 20*l.* besides bringing in their bills of charges and disbursements, which have sometimes amounted to two or three hundred pounds a ship to my knowledge, all which, by the method hereafter mentioned, may be saved to the crown and kingdom, which, in conduct, bounty, and imprest money, with the hiring of vessels as aforesaid, cannot be reckoned to amount to less than 60,000*l.* *per annum.*

By this method, the king being assured of having men ready to man his fleet on any occasion, in a month's time, will save the vast charges of keeping the great ships in pay all the winter, and besides prevent the danger of ever being invaded by a foreign enemy (as was like to have been this year); for after the summer's expedition is over, and the fleet come in, it would be a great encouragement to the seamen to be paid off, and their tickets paid at the same time, which would give them credit at any time, prevent the great abuse of ticket-buying, and enable seamen to reap the benefit of their labour themselves, as now they do not; and though the king should give 20*l.* *per cent.* for money so to pay them, his majesty would save vastly by it: And upon issuing out his royal proclamation at any time, have men sufficient for his service again.

And here it may be objected (perhaps from a book lately set out by one Henry Maydman, a purser), that seamen are discouraged from their majesties service by the abuses of their commanders: To which it is answered, it is a sign that that purser hath sailed with honest captains that would not let him pinch the men, for the men never fare better than when a captain and purser disagree: I observe he carefully conceals his employ of purser, well knowing, that of all officers, such a one in this case is the least to be credited; for let commanders see that the pursers do not wrong the men, and let them be paid their majesties allowance, and the tickets at payment of the ship, or upon tender afterwards, they are very well encouraged, and care not for hard words from a captain, which break no bones.

But that which discourages seamen is, the want of their due pay, and the lying of

tickets several years without payment, unless sold to a ticket-buyer, which occasions the proverb among them of going to sea for a knife and sheath.

This would likewise prevent the impressing of land-men (altogether unqualified, which often breeds sickness in the fleet,) as also water-men that were never at sea, upon whom it is now very hard: For instance, a water-man is imprest out of his boat that has a wife and four or five children to maintain; in his absence his boat is unemployed and receives damage; his wife and children must become burthensome to the parish, or if she has credit, perhaps runs her husband in debt more than he can get up in a year or two.

Likewise when a ship comes home after a long voyage, the men are imprest, who perhaps have some of them ventures on board, which they are snatched from without having the liberty of going to their families, and disposing of what they have, or even to refresh themselves; in which case their ventures are lost, the men dissatisfied, and their families ruined: Also, many persons have been lost on the Thames and other places, in endeavouring to escape; as particularly ten or twelve persons lately in boats were drowned, shot, and died of their wounds, in making off from a ship that had prest them; and the sand-barges at Plymouth, when a press is thereabouts, lie wholly unemployed by the absconding of the men, which hinders the working of husband-men, for want of that sand to manure the ground; so that many teams of horses and yokes of oxen lie still on that account, to the great damage of the country.

This would also prevent the great abuses by persons pretending to be press-masters, who, to get money, often do very ill things; sometimes occasion murder, and generally such disorders as bring an odium upon their majesties fleet undeserved.

Besides, it is very hard upon lieutenants, who in pressing cannot but spend more than their pay, and sometimes are turned out for impressing those that have protections (which by this will be taken off:) So that no man, as the case now stands, would be a lieutenant, were it not for the prospect of being advanced to captain.

In the next place, it is hoped no man's private interest will be thought equivalent to balance against so great a public good and ease as this will be to the king and kingdom.

The reasons that have induced me to undertake this great work, are drawn from my dear-bought experience when prisoner in France, where I lay two years and two months under great hardships, and nineteen months of that time all alone in an uneasy and disconsolate condition.

When I was first brought prisoner thither, I lay four months in an hospital at Brest, for cure of my wounds, and was sent to Nantz before half cured. While I was at Brest, I was astonished at the expedition used in manning and fitting out their ships, which till then I thought could be done no where sooner than in England, where we have ten times the shipping, and consequently ten times more seamen, than they have in France; but there I saw twenty sail of ships of about sixty guns a piece, got ready in twenty days time; they were brought in and the men discharged, and upon an order from Paris, they were careened, keeled up, rigged, victualled, manned, and out again in the said time, with the greatest ease imaginable. I likewise saw a ship of 100 guns there had all her guns taken out in four or five hours time, which I never saw done in England in twenty-four hours, and this with greater ease and less hazard than here, which I saw under the hospital window; and this I am sure I could do as easy in England.

I likewise saw, on the other side of the river, an imitation of a ship with a tire of guns, where the men were often exercised and instructed in the practice and use of the great gun, as if they were at sea, which very much contributed to their skill; and if the same were done and practised near our sea-ports, it would be of great use in fit-

ing men for the sea service ; in which we need not be ashamed to learn of them, for they are ready enough to imitate us in any thing for their advantage.

The aforesaid ships being so soon out again, put me upon enquiry how the men were got so quickly, and I found that the seamen were all registered by the intendant marine, or commissary of each province near the sea, which puts that king to vast charge in paying great salaries to them, their provosts marine, arches, and other officers, for taking account of all maritime affairs, for a merchant ship cannot go to sea without leave from such intendant, who appoints what seamen they shall have, and so many land-men to be trained up in the French king's pay, as are thought necessary ; which method he hath used for these fourteen years past, in all probability, in hopes of an advantage over England.

These officers register not only seamen, but watermen, fishermen, and all other persons belonging to the sea, or trading in any river of France, as the Loire, Seyne, &c. who upon proclamation are always to be ready to serve on board the fleet, as they have been all this war, and upon failure (by his arbitrary power) hangs them up at their own door without trial or mercy.

So that, to the wonder of the world (though he has not above the tenth part of merchant shipping, as aforesaid, which is the nursery of seamen), he gets out his fleet ready to fight the English and Dutch, who are so much superior to him in naval strength, that it is very much admired at abroad, and looked upon as ill conduct in us.

Thus the French king, when his fleet is out at sea, is at much greater charge than we, in regard of the encouragement he then gives to his officers, both in pay and provisions, which brings his best nobility to his service, who, when they are sufficiently qualified, are preferred to command, and never makes masters of merchantmen, captains of men of war, well knowing that there is as great an improbability in most of them to well understand the nature and command of a man of war, as it is for a gentleman of 500*l.* a year (that perhaps knows well enough how to manage his own estate) understands martial discipline to command in a castle in a time of action, or for a captain in the militia to be as fit to make a general officer, as one that has been in several campaigns, sieges, and other actions ; and will sooner prefer one of his warrant officers that has been trained up in his service than one of them ; though that is also very rare, for he will sooner reward them with money for any brave action, and give his commands to his people of quality.

And though the French king, by the means aforesaid, is at more charge than we, when his fleet is out, yet when they come in he is at much less, for then he pays off, and lays up his great ships (as we may now do by the following method) which saves him vast charge in the winter, when his men go out a privateering, and make a harvest upon our merchantmen, which he encourages by giving them his tenths of what they take : which I could wish was done in England.

And here I cannot forbear mentioning one generous action of that king, who as he punishes well, takes care likewise to reward well : For when I was taken in the Portsmouth by the Chevalier Demany, Knight of Malta, in the Marquis, a ship of 60 odd guns (all brass but twelve) though he could not bring my ship in, she was so much disabled, he dying in forty-eight hours of his wounds, told the second captain upon his death-bed, that nothing troubled him, but that he should die in debt to his relations and friends, which being represented to Monsieur Saignelay (who then was on board the fleet), and by him to the French king, the king thereupon did much regret the loss of such a man, saying, " he had rather have lost the ship than the captain," and ordered the payment of his debts out of his own bounty, which came to 22,000 livres, which is near 1800*l.* sterling.

Thus it being the method of the French king to furnish himself with seamen on any occasion : 1. By registering them : 2. By his arbitrary power, hanging them in case

of desertion, thereby, like death, sparing none to the sea or gallows. In England it would be found both difficult, chargeable, and needless.

1. It would be very difficult as well as chargeable to register seamen here, because not one in ten is a housekeeper, and therefore not with any certainty to be found.

2. It would be needless, in regard we have not occasion (as the French have) to take all our seamen, but a moderate proportion only, which may be done by registering of all sorts of shipping and small craft, using the sea, or any river, port, or harbour in England, Wales, and Berwick-upon-Tweed, as merchant ships of all sorts, fishing-boats, oyster-cocks, row-barges, western-barges, lighters of all sorts, tricker-boats, hiber-boats, stow-boats, and the trows at Bristol, smacks, hoys, ketches, coasters, &c. (by what names soever differenced) and giving them a certain number, or mark of distinction, as is done to the hackney coaches, that each of them, according to their several burthens, trade, and profit, shall find one man or more for their majesties service, or be obliged to pay five pounds into an office to be erected for that purpose, for each man so ordered for them to furnish for one year, which office may be called "The Office for registering Shipping and Small Craft." And in case of failure, after a month's notice given by proclamation, to forfeit to their majesties the ship or vessel they shall refuse or neglect to furnish men for: And that this may not seem an hardship upon the subject, it shall be herein demonstrated, that it is the interest of all persons concerned to comply herewith, and that the money or forfeiture is not the thing desired, for if they can provide qualified men under that rate, or for nothing, it is the same thing with us, for the money so given is to be bestowed gratis on such men as will go in the service.

It is Proposed,

The Reasons are,

I. *That every oyster-cock, fishing-smack or hoy, for trawling and drudging, shall find a man qualified, as before-mentioned, and every three peter-boats the like to serve their majesties in time of war.*

Because they offered the late King James (if they might be incorporated) that they would find him 500 good men to serve him at sea on any occasion, and now great part of these people have protections, and serve not at all, though it is more reasonable they should serve the present government than the late, and this way their quota will hardly amount to more than they voluntarily offered before.

II. *That each ballast lighter find two men, though they have but two men work on board them. There are now but 66 ballast lighters, though they ought to be eighty; but sixty-six will find a hundred thirty-two men.*

These men are protected by their great interest, and very fit to serve their majesties. They will in tides-time take up twenty or thirty tun of ballast, which comes to about 30s. of which the two men that labour hard have but one-third between them, the other two-thirds are divided between the ballast-office and owner of the lighter, who having so great profit for little or nothing, the lighter being not worth above 60*l.* and all foreigners pay 4*d.* per tun more than others, ought to contribute toward the defence of the sea, which their profit comes by.

III. *That each row-barge, and tilt-boat, find two seamen as above.*

These men are fit for the king's service, and what they usually give for protections may be near sufficient to find the men proposed.

IV. *That each western barge, carrying twelve or fourteen men, may*

These barges have a great and certain profit, pay no custom or other duty; and now, when they come for London, leave their men at Kingston, at charge, and hire others

find four or five men, and more or less according to the number of men they employ.

V. *That each ware barge, and such like, find two men at the least.*

VI. *That all coal-lighters, close-lighters, and such like, find one man between two.*

VII. *That all small craft, viz. ketches, hoys, smacks, coasters, traders, &c. not exceeding forty tun each, find a man.*

VIII. *That all colliers, for every fifty tun they measure, at ninety-five foot each tun, shall find a man.*

IX. *That all merchant ships, trading beyond sea, or lying at home by the wall, find a man for each fifty tun they measure, and if they are not like to go to sea that year, and thereof give notice to the office, (when they bring the men or pay the money, that a memorandum of it may be entered in a book for that purpose) and if after a twelve month's time they come again, and make affidavit, that such a ship has not been at sea in that time, the office shall repay them two-thirds of the money they have given or paid for their men.*

X. *That all ships or vessels belonging to Ireland, New-England, or other*

there, that are not liable to be imprest, so that they would willingly contribute to be free and easy.

For the reason aforesaid.

They now pay for protections, and by that means have very good men for 14s. per week, and get vastly by bringing coals, &c. through bridge, having 12d. for the carriage of each chaldron, besides the advantage of the measure if they be woodmongers.

This they would gladly do, that they might not be liable to be imprest, and get by it too, in regard they might then make the more voyages, when they have no interruption.

The colliers by this would be much the gainers, in saving the extraordinary charge they are now at for men, sometimes giving 8l. a man each voyage, which at other times they might have for 30s. and when their men are prest in the swin or gun-fleet, they are forced to give 40s. or 3l. a man to be brought up the river. I have known some colliers clear 4 or 500l. in a voyage, all charges paid: They will make five or six voyages in a year, now this war time, and by this method may make more.

When they have made a voyage and come into Plymouth, or other places, their men are prest, their goods it may be perishable, and their markets lost, or, to prevent that, they are at a vast charge in hiring men, or procuring protections to bring their ships about, so that it would be their interest thus to contribute, to save them the much greater expence they are now at as aforesaid, some ships having to my knowledge given four and five pounds a man for hands to bring them up to London from the Downs.

Because being subjects to the crown of England, and liable to be imprest as others are, they ought, for their freedom, to contribute towards the war, in regard also that

plantations, under the government of England, and trading hitherto, be obliged, upon their coming to any port of England, to give security to find their quota of such men during the war.

XI. *That no hired ship or vessel employed in their majesties service, on any account whatsoever, for carrying provisions, stores, soldiers, or otherwise, may be exempted from this contribution.*

XII. *As to the watermen in the river of Thames; it is thought reasonable, that every three boats or wherries should find a man, not exempting the king's, queen's, or noblemen's watermen, who have badges and coats, which usually protect them, and abundance of others wear Bromagem coats, as if they belonged to noblemen and gentlemen, though they do not, thereby deceiving the lieutenants, and keeping themselves from being impressed.*

XIII. *That all foreign-built ships contribute one-third part proportionable to their burthen, more than ships built within their majesties dominions, or what other proportion the parliament shall think fit.*

their safety is concerned in the public good; and also many ships this war for want of hands (being pressed thereout) have been cast away and taken.

Because such exemption would occasion many disputes, and great trouble to the office, and be made use of as a pretence, when these men receiving their hire (which they will take care shall be sufficient) they ought as well as others to find their quota.

Suppose there are 6000 watermen belonging to the Thames, one-third part of them are at sea already, prest or volunteers, so that the rest at home have the benefit now of what maintained them all before, and therefore three wherries may well find one man more easy than a hackney-coachman can pay 5*l.* a year, when he is at so great a charge in keeping of horses, and continual wear of his coach. None of the servants belonging to the king, queen, noblemen or gentlemen, are exempted from paying the poll and other taxes; and since they are always paid by their masters for what they do, even beyond what others would, and have coats and badges given them, though it be allowed that their persons shall be protected from going to sea themselves, yet they ought to pay their quota, to find men as well as their share of other taxes, and the rather in regard of the encouragement they have always had at sea, where a waterman's apprentice that has served him five years is allowed 23*s.* a month, when a captain or warrant officer's apprentice that hath served five years actually at sea, has but 18*s.* a month, and by this method the king will have always good men instead of boys, usually sent by the watermen.

This hath been done on other occasions, for the encouragement of English navigation, and to put a difference betwixt home-built, and foreign bottoms.

This method is intended to comprehend all vessels and small craft throughout England, as the sand-barges at Plymouth to find one man, and the keels at Newcastle one man or more; the cobs to the northward, and all manner of fishing-boats, and small craft, to pay proportionable to the method before proposed.

Likewise, that ship-carpenters, calkers, and sail-makers, as their employs relate to the sea, shall furnish such a proportion of men from their several yards, for their majesties service, as shall be thought equitable, as armourers are sent by the office of ordnance.

And to render this method the more effectual, it is thought necessary that the masters of all ships, vessels, and small craft that are to find a man, shall bring one qualified seaman for each ship, or be obliged to go themselves, though they may be excused from bringing the rest of their quota on paying 5*l.* each; and this cannot be reckoned hard, considering the great trouble and charge they are now at for protections, which by this will be saved, and that is considerable; for sometimes it hath cost men more in obtaining protections than would pay their quota according to this method for seven years.

And to make it the easier upon masters and owners of ships, that they may not be at all the charge for finding their quota, if it be not provided, that no private seamen shall have above 20*s.* a month, which would make them amends; it may be however enacted, that all seamen in merchant ships shall pay to their respective masters and owners, towards their charge in finding seamen for their majesties ships, half-a-crown in the pound for all money they shall receive for wages over and above 23*s.* a month, that as they are so great gainers by the war, they may be assisting to the war, having now sometimes 3*l.* a month, whereas in time of peace, they have but 23*s.* and 25*s.* a month; and a seaman in a collier has now 8*l.* a voyage, which used to be but 30*s.* So that by this way the masters and owners will rather gain than lose, and no one will be prejudiced, for the seamen pay only out of their extraordinary wages.

And in case a vessel exceed fifty tun, and amount not to 100 tun, if she be above the one half of the fifty tun, in dispute, she shall find a man for that, as well as if she measured the full number; but if she come short of the one half of the fifty tun, in dispute, then she shall not find any thing, for the odd tuns she measures over and above, even fifties; the measurers to be sworn to do justice between king and subject, and to be supervised by the commissioners of this office, as occasion offers; this to be understood as relating to ships going voyages by sea, and not inland vessels.

And by this method, instead of having 2 or 300 lieutenants a pressing, and forcing men to go against their wills, we shall now have 5 or 6000 men going about with money in their hands to get men for their majesties service, who will hereby be encouraged to go willingly, which will be a great ease on all sides, and more expeditious than before, because Englishmen may be better led than drove, and a willing boy is better than an unwilling man.

Perhaps it may be objected, that it will be hard for a ship or a vessel lying by the wall, to contribute in this manner; and others for covetousness, or some sinister ends of their own, to get the charge taken off themselves, may start other objections.

It is answered: It is no more hard for a ship lying by the wall thus to contribute, than for an empty house to find a militia-man, &c. On the other hand, all good men, and well-wishers to the government (so far as I can find by discoursing them) are willing to it, as knowing that it will save them great trouble and charge in protections, when they may at all times have men cheap, and free from being impressed, to follow their occasions, and besides have convoys more ready to attend them, when the fleet is well manned, the ships clean, and all in good order: And I am very well assured there will not be one ship or vessel the less on this account; but if any objection be made by those concerned against any particular hereof, it is humbly desired they may be personally heard themselves by a committee, what they have material to offer, as plain matter of fact (without lawyers), and we do not doubt but to give good satisfaction therein.

This being duly put in practice all over England, Wales, &c. according to the method proposed, will, it's not doubted (with ease, when the office is settled) furnish their

majesties fleet in a month's time on any occasion, with at least twenty thousand seamen, if not more, and better men than now, because then the rate of wages will fall from the present unreasonableness, occasioned by impressing, and people will take them that will serve the cheapest, and so be content with the worse men themselves; but the king cannot have ill men, because they must be all qualified as above-mentioned, and examined to that purpose by the commissioners appointed for this office, who must be such as have been commanders of men of war, and no other: and such men as they approve of, shall have some paper or attestation under their hands, before they be received on board any of their majesties ships of war: And in case any person or persons shall bring one man to the office, and, after examination and approbation, shall send another in his room, he or they so offending, shall forfeit to their majesties 20*l*. for every such offence, to be recovered as is here under-mentioned, and paid into this office for the uses aforementioned, in regard the commissioners are answerable to their majesties for all unqualified men sent on board their majesties ships of war.

And if any master, owner, or other concerned, refuse or neglect to find such man, or men, to be approved of as aforesaid, or to pay the five pounds for each man, within the month limited by proclamation, he or they shall forfeit the ship or vessel for which they have not found men, or paid their money as aforesaid, to be recovered in this office, by prosecution in the exchequer, or at common law, and to be by the officers thereof sold and employed in the encouraging such qualified seamen as shall be fit for their majesties service; for which encouragement or gratuity many will be willing to come in; and poor seamen that come out of France and want cloaths and necessities, or are otherwise distressed, will gladly come to this office and receive five pounds to go to sea, bringing his landlord, or some other security, to be bound for his going accordingly, as must likewise all those that are brought on the account of any ship, vessel, or small craft; for when any fails, the vessel they serve for, is to be accountable; and therefore the master or owner, on giving his gratuity, will be careful what security he has that his man or men shall go.

And that such master or owner may not be put to any great trouble upon the failure of his men, when there is any such failure, the commissioners of this office will send to the master or owner concerned, for the bonds of the persons so failing, and put the same in suit; for which it is conceived necessary, that some quick way may be provided for recovering the forfeiture without long trouble, or unnecessary charge to the office.

And if it shall happen that any of these men, so provided as aforesaid, shall receive preferment, the man so preferred shall be obliged to find another in his room.

And now, for the regular and effectual management of this great affair, so much conducing to the ease and benefit of their majesties and their kingdoms, it is humbly proposed, that there be appointed for the principal office in London five commissioners (all sea commanders that have well merited in their majesties service) whereof one to be superintendant, and any three to make a *quorum*.

That there be an iron chest in the office, with a slit on the top, for any person that brings money instead of men, to see their money put into, that the king nor himself be not wronged.

That there be five different locks to this chest, whereof each commissioner to have a key, and therefore to be opened only when they are all present, that there may be no fraud in the case.

That there be also a secretary, clerks, messengers, and other officers necessary for this service.

That there be a sub-commissioner for the same purpose, at the ports of Plymouth, Bristol, Newcastle, Yarmouth, and elsewhere, as thought most convenient, with a comptroller, secretary, clerks, surveyors, and such other officers as shall be necessary.

That there be a like iron chest in each port, with three locks, whereof the commissioner to keep one key, the comptroller another, and the mayor of each town the third; and the chest to be never opened without the mayor being present with the commissioner and comptroller, and seeing what money is taken out, and for what use; and that an account thereof, under their and their mayor's hand, be from time to time transmitted to the principal office in London, where an exact register shall be kept.

That there be a measurer in each port, and three for London, to measure all ships and vessels that they may not be under-rated.

If it be objected, that the creating new officers necessary for this service will be another charge upon the government,

It is humbly answered, that the officers employed are to be such as have well deserved of the government; that are disabled in the service, and have a pretence to pensions or half-pay, which by this means will be saved, as well as the other great sums before and after-mentioned, to which this charge is no way equivalent: Besides it will be an encouragement to commanders and officers in the sea service, that there are employments capable of rewarding them, in which also they may yet serve their majesties, and so not be a charge unprofitable.

Now for a demonstration how to raise the 20,000 seamen proposed: In the first place, about this time twelve months a fleet of 470 colliers loaded at Newcastle, came over the bar in two days, and joined 70 sail more that came from Sunderland with coals, which I am assured of by Captain Banks, that was then their convoy; they were from 60 tuns to 400, so that one with another they may be allowed to be near 200 tun a-piece: And at the same time those that are light and repairing, and loading at Newcastle, and unloading at other ports, with what trade from Milford, and other parts of Wales for Ireland, and some parts of England, with a sort of coal called culm for smiths, cannot be reckoned at less than as many more, making together 1080 sail, which, at 200 tun a-piece one with another, may find four men each, which in the whole raises 4320 seamen.

There are likewise belonging to Newcastle and Sunderland about 300 vessels called keels constantly employed in lading coals, that carry five and six men a-piece; and may very well afford to find among them about 500 men.

So that the colliery of England, modestly computed, finds alone, 4800 men, and yet cannot be supposed to be one-seventh part of the shipping of England.

Then for the watermen, there were this year mustered on board their majesties ships of war, 1100 good men that went voluntarily into their majesties service, who will go again with their respective commanders, besides those that were sent by their hall.

And we cannot suppose but that, allowing three boats or wherries to find a man, without exempting any on account of privilege, that way there will not go less than 1500 or 2000 men, which must be qualified as above, and what apprentices they send that have not been at sea before are not to be reckoned in this number.

The western barges, ware-barges, row-barges, tilt-boats, and ferry-boats, will find 500 men.

The ballast-lighters will now find 132 men, and ought to find 160.

The peter-boats and oyster-cocks formerly offered 500 men, and cannot now find less, if not more.

The coal-lighters and close-lighters are so numerous, that I know not what their quota may amount to. Thus the river of Thames furnishes 3732 men, without reckoning merchant-ships and coal-lighters, which may be considerable.

In the next place as to the fishery, about eight years since I was convoy to the herring fishery at Yarmouth, for two years, and found that the English had then about 700 vessels employed in that trade, carrying from eight to twenty men a-piece; so that, allowing them to carry fifteen men each one with another, it amounts to 10,500 men,

and great part of these vessels belonging to the Cinque Ports, they pretend a privilege that they will never suffer a press among them, whereby their majesties are deprived of the service of so many able men; but by this method their vessels will be obliged to find their proportion, as others do, or pay their money to provide others; and so their majesties will have the benefit of their service, as of right doth belong to them.

The town of Yarmouth, as I have been informed by the magistrates thereof, hath formerly had 1500 ships belonging to it; but now much decayed by the choaking up of the mouth of the harbour.

The Dutch had then near 3000 busses and doggers a-fishing there, with three small ships with flags for convoy, belonging to Ankhusen; the commanders coming on board me all at once, told me, that town had once 1500 busses and doggers belonging to it: Their vessels carry above twenty men one with another, being near 100 tun each, so that at that rate there came 30,000 men from that one town: They make three voyages in a year, beginning at the islands of Orkney and Shetland; and following the fish through the channel to the North-Foreland. Whereas we have the conveniency of taking them up so near hand, that at Yarmouth what they take in the night, they carry ashore in the day, and return to their fishing again at night; whereas the Dutch are by their distance from home obliged to be at great charge in gibbing, pickling, and barrelling them up to preserve them sweet; and must lie out at sea in all weathers, which we are not exposed to; and yet, to our great shame and detriment, both to ourselves and posterity, we have in great measure lost that so advantageous trade of the herring-fishery, which is a seminary for seamen; and a maintenance to so many thousand families in Holland, who are at much more pains, charge, and trouble, than we in England need be, to whom it doth of justice, antient right, and situation appertain.

During the time I was convoy to our fishery there, as aforesaid, my business was to see that no foreigner should fish in sight of the shore, because the fish drawing thither to spawn, the best draughts are there; and besides the waurope of the Dutch is bigger than ours, and their gear stronger; they have bigger vessels than we, and more men, and so would be too hard for ours, and drive us off the fishing ground, if it were not for our convoy; for some of their vessels have 340 nets a-piece, which will reach upwards of two miles.

It happened once I saw a Dutch vessel driving near the shore, upon which I fired a gun, and brought the master on board me; I asked him how he durst go there to fish? He told me ingenuously it was for the advantage of the draught there; I asked him what fish he had taken that night, seeing his nets white? he told me nineteen last, each of which contains 12,000 herrings, so that, computing them at 20s. per barrel, his night's work came to 228*l.* with which, and what he had taken before, he was forced to run immediately to Holland, for fear of their stinking; so that admitting each of these 3000 vessels take 50 last of fish each voyage, and three voyages to be made in one season, at 10*l.* each last, it amounts in the whole to 4,500,000*l.* This I thought to be incredible; they told me also these herrings, in paying duties for staves, hoops, salt, packing, importing, and again exporting for the Rhine, and other countries, bring in a considerable revenue to the state; and then to our great shame these herrings taken upon our own coast are likewise traded with to England, and there sold for two-pence a-piece, and sometimes more: And by this it is very demonstrable what the advantage of this fishery might be, if encouraged.

The French were there, but had not then above 100 vessels, though they (finding the sweetness) have much increased since; they would be pressing in for the shore; for which reason I sometimes took several of their masters on board me, and then set sail to the open sea, and there put them all on board one of their vessels to shew them sea-breeding, and they having no boats, were two or three days before they could get

into their own vessels again; and this I did purposely, that they, of all others, might not have the encouragement of over-running us in our fishery.

The pilchard fishery in the west is very considerable; I have known 500 boats at a time in Mounts-bay catching pilchards: If they be rated according to their several burthens, or the number of men they employ, I doubt not but they will raise a considerable number of seamen, as will also the Newfoundland and Iceland fishery, which, if encouraged, would turn to good account, and that is no way better to be done, than by letting them have free liberty to trade, without the danger of pressing their men.

And now, since I have taken the pains to get 20,000 seamen for their majesties service, which I doubt not but by this method will easily be done, and without oppressing any, only laying an embargo for one month, and obliging all masters and owners of ships not to allow above 30s. per month to any private seamen, I humbly conceive it but reasonable some care be taken of those that lose limbs, or are otherwise disabled, in such service, for which purpose, in the first place, it is proposed,

1. That the poor's chest at Chatham be regulated, and to that end be put under the care and inspection of the commissioners of this office; and in regard that the present revenue of that chest consists of the seamen's deductions, which in time of peace fall short, and are of no competent support for the poor disabled seamen, it is in the second place proposed,

2. That if the law bill (which was lately in being) were revived and settled upon this chest, for the relief and support of seamen, wounded and disabled in their majesties service, it would not be felt by the subject, and at the same time be a constant fund for this use enough to support it; and whereas a seaman has now at the most twenty nobles a year for the loss of a limb, he should then have at least double that sum, and so be happier without his limb than with it; for the smart will be forgot when the money is present. And here my chief design should be to prevent that common evil too often seen in things given to good uses, that the pillars to support it may not be the caterpillars of it.

And that this office may be kept up in time of peace as well as war, to be ready at all times for their majesties service, it is humbly proposed that all ships, vessels, and small craft, shall, for each man they find in time of war, pay *5s. per annum* in time of peace, as an acknowledgement to this office.

And that seamen in merchant ships may not still pretend they have nothing allowed them, if they lose their limbs, whereby many ships have been lost for want of defending them, this office, in case it be thus settled, will, for the future, pay and allow to all seamen, wounded and disabled in merchant ships, and likewise in private men of war, two-third parts of what is allowed to seamen in their majesties ships of war in the like case.

Now, to demonstrate what may undoubtedly be saved to the king and kingdom, by the foregoing method, I find, that the whole fleet, by the list of the line of battle, consists not of 36,000 men, with fire-ships and tenders; and now we need not half the tenders we had before, there being no occasion for them to go a-pressing.

And when the great ships are come in and paid off, that is, the sixteen first and second rates, and eighteen of the third rates, with fire-ships, which together take up about 21,000 men, officers and all, their whole pay may be saved during the winter, which, at the method usual in the navy, of allowing 4*l.* a man per month, to pay all wages, victualling, wear and tear, amounts to 84,000*l.* per month, and that for six months comes to 504,000*l.* At the same time we shall have a winter squadron, which will be 15 third rates, and 13 fourth rates, besides fifth and sixth rates. And then we shall not want 10,500 men to be at all calls, by reason the others are got already.

Thus, besides the said 504,000*l.* which may be saved each winter, by paying off the

great ships, there may be likewise saved 60,000*l.* at least in conduct, bounty, and imprest money, and the hiring vessels for pressing; so that by the whole, it appears, besides saving the king these vast sums yearly, his majesty will always have men on any occasion for his service, his ships may be ready to sail clean, and in good order: No pretence can be made use of for lying still for want of men, when the terrors of pressing, and frequent mischiefs attending it, are prevented, protections taken off, because no need of them: merchants and traders will have their liberty to traffic, to their own advantage, as well as the increase of their majesties customs, and the universal good and benefit of all their majesties kingdoms; those concerned are generally willing to it, wishing it had been done before, for that it would have saved them a great deal of money; and if this be done, I shall have the satisfaction of serving their majesties effectually upon the French, for their barbarous usage to me; and I doubt not but it will have that effect, as not only to regain our ancient glory, and put us beyond the danger of being ever attempted by them (or any foreign enemy) for the future, but that their majesties royal navy may go and command where they please, and have none dare to oppose them.

And herein I have taken care, as near as may be, not to disoblige or reflect on any person: But it cannot be avoided, but that so great a public good will retrench the profit of some officers, as the secretary of the admiralty, and his clerks, &c. who may for that reason endeavour to obstruct and object against it; in which case I desire to be rightly understood, that what I do is purely for the service of their majesties and the kingdom, and not to bring a disadvantage to any man: But that they may not be sufferers for a general benefit, their majesties, if they so please, may compensate their loss by salary or otherwise, as their majesties shall think fit.

Provided always, that in case any of their majesties men of war lose her men in action, or by sickness or otherwise, and, being abroad, cannot be supplied from this office with safety to the ship, such ship for her security may impress as formerly, but so as not to disable any merchantman.

And in case this office be thus settled, and that the law-bill lately in being be revived and bestowed upon it, it is humbly proposed, besides what additional encouragement is given to seamen, wounded and disabled in their majesties ships of war, privateers, and merchantmen, that there shall be likewise two large schools erected, near a river's side, in some cheap country, where the children of all seamen killed in their majesties service, shall be taken into one of these schools, at twelve years of age, and be there taught the mathematics: That they shall lie in West India hammocks, which in the day-time may be put into lockers, that there may be no room lost for their lodgings, and every thing be in good order, so that then it will be wondered where they lie.

That there shall be a ship in the river near the school, where, on play-days, or other fit times, the boys shall go on board, and learn to splice and knot, reef and furl, &c. whereby they may know all the parts of a ship, and understand the mechanic part of a sailor, in two or three years time, as well as if they were at sea; and then, they may be drawn off to sea every year, as occasion offers, when they will want nothing but to go to their sea-legs.

These youths, so drawn off yearly, shall be put out apprentice for three years, to commanders or lieutenants of men of war, or warrant officers in their majesties ships, and not for seven years to masters of merchantmen, as is done to the king's scholars in Christ Church Hospital, where, after their majesties have been at great expence in their education for three years, and in putting them out apprentice at 40*l.* charge in money and clothes, they are bound for seven years to masters of merchant ships, who alone have the benefit of them, without the advantage to their majesties or the youths, though at their going out they are examined as to their qualification for the sea, and

perhaps are better artists than the masters they are put to; whereas, if they had never been taught any thing, or were even took out of the street, they might as well be put out for half the money, and the masters be bound to teach them as much as these; and after all the charge their majesties are and have been at on this account, and that there are ten drawn off to sea every year, for these eighteen years past, there are not now ten of them in their majesties service, though otherwise there might have been many, had they been bound to commanders or officers of men of war.

There are a great many people have entertained a notion that those bred up in merchantmen are better seamen than those bred up in men of war; but, to undeceive them in this particular, it is evident, that a cruising man of war in two months time, ploughs more sea, and wanders further between heaven and earth, than a merchant ship does in a year, by reason he chases every sail he sees, to discover what they are; when as a merchant ship, like a carrier's horse, goes only the direct road, to come at his port the nearest way he can; besides, he is heavy laden, so that a man of war runs two foot to his one: Then he is obliged to stay for freight, and often for convoy, which, taken altogether, often keeps him in port or harbour nine months in a year, whereas a cruising man of war, both as to action, the way of command, and otherwise, than by being seven years in a merchantmen; but many hold this argument, hoping thereby to be thought to understand the sea.

The other school shall be for the sons of commanders killed in their majesties service, and the sons of gentlemen, that are willing to be bred up to sea, where they shall be taught every thing necessary to qualify them to make officers, as particularly, navigation, fortification, gunnery, languages, the exercise of pike and musket, &c. They shall be lodged in pretty decent apartments, and have tutors and good orders among them, sufficient for their education and instruction in things of this nature, which will be of great consequence to this kingdom; and then, when it is seen that this is well managed, it may be presumed many well-minded people, that have got estates by sea, and have no heirs to their own, may leave their estates or good legacies to the support and maintenance of these schools, which may properly be called the Academy for the Sea.

Encouragement for Commanders and Seamen in their Majesties Service, for taking the Enemies Ships, Goods, and Effects.

I. *That all privateers belonging to the enemy, who shall hereafter be taken by any of their majesties men of war, shall be forthwith condemned in the Admiralty Court, without any account given to the prize office, and be shared among the ship's company, which so made her prize, pursuant to the usual method. This was done the last Dutch war, when the Swan privateer being taken by Captain Young, his then majesty, King Charles II. bought her of the said captain, and made her a man of war in the year 1675. As also the Hunter, in like manner bought of Sir John Berry.*

As to privateers, that great encouragement ought to be given for the taking of them, by reason they are in a state of war and defence, whereby their majesties commanders do come to an engagement with them, and oft find them well manned, whereby they not only destroy those ships of prey, which greatly disturb the traffic and commerce of that kingdom, but kill and lessen the number of their marines, and consequently destroys the naval force of the enemy, and leaves our merchantmen the better liberty to trade.

* *Sic in orig.* There seems a member of the sentence wanting.

All ships of merchandise, &c. taken out of the enemies harbours, ports, creeks, or from and under any castle, fortification, or fort, or off, or from the shore, or at anchor under any headland, by any of their majesties men of war, together with any goods, effects, and merchandise, that shall be seized by them, shall be condemned in the Admiralty, and shared as aforesaid.

III. *All merchants ships and goods belonging to the enemy, and taken as prize at sea, on board all foreigners, viz. Swedes, Danes, Portuguese, and other nations, that shall be when trading with their majesties enemies, with contraband goods, shall be condemned in the Admiralty, and one-third of her lading so condemned, be given to the captain, officers, and seamen, that so took her as prize, and paid to the captain as soon as the commissioners receive the money, and not according to the former method, at ten days after payment of the man of war, which is not sometimes till two or three years after.*

IV. *That all salvage adjudged for retaking any ship, shall be distributed to the captain and ship's company, according to ancient custom, as likewise one-third part of the goods taken and condemned for Swedes and Danes, &c. Whereas now if those ships be not condemned, the captor has no benefit of the goods that are condemned, through the want of a proclamation made full to that purpose, which is very hard upon the poor-sailors in their majesties service, who by that means have got nothing all the war.*

V. *That all commanders that shall meet with and fight the enemy, to the utmost extremity, and being overpowered, shall happen to be taken, and his ship sunk,*

That all commanders that shall take the enemies ships by dint of sword from under their guns, ought to have the encouragement thereof, for that they run an extreme risk, hazard, and danger of their lives, thereby giving the enemy constant alarms, making the people uneasy, and putting them to a great charge in guarding their coasts, besides bringing an advantage to their majesties in their customs, of such goods so taken thence; and that if the prize be taken at anchor, it may nevertheless not be disputed, for that it is to be supposed all men, during the time of war, will anchor in as great safety as may be.

That this encouragement will put the commanders to a strict searching of all foreign ships for contraband goods, which otherwise would slightly be viewed, or for a small sum of money prevailed upon to suffer them to pursue their several voyages, to the great disservice of the nation; but the hopes of this will put them upon the contrary design.

This encouragement will hinder any embezzlement being made after retaking a ship, and cause the captain to take more care in seeing her brought safe into port. And by this the poor sailors will be certain of getting something, when their proportion is ascertained by proclamation; whereas at present, if one of their majesties ships weakens herself to send a Swede or Dane into port, he may be in danger by happening to meet with one of his own rank; and besides, the seamen put on board the Swede or Dane are in danger of having the ship retaken, and being carried into France, where they suffer great hardship, and for all this, as the case now is, have no benefit, if the ship as well as the goods be not condemned.

That the encouragement mentioned therein will put all commanders upon the emulation of behaving themselves valiantly, to the utmost extremity; encourage

burnt, or so extremely disabled, that they cannot carry her off, but are either forced to sink or burn her themselves, the said commander shall be allowed the full value of what he makes out to have lost by the said capture, and shall receive his full pay for the time of his captivity; and in case he the said captain be disabled in his limbs or body, as not being able any more to go to sea, shall have a pension during the interval, or shall be otherwise taken care of and provided for.

the nobility and gentry to send their younger children to sea, when as they find that the government makes a competent provision for them (as now the contrary has a different effect), and this article being the case of a great many honest gentlemen, it is the rather hoped will be taken into consideration, for that it is of great consequence to their majesties service, and generally observed in all governments, that rewarding well, and punishing well, is the chief means of being well served; therefore it is hoped this will be put into execution for encouragement at sea, which is our chiefest strength.

How to share a Prize taken by a Man of War.

I. The moiety of what the king gives in any prize is to the captain, and the money paid into his hands, to be shared among the ship's company, after paying one-fifth part to the commander-in-chief of the squadron, or fleet; though Admiral Russel has been so generous not to take any thing on that account during this war. I should be glad that I could say so of all the rest of the flag-officers.

II. The lieutenant or lieutenants, are to have seven shares.

III. The master six shares.

IV. The minister, chirurgion, and all warrant-officers, five shares.

V. Masters-mates, as warrant-officers, five shares.

VI. Midshipmen three shares.

VII. Gunners-mates, boatswains-mates, carpenters-mates, mates, chirurgions-mates, and all of that degree, to have three shares.

VIII. Quarter-masters, quarter-gunners, cockswains, corporals, and all of that rank, to have two shares.

IX. And so able seamen and ordinary seamen to have one share each.

Reasons for the Sharing a Prize, according to the Method on the other Side.

The captain having a moiety, is in regard of his being answerable for any plunder made before the said prize be brought into port, and delivered into the prize-office, in which case he also loses his own share; and as he has the care and conduct of the ship, and is liable to answer for all misdemeanors, it is thought reasonable he should be allowed one-half, according to ancient custom, and have the distribution of all such money, as the king in his bounty shall think fit to give in such case.

The lieutenants having seven shares (which is one share more than the master has) is in respect to his commission, and that he commands the master.

The master having six shares (which is one more than the rest of the warrant-officers) is in regard he commands them.

The masters-mates, though not warrant-officers, have five shares as well as they, in regard upon the watch they command the warrant-officers.

The midshipmen have three shares, as being officers, and having a command over the seamen.

The warrant-officers mates, having command of their respective crews, are thought fit to have three shares.

The other small officers have two shares, to make a distinction betwixt them and the seamen.

If this be put into a proclamation, that all men may know what their respective shares and prizes taken will be, it will cause a great easiness in the fleet, prevent animosities, and making parties there, which are more likely on this account than any other, and if any such divisions there be, their majesties and the kingdom are the losers by it.

The reasons of the differences betwixt the captains of men of war, and commissioners of the prizes, are, first, the undue appraisements; secondly, the great embezzlements which they meet with from prize-officers, which often put the captains upon plundering the ships before they deliver them in.

To prevent these inconveniences, the following proposals are humbly offered, whereby the king may not be cheated, and the captain and ship's company may have right done them.

Proposals.

- I. *When any captain shall bring or send a prize into port, and deliver her into the prize-office appointed for the appraisement of the said prize, on behalf of the king, the captain to be there, or to choose two others in his absence, whose names shall be sent to the commissioners of prizes, who shall give them power to act along with the two custom-house officers, and prize-officers, in the appraisement of the said prize.*
- II. *That for the advantage and encouragement of the buyers, the goods shall be appraised in small quantities, (and not whole ships cargoes together, as formerly) which will be a great augmentation to the price.*
- III. *That the said goods so appraised, be sold afterwards by inch of candle, and set up at the price appraised, by which means the value will again be augmented, and prevent any thing of fraud.*
- IV. *The sale will be free and public, and timely notice given to all persons, particularly to the appraisers, who shall be allowed to bid, so that neither the king nor the captain be wronged.*

It is conceived necessary, that there be a seaman comptroller of the prize-office, which would be a great advantage to their majesties, and make all sides easy.

The Reasons.

Two custom-house officers are conceived necessary to be joined with the two prize-officers, that the king may not be defrauded of his customs as formerly, and the captain being there, or two in his behalf, will prevent any fraud to the king, himself, or the ship's company.

That the goods appraised in small quantities will give liberty to small merchants to buy, whereby the price will be much augmented, to the advantage both of the king and captain, &c.

The goods being sold by inch of candle, and appraised, will prevent any fraud or private contract, which wrongs either king or subjects, and will much heighten the value of goods.

The sale being free and public, the appraisers, custom and prize-officers, are free to bid, being to be sold to the best chapman.

Encouragement for English Privateers.

1. That such English private men of war as shall take any French or other enemies privateers or ships, having letters of mart, may have the whole, without payment of tenths; by reason in doing this, they venture their lives and estates for the public good, such prizes being but of small value.

2. That all such prizes as shall be taken off the enemies shore, or at anchor under any fort or castle, or within any port, harbour, road, headland, or creek of the enemies

country, may pay no tenths, by reason of the great hazard and danger the men thereby run of their lives, and of losing their vessels, which will not be done without encouragement.

3. That they may pay no tenths for any salvage that shall be adjudged to them for retaking any English or friend's ship, by reason they have often retaken small vessels, for which they have had but a fifth part, amounting to not above the charge of bringing them in, and the charges of the law, and yet have been obliged to pay tenths of such fifths, to their great discouragement, the which is so much the more reasonable to be condescended to, for that several ships have been retaken, which have paid his majesty 2 or 3000*l.* each for custom.

4. That whereas many ships that have lain in ports, harbours, and roads of this kingdom, without any seizure or molestation of the vice-admirals or governors, have been found out to be the enemies goods, and seized by private men of war, and condemned as prize, the said vice-admirals or governors have very much obstructed them in the condemnation thereof, and sometimes after condemnation have claimed the same use, or the use of their majesties, to the great discouragement of private men of war, without whose diligence and intelligence they had never been discovered or seized: Therefore it is proposed, that in such cases they may have no molestation or impediment, but have their prizes according to their commissions, which grant them all they shall take, as well in ports or harbours, as upon the sea.

5. That the tenths of other prizes may be remitted to them concerned in private men of war, for their encouragement, for the reasons following, viz.

- I. The French king doth at this time do the same, which hath so encouraged their privateers, that they have fitted out many ships of good force, and much annoyed and disturbed our trade; the French privateers having taken about 600 of our ships, whereas their men of war have not taken sixty.
- II. This encouragement will enable the concerned to fit out better ships than now they have, and get men to man them by contracting to take care of all such men as shall be wounded, and the wives and families of them that shall be killed or drowned, which at present they cannot afford to do.
- III. There is more reason to make this remission of tenths to the English private men of war, than the French, in regard to the prohibition, and the small trade of France.

6. Whereas it may be objected, that unless some officers be put on board each prize, the private men of war will be at liberty to do what they please, and such officers cannot be maintained without duties to bear the charge, it is answered, that each private man of war, at the taking out of his commission, doth not only oblige his ship, self, and owners, but also gives two other sufficient securities, in 300*l.* or 1500*l.* bond, not to abuse their majesties subjects or allies, but to make satisfaction for all injuries done by them, and to pay customs, &c. And, besides, the custom-house officers presently put waiters on board, to look after the customs, which the private men of war pay themselves, without charge to their majesties; and by this proposed encouragement, the customs will be increased by the prize-ships, so that it will pay twenty times more than their majesties have or will receive for tenths: And, besides, the encouragement of English private men of war will be very beneficial to this kingdom, not only in the increasing of customs, and weakening the enemy as aforesaid, but in breeding of seamen, they being obliged, by their bonds, to carry two-thirds landmen, and but one-third of their complement seamen.

7. And if it be objected, that by thus remitting the tenths, the advocate, receiver, &c., employed therein, will lose their salaries, the proposer humbly hopes it will not be thought reasonable that the private interest of two or three persons, without advan-

tage to the king or government, should be preferred before so great a publick good, as this encouragement would be both to the king and kingdom.

Lastly, It is demonstrable, that this encouragement to privateers will prove of no small advantage to his majesty's custom; for example, they frequently retake rich ships, prevent ships being taken, and one ship retaken oftentimes brings in more customs to his majesty than the tenths will amount to in a whole year; so that both his majesty and subjects will be much the gainers by this means: Therefore, it is to be hoped these proposals will meet with their majesties compliance, for that their majesties may at first give it only for a year, or what time they shall think fit, to see the advantage of it, and afterwards to do therein as they please.

An Essay upon Taxes, calculated for the present Juncture of Affairs in England.

By the Marquis of Hallifax. 1693.

It is said by Bishop Burnet, that the Marquis of Halifax, so remarkable as a statesman during three reigns, when driven from King William's cabinet by the Whigs, in 1693, went into the measures of the Tories and Jacobites, and uniformly studied to give the government all the trouble he could. The following sensible and moderate treatise holds a different and more patriotic language, since it urges the continuance of the continental war, as the only means of preserving the government of King William, and constitution of England, and reprobates the idea of recalling James, or of stooping to solicit a peace with France.

SINCE it is of the last consequence to every true Englishman, that the present war should be carried on for the preservation of our liberties and religion, against the common enemy of both; and notwithstanding the false and foolish insinuations of some discontented Jacobites, That a peace with France were more necessary than a war; and that it is more carried on for the sake of others than ourselves; and that, if it were necessary, it might be better carried on by ourselves alone, than in conjunction with confederates; and that the only way to secure our religion and liberty, obtain a safe and secure peace, and avoid the great burthens we are subject to for the carrying on the war, were to cast off the present government, and take measures with King James and the King of France; yet there is nothing more clear than that these notions are altogether absurd and impracticable; and that the true meaning of it is only to give up all that is dear to us, into the hands of two princes, who have always preferred the design of subverting our religion and liberties, to all other considerations whatsoever; and that it is much better to fight for Flanders than for England, and in conjunction with confederates, than alone, is what will bear no dispute. All that admits of a doubt is, what are the best means and methods to carry on this war. As to the first, relating only to the raising of aids sufficient for this undertaking, I thought I could not do a more acceptable service to my country, than at this time to contribute

my poor endeavours. As to the latter, relating to the military designs, and manner of executing them, I must acknowledge myself wholly incompetent, both by my education and experience, and shall choose therefore to recommend that matter, with my good wishes, to those whose providence it is, and especially to my sovereign, whom I judge must needs be better informed in this matter than any other prince or person whatsoever.

The method I shall pursue to set this matter in a clear light, shall be to lay down some general rules or maxims by which our ancestors have steered in the laying of impositions, which had great regard to the constitution of the government, and condition of the people, and therefore are not easily to be departed from.

In the next place, I shall endeavour to examine the several taxes that are now in use, and such foreign taxes and projects as are most in vogue, and by some thought to be more eligible to be introduced, especially that of a home-excise, and shew how far they are consistent or inconsistent with the government, ease, and liberty of the people; and, in the last place, upon the whole, offer my opinion what are the best methods and expedients to raise money by.

As to the matter of those aids, our ancestors have observed these rules :

First, They must not consist of things of common necessity or livelihood, but rather superfluity.

Secondly, They must not burthen our native commodities and manufactures, materials, or other things relating thereunto.

Thirdly, They have always avoided to impose upon things wherein the people had no benefit or advantage, but rather upon land, trade, and other gainful professions.

Fourthly, They have always avoided new and foreign taxes; and, when proposed, have declared they could not grant them without advising with those that sent them, and several rebellions have happened on this occasion.

Fifthly, They have had always great regard to the condition of the several ranks of men among us, to support them in the condition they are in, and consequently to preserve the monarchy.

Sixthly, To charge money and personal estate not employed in trade, double to land and trade.

Seventhly, Above all, that equality should be observed in the imposition.

As to the persons, these rules were observed : First, The dignified clergy usually gave double to the laity, considering that they were freed from all personal services, and most other taxes; that their revenues were all upon old rents, not subject to defalcations, repairs, or loss by tenants, or for want of them, or other diminution; and had great advantages in point of fines by renewal. And as for the other clergy, their tythes, and other profits, came into their hands with little charge, and that as well the dignified, as others, were provided for by laws, not to come in by purchase, but free gift, and are now exempted from all foreign payments to Rome, and its dependance, to which all foreign popish clergy are subject.

Secondly, As to the greater and lesser nobility, they were always treated favourably, being the chief basis and support of the monarchy, and were allowed for their port and necessary support of their dignities, and did rarely exceed in the payment of their subsidy, the sum of 20*l.* for 1000*l.* which they called a spareable part.

Thirdly, As to the rich usurer, or tradesman, whose family and expence was small, and gains great, and escaped most burthens, as not being so visible as lands; and the considerable free-holder, whose estate is generally held in his own hands, and managed by himself, and consequently was less discovered than the nobleman and gentleman's that were rented, and made both the profit of landlord and tenant; which, according to the old maxim, is double the rent in greensod, and treble in arable; the charge of the latter amounting to a third more than greensod: So that, in truth, they

have all their livelihood allowed, and more in the value; and none of all these being obliged by their quality or custom to any port, and are the proper basis of a democracy, or commonwealth; these were generally rated more strictly without any allowance, to prevent the increase of their number and growth.

Fourthly, The common artificer and labourer having a dependence upon the nobility and gentry, and not being able to subsist without them, and consequently a farther support to the monarchy, were usually exempted, unless by reason of money or personal estate they fell within the limits of the subsidy; from hence grew that ancient saying, that in taxes, *size cinq*, was to be easy, *quatre-vingt-trois*, to be fully charged, and *deauz ace*, to be exempted. Nevertheless, in the poll-acts, which came but rarely, these inferior sort were sometimes brought in to bear their part.

Fifthly, As to the *quantum*, manner of collection, and equality of imposition, these rules were observed: First, That it did not exceed, by any means, the common necessity; and that the prince, as well as the parliament, should shew a great tenderness of the people in their demands and levies upon them; of which we have a notable instance in Q. Elizabeth, who released half the subsidies granted her, when her occasions did not require it, which had a mighty influence upon future grants. And 'tis observable, that all those princes who have not stretched prerogative to levy taxes not warrantable by law, or to levy them with too much rigour and exactness, or to impoverish the people, and have expressed a care and regard to their ease, wealth, and welfare, have ever been the most fortunate, great, and prosperous, contrary to the maxims of the present age.

As to the manner of collection, they have taken great care that there should be as much ease, and as little charge to the king or people in the collection as may be, by the multiplication of officers, penalties, or subjecting their houses or estates to the enquiries or informations of officers, &c.

As to the equality of imposition, this has been strictly observed, being always the same rate in the pound. Nevertheless, with such qualifications and exceptions, as made it rather a moral equality, than a mathematical one, having respect to the condition of the persons, as I have before shewed. Limiting the sums both for real and personal estates, below which they should not be charged, viz. allowing defalcations for debts to be ascertained by the oaths of the parties charged, and for the decay of cities and towns in tenths and fifteenths.

Lastly, In all cases the king appointed the commissioners generally of persons unconcerned in the places where they acted, and at his own charge, that it might be done with the more indifference and equality, to whom, in truth, by the constitution, the appointing of all officers for the execution of the laws does belong; and once at least in every age, as I could easily shew, the parliament had granted that the commissioners and assessors should be sworn, and have liberty to examine all persons, not exempting the parties themselves, upon oath, for the better discovery of their real and personal estates, that length of time might not produce too great an inequality, and that the aids might be improved in some proportion to the value of things, of labour, and of service, and the improvement of the wealth of the people.

As to the second point concerning the taxes now in being, or in vogue: And first, as to the land-tax, or monthly assessment, being nothing but a military contribution taken up in the civil war, and proportion to the condition of the kingdom, as it then stood forty years ago; the inequality is so exorbitant, both between county and county, division and division, parish and parish, and impossible to be rectified without a punctual survey of the whole, and lying wholly upon the landlord, where estates are not upon lives or fines; wherein the dignified clergy pay not one groat, nor money, nor personal estate come into the aid; and which lies so heavy upon the nobility and gentry above all others, to the weakening and diminishing their estates, who are the

chief support of the monarchy ; I take it to be the most impolitic and unreasonable method of raising great sums by, that ever was introduced in any nation, and impossible to be long borne and continued.

Secondly, As to the double excise ; though this has some influence upon our barley and malt, and lies hardest upon our inn-keepers and ale-house keepers, by the discouragement of the vent, yet, were the armies well paid, which is their greater hardship, I see no great inconveniency in the continuance of it, during this occasion of the war, especially since it introduces no new charge in the collection, nor subjects any new persons to penalties or officers.

Thirdly, As to the new impositions upon the customs, during this war at least, they may be borne, though that of sugars, which began before the war, may require some relief, at least when the war is ended.

Fourthly, The poll-tax, as it now stands, is grievous to the meaner sort, as to their children, and deserves to be better considered ; and though much exclaimed against, yet is an ancient way of taxing upon extraordinary occasions ; and in all other things far more equal than the former were, which taxed titles and professions alike : And though it be objected, that all noblemen and gentlemen pay alike, notwithstanding the difference of estates, yet, considering that the lands are all under a double tax, and that they multiply that tax according to the horses that they find in the militia, I think they are sufficiently charged, and much more equal than in former methods ; and that this tax is not wholly to be laid aside, but may be easily rectified and made useful.

As to new projects that have been much discoursed of, I shall reduce them to two heads, first, Things of large credit, upon some perpetual funds ; and, secondly, The home excises. As to the first, there are two difficulties to be overcome to make these practicable ; first, to find out such a fund, which, if upon the present revenue, will be a lessening of it ; if upon any fund being perpetual, may meet with some difficulties in the grant ; and, in the next place, the novelty of the thing, the loss of a principal for a perpetual interest, or the long distance of time, if it be repaid, upon which calculation all these projects are founded ; the breach of the exchequer credit by King Charles, and ever since, and the frequent breaking of the bankers, will make men very shy of parting with their money upon new projects at a distance. Nevertheless, if it were tried for a small sum at the beginning, it having been experienced to be so useful, beneficial, and practicable by our neighbours, the Dutch, and is in itself very reasonable, it might gain some place and credit here, and would supply the want of money in specie, which, for want of bringing our coin down to the value of silver and gold, the obstruction and balance of trade, and the occasions for money abroad to our armies and confederates, is so much lessened, that it does very much require some expedient, especially when public taxes are so great.

In the next place, I shall proceed to consider of that of raising monies by excise upon our home commodities.

First, A general excise upon home commodities is a real land-tax, and will have the same influence upon the value of lands and rents, as that we call a land-tax, or monthly-assessment, hath ; and will raise at least seven, if not ten times as much, and consequently be as bad as a land-tax so many times double. Which I thus prove : The difference must be either in the matter or the manner.

As to the matter first ; A general excise upon home-commodities, and a land-tax, or monthly contribution, differ not essentially, since both are a duty upon the same commodities, which are the product of land ; only in this their main difference consists, That a monthly contribution is a composition in gross *per mensem*, for all the commodities the land produceth, and a general excise is by retail upon every particular and parcel thereof.

As to the manner, their main difference consists in three things : First, As to persons

that pay it. Secondly, As to the time of payment. Thirdly, As to the equality of the imposition. All which shall be considered in this second head.

Secondly, That it will have the same influence as a monthly contribution so many times double, and not prove an insensible tax, as is commonly alledged, will easily appear by considering two things: First, Whether it will chiefly lie upon the buyer or the seller, and consequently cause a rise or fall upon commodities. Secondly, Whether it be likely, in point of time and equality, to afford any considerable advantage to the seller.

As to the first. It must be measured by the necessity of the buyer or seller; for it is an undoubted truth, that if the necessity of the buyer be greater than the seller, the market will rise; but if that of the seller be greater than the buyer, the price of commodities must fall; and any duty laid upon commodities will lie upon either accordingly. But as to the present case in England, I think there is nothing more apparent, than the plenty of home-commodities, and the want of people to consume them, which is in truth the principal cause of the present fall of rents, and the price of commodities: the consequence of which necessarily will be, That whatever duty is imposed upon the commodity, the buyer will have it so much the cheaper, since it is in his choice of whom to buy, and indeed who shall sell, and who not. As to the time and equality, it must be allowed that the excise hath some advantage of the land-tax, since the time of payment is not until sale, and all men seem to pay alike for the same thing; yet when it shall be considered, that most of the trade of this kind is upon credit, and not for ready-money, and that when ready-money is paid, a great abatement of the price is expected: and that the commodity doth vastly differ in price and goodness, and yet shall pay all alike, as beef, mutton, and corn, &c. and, above all, that the commodity will be burthened above seven fold by this payment in parcels; it will be found these advantages will be much over-balanced; to which I may add the vast charge, trouble, and slavery in the collection, which draw forth from the subject twice as much as will come to the king's coffers, and beget an army of officers, and a further army of soldiers to second them; a consideration of importance, more than all the rest, and renders it of all practices the worst.

Secondly, A general home-excise will destroy trade, which will appear thus: Whether the fund of trade in England be money, or home-commodities; now there is nothing more evident, than that the main trade of England is in the return of our home-commodities, and not that of money, which is the main that the Dutch trade is driven withal, they having few commodities of their own countries to export, nor indeed enough to support the 20th part of their own people, which renders this kind of tax most proper there, though very destructive here, all impositions still discouraging the vent of the commodities on which they are imposed, as the experience of all former times and places doth abundantly prove; besides the great consumption of all foreign commodities here, is by such as have dependence on the product of their country, and not upon trade, as they all do in Holland; the vent of which, if discouraged or lessened, abates the foreign trade likewise, and the commodities imposed upon there, are most foreign, but here native; and estates there personal, but here real.

Thirdly, This will overthrow the substance of all the nobility and gentry of England by the fall of the value of their lands and rents; for if the present land-tax hath produced an effect to such a degree already, and that by experience we find the land-tax draws more money out of the country than what it can bear, disabling the tenant to pay his rent, or carry on the trade in the country, otherwise than upon credit, what must the case be when seven or ten times as much will be raised upon the same thing by this new way?

Fourthly, A general excise puts an end to the use of parliaments, and quite changes the present condition of the government; for having already given duties in all foreign

commodities, should they admit of this upon native, there were no more to be given, nor could it be carried on without a military power to second it, and might possibly hazard the government itself, if the people should not swallow it; and if once got up, will never be laid down.

Fifthly, It can be of no use to a present supply, since it will ask a long time to settle it; and neither afford much money, or credit, till it be so settled; and that the experiment be tried, whether it can, or will be borne, which this town, under the oppression of a war and power of an army, would not yield to.

If it be objected, "That the Dutch raise greater sums thereby than we can any other way, and by that are enabled to make war more powerfully than we."

This is a perfect mistake; for their excise is not able to answer the ordinary charge of the government, and is in truth their ordinary revenue; and their war is maintained by their 200, and 100 penny-tax, by way of our subsidy upon personal estate.

Sixthly, That this will raise near thrice as much as will come to the king, will thus appear: In the vent of all our home-commodities, especially in any considerable quantities, there is one at least that goes between the grower and first seller, and the consumer; as the maltster, and brewer, or alehouse-keeper, between the barley and the drink; the engrosser, mealman or baker, between our wheat and our bread; the butchers between our meat; and the butcher and tallow-chandler between our suet and candles; the higler, carrier, or poulterer, between our poultry and wild-fowl; iron, lead, wool, tin, leather, and salt, between the first founder and maker, their retailers, and other trades that are employed in the manufactures that are made of them. Now it cannot reasonably be supposed, that whoever is the first buyer of these things, or any other that goes between the buyer and the consumer, will pay the full price to the grower, and pay the duty of excise out of his own purse, which will require a greater stock; and gather it in again of the consumer, without interest, or profit, much of which trade will be upon credit, some of it comes short home, especially since it is in his power to abate it in the price from the first grower.

Nevertheless, he will certainly raise it in the price to the consumer again; and so the penny will be doubled, and probably raise the price more than the duty, upon supposition that he pays the duty, and may come to be a loser by it; and this being dispersed all the kingdom over, must needs create a vast number of officers and charge in the collection to the king; to which I may add, the great penalties with which it must be supported and attended; and the keenness of the officers to exact them, and the great discouragement all this will bring upon the consumption, with the great disturbance and slavery that it will bring upon the people, to have their houses subjected to the searches of officers, and their persons and estates to entries of goods and to penalties upon that account. Now the case is not the same in Holland as to any of the particulars before-mentioned, as will appear by these following:

First, For that it is their interest to discourage the consumption, and to occasion parsimony, most of the commodities being foreign; and to encourage the export of them, upon which their whole trade and livelihood depends, but ours the quite contrary.

Secondly, They can certainly raise the price upon the first buyer, because of the scarcity of the commodity; and that besides that little which the country affords, 'tis all in the hands of some few merchants or engrossers; and the necessity of the buyer is far greater than that of the seller, through the multitude of inhabitants, and the smallness of the product for necessaries for life.

Thirdly, Their collection is very easy and cheap; for the merchant secures the excise upon his first entry at the custom-house; and for the rest, they have no market but in walled and populous towns; so that it is all collected there with few hands, and little trouble to the people.

Lastly, All the excises of Holland, both upon foreign commodities and home, though multiplied and advanced to the last degree, together with the other revenues that belong to the crown of Spain, and the church, have been computed but at two millions a year, monasteries and tythes included, and are anticipated by debts for several years; and but sufficient to pay the interest; and 'tis the 200 penny, and 100 penny upon personal estates; that is the thing that supports their wars upon extraordinary occasions; and therefore probably the excises here will not raise such sums as we imagine, especially upon some few things; and yet the charge, slavery, and the inconveniences before mentioned, will be equal; and the hazard the government will run in rendering it odious and disgustful to the people, are so great; and, above all, it can turn to no account but for a continuance of time; and that it is a foundation for any government, or ambitious prince that would subvert the constitution, and enslave the people, to support an army, and carry on his designs if once introduced, by the continuance of it; and therefore I think no Englishman will be willing to make the experiment.

As to the last particular I undertook, which was to give my opinion what methods were the most eligible to raise money by, having in some measure prevented it by passing my censure upon those that are now in practice and vogue, I shall conclude all with proposing that of the ancient way of subsidy upon a true pound rate, according to the wisdom and constant practice of our ancestors, as the most equal, most reasonable, and most suitable to our constitution; and therefore most eligible above all others: which I shall endeavour to prove by these arguments following, and by answering those objections that are usually made against it.

But before I come to these particulars, I think it necessary to give some general account of the ancient form and method of subsidies, tenths, and fifteenths; the two latter having been totally disused, and the former but rarely, and not pursuant to the old method, since the beginning of the civil war; a subsidy before the war did usually amount to 70,000 pound, the last subsidy-book being the rule by which the future were given; wherein every man's land was valued at a certain rate beyond reprises; and this was not altered but once in an age, when there was an act made on purpose to make a review by the oaths of the commissioners, assessors, and examination of the parties themselves, or any other person knowing therein; and all the variation otherwise in the subsidies, was in the personal estate and money, and the allowance for debts, and a great number of children, to which they had regard upon application made by the parties, pursuant to the provision in those acts; all persons under five pound in personal, and three pound in real, as formerly rated in the king's books above reprises, were excepted; and all goods and stock in trade and household-stuff, except wearing apparel, were included: And a subsidy was four shillings in the pound upon real estate, and two shillings eight-pence upon personal, payable by two payments. And although two shillings eight-pence may seem to be less upon goods, than four shillings upon lands, yet when it is considered, that lands are rated according to the annual profits, and not their intrinsic value of purchase, and that this is almost treble the profit of money at five per cent. and that all other goods have no profit or interest to attend them, personal estate is more than doubly charged, as I have before asserted.

*Vide L. Coke's
Instit. 4. pa. 33
and 34.*

As to the tenths and fifteenths, they were a certain rate imposed on cities, towns, and boroughs, in respect of their moveable goods, and did amount to about 20,000*l.*, but there was usually a clause to reserve a sum for such cities and towns as were decayed.

As to the arguments for the subsidy or pound-rate, having said so much already, I shall reduce them to very few heads.

First, that it is equal in the imposition, nobody can deny, nor that none can pay more than he is rated, by any body's being undervalued.

Secondly, That it is made more equal and reasonable by the allowance of debts,

empty houses, drowned or unprofitable lands; but as for lands let or unlet, since the profits may be made in hand, as well as otherwise, there was never any allowance, the reasons not being the same with houses, which are a burthen, and yield no profit.

Thirdly, Here the clergy, and all that have estates upon old rents, and personal estates in money, goods, &c. shall pay, though the assessments brought in the full value, yet the commissioners did make an allowance for the port of the person, according to his quality.

But I come now to those objections which are usually made against it, viz.

First, That it is impracticable, as late experience hath proved.

And, Secondly, That it will not raise such sums as are requisite for the present juncture.

To the first of these I answer, That the experience of all former ages is a sufficient evidence; and the reasons of the late failure have been two visible ones.

First, The countenance that the monthly assessment hath met with from the court, and the discountenance this hath found, when the parliament granted the first 12*d.* aid, and the king to name commissioners, that they put in all the same again which were in the monthly assessment, which, as it was the highest disservice imaginable to the crown, in favour of their particular countries, so it is like to prove the most fatal to the nation, disabling it to raise any great sums from the great inequality of it, and inclining the party oppressed to embrace any new project that may hazard the present government, or prove destructive to the nation.

Secondly, The zealous endeavours of the western and northern members to continue the monthly assessment, which is so favourable to them, which, when they consider the consequences beforementioned, I hope will be no longer insisted on, at such a time as this, when all that's dear to them is at stake. But to shew that this is easily practicable, if the parliament will follow the methods heretofore used by their ancestors, I shall refer you to the quotations in the margin,* and to those acts which you will find in the statutes at large, where the assessors were upon oath, and the commissioners named by the king with power to examine all persons upon oath. But if these methods be thought too rigorous, I propose that the commissioners may only be of his nomination, according to the right of the crown, and the practice of all ages, whose only power is to see the assessors do their duty to put the law in just execution, and that every man may be bound to deliver into the assessor the true value of the lands in the place where it lies, according as it is rented; and if in their hands, according to the highest value that it pays in parish-taxes, with any thing that is rented, under pain to forfeit a year's value for every concealment of all that he hath in that place. And that the commissioners have power to examine any other but the person himself, concerning the value of the lands, and the parish-taxes, in order to an equal pound-rate, and to levy the penalties upon concealments. And if it shall be thought reasonable to allow any thing for the port of the person, that it be ascertained by a tenth, or any other part to be deducted to the commissioners from persons above a certain quality, but to lose that benefit upon any concealment.

As to the not raising a considerable sum, there can by no way be so much raised as by this; for we find by experience, that the monthly assessment, though now screwed up higher than ever, does not raise above 1,651,702*l.* 18*s.*, but every 12*d.* in the pound will raise a million; and the four shillings that were given by way of 12*d.* aid the first year, would have raised four millions, which I prove thus: The monthly assessment,

* 32 Hen. 8. ca. 50, p. 715, the assessors and parties paying upon oath. 34 Hen. 8. ca. 28, p. 833, the same. 37 Hen. 8. ca. 25, p. 893, the same. 2 and 3 Edw. the 6th, ca. 36, p. 970 and 971, the same. 3 and 4 Edw. the 6th, ca. 23, p. 1004, 100, the same. 7 Edw. the 6th, ca. 12, p. 1052, 1053, the same. 4 and 5 Phil. and Mar. ca. 13, p. 1158 and 1159, the same.—*Orig. Note.*

at 70,000*l.* per *ensem*, raises 840,000*l.* per annum; and of this I am sure not near a third part of England pays above 12*d.* in the pound, and some not above three-pence, and so upward to a shilling: Now if these two-thirds were brought to pay a shilling, and the others reduced, I leave it to any reasonable man to judge, whether the remaining 160,000*l.* would not have been raised, especially if money and personal estate are called in to aid; and this I shall observe to you, that all the home-excite of the province of Holland, as I have been credibly informed, do not raise above a million, and the rest of the provinces not above half a one, though multiplied and extended to the utmost; and therefore, if laid only upon some few things here, would not raise such sums as are imagined, and for that reason also not worth the experiment, to change the ancient methods of our ancestors, which will be found in the conclusion the most equal and reasonable of all others.

Postscript.

This paper being writ and calculated for the year 1692, before the parliament sat, and had adjusted their aids, a full and successful experiment has been made for a million upon a perpetual fund, and probably might bear half a million more, if the time for subscription and fund were enlarged; there has also been trial of another 4*s.* pound-rate, which, by reason all oaths were waved, and very small penalties put upon the concealment, and the commissioners not of the king's nomination, as I am informed, hath fallen short of the two millions that were expected from it; so that other methods must be taken, as are herein before proposed, if you would make it any thing equal or effectual. There has also been new impositions laid on several commodities, which, by the neglect and miscarriage of convoys, and want of station-ships and cruizers to clear the channel from privateers, as to trade in general, but more particularly to the Mediterranean, Turkey, and West-India trade, have produced but very little; also the duties upon sugar have been wholly taken off, which might have been borne during the war. These things I thought necessary to observe, since they have made alterations in some matters contained in this essay.

A Treatise, shewing how useful, safe, reasonable, and beneficial, the Enrolling and Registering of all Conveyances of Lands may be to Inhabitants of this Kingdom.

By Lord Chief Justice Hale. Anno 1694.

This Treatise is not mentioned in any list of the works of the eminent judge to whom it is ascribed. The system of registering all deeds affecting the sale or mortgage of landed property, has been adopted in Scotland with great advantage. But though frequently proposed, there

have been found great practical difficulties in the introduction of such a system into the law of England.

IN the business in agitation touching enrolling of deeds, these things are considerable.

1. The mischief propounded to be remedied.
2. The remedy to be applied.

The mischiefs at present to be remedied are,

1. The great deceit committed by persons by secret judgments, mortgages, conveyances, and settlements, whereby purchasers are oftentimes deceived, and creditors defeated: And this the more considerable in England, because indeed the great inland trade we have, is the trade of buying and selling of lands, and the great security that is ordinarily given to creditors and lenders of money, is by security of land.

2. The multitude of chargeable and difficult suits in law, occasioned by preconveyances, secret mortgages and other incumbrances, which probably would be avoided and lessened, if all men's estates lay open to the view of others.

The remedy propounded is by an office of enrollment, or registry of conveyances.

In this, as in all other applications of remedies to any mischiefs, these things must be considered:

1. How, and by what means, the remedy may be commensurate to the mischief?
2. Whether the remedy, or the application thereof, in such manner as it may be commensurate to the mischief, be feasible or not?
3. Admit it to be, then what inconveniences may otherwise be introduced by the application of the remedy?
1. If the inconveniences introduced by it be greater than the benefit it gives, the remedy is to be rejected.
2. If the inconveniences thereby occasioned be over-weighed by the benefit, then it may be entertained.

But with due consideration or provision that those inconveniences introduced by the remedy, may, with as much prudence as may be, be obviated, prevented, removed, or very much allayed by suitable provisions against them.

The first of these considerations, namely, the application of the remedy in a due commensurateness to the mischiefs, must needs be by taking care that there be no room or inlet for any such deceit, by secret conveyances or incumbrances of estates: "For if any one leak be left unstopped, the vessel will sink as if more were open." And if any one device be left unprovided for, thither will fraudulent persons betake themselves, and get out of the remedy intended.

Therefore,

1. All judgments, statutes, and recognizances, must lie open to view, either by inrolling or registering them, because those charge lands.
2. All trusts touching estates must be enrolled or registered; for now, by the power of courts of equity, these do charge lands, and sometimes in the hands of the fourth or fifth purchaser, if there be proof of notice.
3. All mortgages, as well forfeited as not forfeited, defeazances in nature of mortgages, must be enrolled.
4. All powers of revocation and limiting of new uses, powers of letting or charging estates, must be registered or enrolled, for these may alter the title of lands, and are sometimes contained in distinct deeds, from the deed whereby the estate is settled.

5. All declarations of uses and trusts upon fines, recoveries, and other assurances.
6. All grants of rents, commons, profits, all conditions and reservations of rents.
7. All leases, for years or lives, made by any person either with rent, or without it.
8. In brief, All feoffments, grants, releases, confirmations, wills, forfeitures, escheats, commons, or whatsoever other estate or interest in them.

For if any of these be not enrolled or registered, or some way rendered open to the view of every person, a man may be cheated or deceived. And what is the odds, whether a man be deceived by a secret mortgage or judgment? or by a secret lease for lives or years, or by a secret settlement, or devise or will? And all these must be secret to him that hath no ready means to discover them: The remedy whereof is designed in this public registry.

And yet further, if the remedy be intended as large as the disease, this registry must not only look forward, but it must look backward, (*viz.*) that all estates and incumbrances now in being, as well as those that shall be hereafter, must be laid open to the view, otherwise the provision is not commensurate, there being in all probability a stock of latent incumbrances and charges upon lands, which may serve at least to deceive and cheat this present age, and the next also. Therefore, unless there be some notification of present incumbrances, as well as future, we but lay up a security, that it may be of use an hundred years hence, and leave the present and intervening ages in as bad, if not worse condition, than we find them.

Therefore, a remedy commensurate to the mischief must needs provide for the registering all estates and interests, and charges of lands, and that as well for the time past, as time to come; otherwise the plaster is too narrow for the sore.

2. The second consideration is, Whether this be possible to be done? Indeed, it is a fine thing in the theory and speculation, and a man that fixeth his thoughts upon the good that might come by such an expedient, without troubling himself with the difficulties that lie in the way to it, may drive it on very earnestly; but he that shall consider the difficulty of it, will easily see that it is but a notion and speculation, and cannot be effected or reduced into practice, at least not without immense confusion.

The difficulties that attend this design, are either such as relate to the enrolling of estates now in being; or, secondly, The enrolling of estates hereafter to be made or granted; or, thirdly, Such difficulties as relate to both.

1. The difficulties that attend the enrolling of estates now in being, or past, these seem insuperable. In order to the discovery hereof, we must suppose, that either every man shall be at liberty to enroll or register his estate, or he must lose his estate. If we suppose the former, then every man is still at liberty, as he was before, and nothing is effected by it.

If the latter, (*viz.*) That he shall lose if he do not enroll the estate he hath, or which is all one, it shall be in the power of him that enrolls a subsequent title, to make the former, not enrolled, void; then either that enrollment or registry, must be barely of his claim, or some abstract of his title, or he must enroll the tenor of the deed, or evidence by which he claims.

If we shall suppose the former, then these things will be considerable. First, What if he doth in some things make his claim? It may be he thinks he has an estate in fee-simple, when it is but in tail; it may be an estate absolute, when it is conditional. Certainly he that claims by an abstract had need of a very good counsel at his elbow, to give him sound and uncontrollable advice in drawing it up, otherwise he that hath a good title may lose it for want of a right abstract of his title by which he claims. Surely, therefore, every man that hath a good title, and can possibly come by the deed or evidence by which he claims it, will enroll his deed at large, for fear he should omit any thing essential to his title. Secondly, Or else it is intended, that though he mistake his title, yet if he enter as much as he thinks fit, it shall be sufficient to preserve

his estate. And if this be intended, the whole design of registering and inrolling will end in a public deceit and insecurity, when, perchance in the event, the estate or interest claimed, doth materially and substantially vary from what is registered. Thirdly, Again, if such an uncertain claim shall be allowed, not made good by deeds or evidences, this office will breed more disturbance in many estates, than any imaginable deceits or frauds besides can equal; for any man shall at a venture make what claims, and set up what pretences, he pleases to any man's estate in England, and shall be admitted to enroll them in the registry, and the person injured shall be either remediless, or driven to more suits and expences, to vindicate his title, than now he is necessitated unto, to discover a fraud in a seller.

It remains therefore necessary, that whosoever will enroll any thing in being, he must produce some authentic deed, or other record, to warrant what he would have enrolled, and then there must be enrolled at least so much of the deed, or evidence that concerns, First, The parties, granter and grantee; Secondly, The things granted; Thirdly, The estate granted; Fourthly, All those parts of the deed, or evidence, that have any influence upon the estate; as rent reserved, conditions, powers of revocation, of alteration, of leasing, the trust, &c., and those other things that have an influence upon the estate; and without all this done, and truly done, the purchaser or lender is as much in the dark as before, and cheated under the credit of a public office erected to prevent it.

This being the state of the business in relation to enrolling of things past, there follow next those difficulties that render the design either impossible or fruitless.

1. Many persons that have titles, have them by livery without deed, or cannot bring the deed to the office to be registered or enrolled, because the deed itself is not, nor by law cannot be in their custody, at least *de facto* is not in their custody, as they that claim remainders where the custody of the deed belongs to others, those that claim by wills, either concealed, or in the hands of executors, and may have lost their deeds in the late troubles, and to compel possessors, especially purchasers of lands, to discover the deeds, which possibly they have for the security of their own assurances to make other men's title appear, and this under a penalty or action, were an unreasonable thing, and would create a general insecurity of purchasers.

If (44 Eliz.) *A* conveyed his land to *B*, and 12 Ja. 1. *B* conveyed it to *C*, and 3 Car. 1. *C* conveyed it to *D*, and 20 Car. 2. *D* conveyed it to *E*, must all these conveyances be enrolled, or only the last? If all must be enrolled, then if any one man's conveyance be omitted, suppose it from *A* to *B*, then the omission of the enrollment thereof will give a title to *A*, or his heir, to a claim to this land; if only that from the last seller, then is the purchaser in the dark still, what estates were in the antecedent owners, and how derived, and so the design would become ineffectual to the end proposed.

3. If all the mean conveyances of men's estate should be inrolled, Westminster-Hall would not hold the enrollments, and the charge thereof would be above two millions of money; nay, if we should suppose the present estates of the present owners of lands in any one considerable county, were to be inrolled, the charge would be intolerable, and the bulk itself would be utterly useless; suppose in London, 20,000 houses, and each house to have but two titles, that is, that of the owners of the inheritance, and that of the present lessee (though some have many more concurrent and coincident titles to recompence those that may have possibly less) this would bring the enrollment-office 40000 deeds, the enrollment of every deed at least 10s., would produce 20,000*l.*, and about 230 volumes of vellum books, which would take up the employment of many clerks, and, when the work was done, the volumes too vast and numerous to be made use of; and what would be done then with the many leases of western manors, which yet have many under-titles derived under them?

4. But how shall these deeds come to be enrolled? He that made them perchance is dead, or at least will not come to acknowledge it, and if every man that brings a deed should have it enrolled without acknowledging it by him that made it, any forged deed may be enrolled, and men, in a little while, may lose their estates, by the countenance that a forged deed shall receive, by the being enrolled among the public records of the office; for the officer can never examine the truth or reality of the deed, or, if he could, it would not be reasonable that men's estates should depend upon the judgment of any ignorant clerk or officer.

2. As for the enrollment of all conveyances and deeds for the time to come, this labours under great difficulties also, though not so many and so great as the enrollment of things past, because here the persons that make the deeds may possibly come to acknowledge them before some persons publicly entrusted, as two justices of the peace, or the master of the office; yet this has also great difficulties.

1. Many men's estates are by will, where the proprietors of the estates have not the custody of the will to produce.

2. How shall the officer before whom the will is produced, if it be produced, know whether the will be true or forged, or revoked? since the deviser is now dead that made it, and surely it can't be intended that every man that makes his will of land shall enroll it in his life-time, since he may often change, revoke, and alter it.

3. Although it is a very great inconvenience, and fit to be remedied by act of parliament, that many times in courts of equity, trusts are averred without and contrary to deed, yet certainly so long as that usage is allowed, all trusts of estates cannot be enrolled, because they be oftentimes in averment and proof without writing, and so do oftentimes the uses of fines, which as yet have influence into the estates of most men, and yet as the law now stands, are averable without deed.

4. The charge of enrollment of all incumbrances and estates of land, even for the future, will, in the space of few years, grow vast, and the registry or enrollment-office will grow so voluminary in seven or eight years, in most counties, that they will become useless and unmanageable to the ends propounded, as would easily appear upon a medium or estimate of the estates, conveyances, leases, judgments, and other incumbrances that grow up in one county, in one year.

3. These difficulties that are common both to enrollment of things past, and to come, are principally these:

1. The place where this registry shall be kept, if in London, all men must come up thither to enroll their deeds, which will be intolerable; if in the countries where the lands lie, then London being the great centre of buying and selling, a man that deals here at London, must be forced to send into Cornwall or Northumberland, to search the registry there.

Again, what shall be done where one conveyance compriseth lands in several counties? or where a man, having lands in several counties, acknowledgeth a judgment or statute, shall this be registered in every county? And if it shall, how shall the commissioners know all the counties where his land lieth? And how shall the deed in one county be transmitted to another, or must it be acknowledged in every several county, and by the party there enrolled?

2. Again, how shall judgments that charge lands or statutes, merchant, or staple, be authentically registered in every county? And what warrant shall be sufficient for it, especially since there be so many courts of record in England, wherein judgments given will charge lands in other counties, as in the courts at Westminster, the courts of grand sessions, &c.

So that as to estates and incumbrances already before this time created, the propounded register seems utterly impossible and unpractical: As to estates and incum-

branches for the time to come, though more practical, yet very difficult, cumbersome, and chargeable, and scarce applicable to the end designed, if it be compulsory upon all to do it.

3. As to inconveniences, I shall mention some, and of those, some applicable to both proposals, both of registering things past and to come, though far greater in relation to the time past.

1. Whereas many men perchance for many years have quietly enjoyed their estates, although perchance some little defects there might be in their evidences, as for want of some ceremonies, circumstances, or words: Now, by enrolling all these deeds, all these defects will be exposed to the view, observation, and search, and discovery of others, whereby busy projectors will be picking holes in the titles and estates of many men, which are now quiet and at rest. This will discover the flaws and defects of all men's assurances, and multiply suits and questions.

2. Whereas it many times moves great distempers in families, when children shall see and know how their parents dispose their estates among them in their life-time. This course will force the father to enroll all his settlements, whereby all his intentions will be discovered in his life time, which may breed great unquietness and animosity; or otherwise, it will put it in the power of the heir, if the deed be not enrolled, to sell the land, and so defeat all his younger brothers and sisters.

3. Whereas some are desirous that the greatness of their estates may not be known, to expose them to contempt or question. This registering of men's estates and interests disappoints both, even where there is no occasion for a purchaser to be concerned, nor any design of fraud in either.

4. It is worth enquiry, whether the prospect of this business is not so much to remedy old inconveniences, as to introduce new, by erection of new offices and new officers, salaries, fees, which will bring in an excessive charge upon the people, and is always accompanied with further exactions; sometimes for expedition, sometimes for preferance of one man's enrollment before another, which will certainly be found, together with great delays, especially where the business of the office is like to be very great.

Upon the whole matter, I think that the compulsion of every man to enroll or register his writings and evidences of his land, whether past or future, under any penalty, is unpractical, and utterly inconvenient and dangerous to men's estates.

And now if it be objected, that these difficulties and inconveniences be but imaginable, or easily superable by prudent provisions, and all the inconveniences objected, may be in like manner remedied, since we daily see in copyhold manors, and in some great precincts, as, for instance, in Taunton manor, all men's estates are enrolled, or so registered, that it prevents all possible fraud by pre-conveyances, and hath brought great quiet and security to men's estates, without the least sense of any of the objected difficulties or inconveniences.

I Answer.

1. That the cases are not like enrollments of copies of court-roll, or within a private manor serves but a small precinct, but the thing in proposal is intended for a great kingdom.

2. There it hath been long since begun, and so hath been carried down in succession of time, and rendered familiar, and custom and usage hath accommodated the practice: But if it were now to be begun, and take in, especially all former estates, it would be very difficult to be put in use, even in a considerable manor or borough; much more in a great kingdom.

It is true, that if all conveyances of lands were for time to come registered, it would in process of time do much good, and prevent many suits and frauds, though perchance

the present age may not find the advantage of it. And certainly it was the great design of the statute of the 27 H. 8. of enrollments to have brought up that method of assurances, and had it been pursued, it had before this time been brought to great perfection, and done much of that good which is now intended by it.

But to make the design at this day practical and useful, these things must be observed,

1. In reference to deeds of all sorts.
 2. In reference to wills.
 3. In reference to judgments, statutes, and recognizances.
 1. Therefore in relation to deeds, these things are necessary to make the design practical and useful ;
 1. That it be enacted, that no estate pass from man to man (by act executed in lifetime, other than by last will) for above years, without deed.
 2. That no use or trust of any estate be raised, but by deed expressing the same.
 3. That to prevent the extreme length of covenants in deeds, there be thought of certain words that may carry in them the strength of covenants or warranties : As for instance, [*Dedi*, or *Give*,] to include a warranty and covenant against all men, and also for further assurance, [*grant*] to include a warranty and covenant against the party, and all claiming under him, and for further assurance within seven years, [*deliver*] to include a warranty and covenant against the party and his ancestors, and all claiming under that, and for further assurance, within seven years ; and divers instances of this kind might be contrived by short words to include large sentences : Thus it was done by the statute of *Bigamis*, and this would shorten deeds, and abridge their charge of enrolling.
 4. That all deeds to be enrolled be acknowledged before a judge of Westminster-hall, master of the Chancery, as now ; or before two justices of the peace in the county, and they to have power to examine femme coverts to prevent the charge of travel, and of commissions to take acknowledgments.
 5. That all such deeds as are to be enrolled either in the courts at Westminster, or in the counties, before the clerk of the peace of that county where the land lies, or in cities, according to the stat. of 27. H. 8.
- This will prevent the needless multiplying of new offices, and the gaping of people after them, and perform the business according to the known and settled usage already established by law, without introducing novelties more than need.
6. That if the land lie in several counties, the enrollment at the courts at Westminster to suffice : If enrolled in one county, it may be sufficient for the rest, only a short abstract or certificate thereof to be sent at the desire of the party to the clerk of the peace of the other counties, subscribed by him, to be entered with the clerk of the peace of the other counties where the lands lie.
 7. That no deed be enrolled after months from the time of the caption.
 8. That the relation of the enrollment of deeds to bind or prevent mean incumbrances, relate only to the time of the caption at farthest.
 9. That twice in every year at least, there be transmitted from the office of enrollments in Chancery, abstracts or certificates of enrollments to the several clerks of the peace of those respective counties where the lands lie, under seal, and so from the clerks of the peace of the several counties, to the clerk of the enrollments in Chancery, that they may be reciprocally entered : This to be done under a pecuniary penalty, but not to invalidate the enrollments.
 10. That some settled easy fees may be established by act of parliament, for the caption, enrollment, and certificates.
 11. That no penalty lie upon any party for not enrolling his deeds, farther than by law is established already, but only by act of parliament, a considerable advantage

to him that enrolls. This will invite men to do it voluntarily, and in a little time will carry the greatest course of assurance in this method, without any grievance or inconvenience.

12. That the advantages propounded be such as these :

1. That whatsoever estate, reversion, remainder, or contingent remainder, or uses, a man may bar, by fine or common recovery, with single or double voucher, he may bar by a deed enrolled; except as to the point of non-claims, provision for infants and idiots.
2. That a deed enrolled may supply the defect of livery and seisin, and attournment: But not as to forfeiture of the estate of him that makes it. This is partly done already by law.
3. That uses may be as well created and executed upon a deed enrolled, as upon a fine or feoffment, or release.

It is true, that by those advantages, and some others that may be added, most of the assurances in England will run this way; and thereby,

1. The offices of clerks of the peace, and enrollments in Chancery, will grow to be great and beneficial offices.
2. The offices relating to fines and recoveries, will sink very low, as the prothonotaries, the chirographers, *Custos Brevium*, clerk of the king's silver, clerk of the enrollments, and the practice of many clerks that usually deal in fines and recoveries.
3. The king's fines upon originals, and the commissioners for the composition of post-fines, will decay in time; which will be a loss to the king, the keeper of the great seal, the master of the rolls, and cursitors, and lords of liberties.

But to this I say,

1. The swelling of these offices may be corrected to the publick benefit, by making the rates of their fees lower.
 2. The offices, that will by this means be impaired, may be considered, if it be thought fit, by some allowances out of the offices of enrollments, though the officers of the court of wards found no such provision for them: And if some counties were allotted to the Common-pleas for enrollments, that might easily be applied, and distributed so as to countervail the loss.
 3. The loss of fines and post-fines may be abundantly recompensed by a very small allowance upon every deed enrolled; and yet the subject be a gainer by it.
- And as these small differences may be easily recovered, so these great conveniences would ensue;

1. No man would be compelled to enroll his deeds, and yet every man might take the advantage of it that pleased.
2. The old course of fines and recoveries, not taken away, but left for every man to use that would, though a cheaper and readier course of assurances be substituted.
3. Whereas now no fine, or recovery, can be had in vacation time, whereby many men, before they can settle their lands by this means, entails and femme coverts may be barred, and settle their estates as they have occasion.
4. It would take away the charges of travel to London, by persons living remote; the charges of commissions, *dedimus potestatem*, warrants of attorney, and all those incident charges of fines and recoveries: So that a man that is necessitated to sell his land, though it be but an acre, cannot do it, by fine or recovery, under fifty shillings, may be able, by this means, to perfect his assurance for ten shillings.
5. It will, in few years, carry the whole track and current of assurances in a way that may be open to all men, and yet without compulsion to any.

6. It will prevent those many defects in assurances by fines and recovery ; which, consisting of so many parts, and passing through so many hands, are subject oftentimes to be reversed : It may be, for the loss or mistake of an original writ, or some defect. And thus far for enrolling of deeds.

2. Touching judgments and statutes. The statute of 27 Eliz. hath provided in a good measure for the enrolling of statutes : But as for judgments it is a business of great difficulty how to enroll them especially because it cannot,

1. Be readily known where the party lives, or where his land lies by the ministers of that court where the judgment is given, and so it will be difficult to transmit the same into the counties where the land lies.

2. If that were all known, yet it might be hard that a copy of judgment, in paper, should be a sufficient warrant to enter it with the clerk of the peace in the county.

But all the way that seems to be practical in this kind, were for the clerks of the several great courts, to extract out of the rolls, the abstracts of the recognizances and judgments, for four or five years past, or more ; and also for the time to come, as they are entered, and to digest them in alphabet, according to the surname of him that acknowledgeth them, &c. and so to preserve them from publick inspection ; this might be easily done, and a salary or fee settled by act of parliament for the respective offices employed therein. Only there are these inconveniences which must be remedied :

1. The retrospect of a judgment to the beginning of a term, though acknowledged, it may be, long after.

2. The late enrollment of judgments confessed, so that there is little appears of a record, but only in private remembrancers.

3. The keeping of paper recognizances acknowledged in courts for many days and some months, without enrolling them as they ought, and yet by relation to the time of the caption, many times over-reach men's purchases and securities : these might be remedied by orders of several courts without an act of parliament, if strictly enjoined and observed, though a short act would easily make the remedy universal.

4. And lastly, touching wills, the difficulty will be very great to put them into better order, than they are at present, abating some few things.

For the deviser himself must not enroll his will, for the reasons before given, and especially for that it is alterable every hour, and many times made in extremity, when there can be no authentic officer to receive or attest it.

And when he is dead, the will comes to the hands of the executors, and it may be controvertible ; and if the entry then of it by an executor, or one that pretends to it, should render it authentic, it may prejudice the just right of others.

And on the other side, oftentimes the devisee of lands hath not the custody of the will, and it would be unreasonable that the executor's neglect should prejudice the devisee's interest. I know not how the case of wills can be made much safer or better than it is, at least unless the insinuation thereof were under the examination of temporal courts ; but that perchance would be thought too great a change.

Only it were well, if some greater solemnity were required by law in wills, whereby lands are devised ; for ever since the stat. of 34 H. VIII. more questions, not only of law touching the construction of wills, but also of fact, arise, than in any five general titles or concerns of lands besides. As, whether a will were made or not ? whether revoked or not ? which multiplies suits, and makes great uncertainties.

But an act may be necessary to prefix a time and order for claims to burned houses in London, and a judicatory settled for the determining thereof summarily ; because otherwise, possibly latent incumbrances may arise upon those that have been at great charges in building.

But it were far better, that there might be an act to quiet the enjoyment of those

that have built according to the decrees, and under the rules already decreed, because their charge hath made the improvement, and saved it from the forfeiture which would otherwise have happened; therefore no reason their possession should be disturbed. And besides, all persons that had any pretence of claim, either have made it, and their claims examined by a public judicatory, or might have done in so long a space, which they have neglected, and it hath been their own faults.

Therefore this case touching the burned houses being particular, in a particular precinct, and thus circumstantial, will not make any parallel case to universal registers.

The History of the Rook and Turkeys. 1694.

This is an exceedingly dull parable, founded upon the disaster which befel the Turkey fleet when sailing under the convoy of Sir George Rooke. It is scarce possible to conceive more heavy pleasantry.

ROYALTY and dominion, and fealty and obedience, are those necessary institutions for the support and preservation of order and society in the world, that they seem designed for the economy of the whole creation: And prerogative and subjection are not only found among birds and beasts, but we may trace down a sovereign head even to the hive and the honey-comb, in the very jurisdiction of a poor plantation of bees.

As authority and servitude, therefore, are those universal bonds of communion, our present small treatise, though great theme, is a select and compendious collection of the ethicks, politicks, and administration of some late reigns within the airy principality, the empire of the birds.

In a certain rich and fat northern soil, long had there reigned a succession of royal eagles; and so reigned, with such a constitution of monarchy, as the best aggrandized the sovereign, and best eased the subject: for where love and not fear obeys, is the prince truly greatest; and where the link of duty and submission are bracelets, not fetters, is subjection truly lightest and happiest.

To make this aquilinary sovereignty thus great, and withal thus easy, the grand council of the storks,* those ever pious patriots, that carry their aged sires on their backs, were always called in as assistants to this supreme administration; and thus joining in the common sanction and foundaries of command and homage, the whole precepts and rules of their own duty and obedience, nothing could more contribute to the general felicity, than this union and consort of government.

The eagles, whilst they thus governed, truly carried the thunder in their talons, being the universal darling majesty at home, and no less universal terror abroad. But when any irregular mistaken ambition of extending their power too far, put 'em upon too large a stretch of wing, the popular jealousy was always so wakeful and ever so dreadful to such insults and encroachments, that the too aspiring soarers still failed in their hopes. For instance of old, when the royal aquilines fluttered too high, and preyed too sharp, how often have the insurrections of the noble fauleonry made head against them, to many a torn plume, bloody beak, and broken talons between 'em? Witness the purchase of their great forest charter, and the rest of their ample and spacious rangeries, obtained at no less than the price of their blood. For indeed, to

* Parliament,

sum up the whole genius and souls of this northern colony, they could never brook either cover or cage-door to their great aviary. The free and open air were the birth-right they challenged, and even the poorest rustick poultry claimed that asserted property to chuck in their own roosts, and crow at their own barn-door.

But of all our boasted strength and glory, the fair effects of this great royal union, nothing could equal the once illustrious virgin eagle's reign,¹ that miracle of imperial sway, so linked in all her adoring subjects hearts, that all the singing quires, the universal musick of the fields, on every bough chirped round her. 'Twas then, and by that influencing ascendance, her bold commissioned Drake dealt forth her flaming vengeance, and made that glorious conflagration, that blazing pile of her crusht foes, as rendered the trembling universe her vassal. Could any fluttering neighbour, round her, grow too proud or insolent? No; the great virgin terror soon clipt his wings; more especially, if any impudent water-fowl pretended to make the least hover within her own sole sovereignty, the great fence-moat round her aviary.

But, alas! this national happiness was a blessing too great to be immortal: During her long happy too short reign, indeed, it lasted. But, oh, what sudden fall from all that grandeur! Her too hen-hearted talonless successor,² so dwindled all our native awe and greatness, so poorly shed his beak, so suffered the whole crowing neighbourhood to grow upon us, as entailed that miserable descending patrimony to his too unhappy heir. Unhappy indeed! For what betwixt his natural aversion to the great storkery, his too passionate fondness of some bloated-feathered favourites, and the too deep resentments of his over-jealous homagers, (the both sides too fatal frailty) that violent and tremendous irruption broke forth, as ended not till it not only dismounted, but embrued their barbarous sacrilegious fury in the poor bleeding eagle's³ veins, and drove his young pitied eaglets into a wretched wandering exile; whilst a whole nest of croaking ravens perch the royal cedar, and an usurping barbarous griffon, that party-compound monster, filled the throne. 'Tis true, to give even treason and infidelity their due, he carried terror, the dread of nations, with him; but right and justice, those fairest plumes of power, were wanted. Till heaven, at last, in pity to our sufferings, as he had reigned in storms, dislodged him in a whirlwind; summoned the roaring elements to his exit, and lowered the gaudy pageant; his despised, now no longer formidable relicks, reserved only to be hung up a scare-crow on a perch, and his crest advanced to a pinnacle.

But now the too long mourning aviary, with flagging wings and murmuring notes, all drooping saw their too mistaken folly, and watching the blest occasion (a too poor expiation) of gathering up the spoils of majesty, and restoring the too long borrowed regal plumes, assisted by aiding miracles, recalled the banished eaglets. But, oh, what echoing triumphs received them! The dove and the olive-branch, the swallow and the spring, came o'er with them. Now royalty and her great eagle⁴ was once more remounted; and so remounted, so met, so welcomed, those thousand thousand chanticleers to greet him, that nothing was thought too rich to deck his shining nest, at this more than phoenix resurrection; insomuch, that that profuseness of joys carest him, that upon all occasions our opening hearts never thought the plucking of our own richest golden feathers too much to pleasure him.

With this general harmony in the great aviary, never was a fairer opportunity presented for the royal eagle to recover the ancient renown and long-lost glory of his ancestry; and by following the famous virgin-precedent, have copied, if possible, beyond the original. And indeed, never was more occasion for pushing for that recovery, or patterning from that example; for it was in this reign that the neighbouring tyrant vulture⁵ began to feed his wild ambition, and gorge with that spoil and rapine as threatened the whole western world. The imperial remoter eagle already felt his pounces; and all the weaker neighbourhood, round him, were daily cravened and das-

¹ Elizabeth. ² James I. ³ Charles I. ⁴ Charles II. ⁵ Louis XIV.

tarded before him. And though the common foreseen danger might possibly come last to his door, yet our weak-eyed royal eagle, either not able to face the rising sun before him, or dissolved in his supiner ease and luxury, looked not so far beyond him as to-morrow; instead of opposing and reducing this too formidable encroacher, rather animated and assisted his ambition: And though elected the common arbiter general, so far derogated from that trust and character, as to promote, rather than check, the spreading desolation; whilst not only scarce a young noble falcon among us, but either flusht his talons, and all our young cockeril sharpened their spurs in the great vulture's cause; or else by a more shameful too spreading degeneracy, our daily debasing breed from the once glory of the cock-pit, now, *R—s ad exemplum*, were dwindled only to heroes at a hen-roost.

But above all, for the full consummation of our calamities, (*hinc illæ lachrimæ*) our royal eagle himself moulted all his own royalty to imp the vulture's wings; and all by an unaccountable fondness and servility to that very unhospitable nest, that once most shamefully refused his own exiled foot and wearied wing a resting-place.

But if all these infelicities attended this darling administration, what melancholy face of confusion must the following reign produce? Here, (*meminisse horret*) what too just fears surrounded us. Now all the old church-daws were all upon the flutter and the wing for the re-building their ancient nests again. The owl-light skulkers and night-bats flew in open day; nay, legates and embassies were posted over to the triple-combed Peter's cock, to invite him to his old roost again among us; and already he began so to crow upon us, and his maudlin-harpies claws had fixt so fast, and a hundred other of his porcupine-quilled sharpeners were so brooding, as give us a fair sample of what we must expect. And all these extravagant irregularities acted with that hardy crest and strutting tail, that with a perfect estridge stomach we digested even vows, oaths, and honour, as easy as nails and pebbles. And what between a henpeckt ascendancy over him, and his own natural infatuation, to what poor shifts did our descending eagle stoop! Nay, it was shrewdly to be suspected, that even a false egg was hatcht for an inheriting eaglet.

But not to dwell too long on so ungrateful a theme. 'Twas enough, that the inevitable approaching danger so frightened the whole aviary, that for their own preservation they implored the succour of a new generous champion eagle,^a to take wing, and speed over for our protection. How the whole choristers of the grove saluted their welcome deliverer, is so fresh in memory, as not to want a repetition. Let it suffice, that what betwixt a crest-fall and a crop-sick shame and confusion, our great despairer poorly wheeled off for shelter under his too long darling vulture's wing, and left the great abandoned cedar, the meed and reward from the unanimous grateful storkery, to our young bold eagle and his fair royal mate. Now all our frights soon vanisht, whilst the whole grove were all secure of singing their own native airs, past all the threatening danger of being either Peter-cocked clawed or vulture-coopt cage-birds, or having false whistlers over us, or false notes taught us. Liberty and safety, in their new halcyon flight, those now unravisht Philomels, could sing without the thorn at their breast. In short, the whole nest was all dismantled, and the great cockatrice egg all addled.

And now the whole face of empire changed. The too lately and too long idoled vulture, now grown the universal odium, with a defiance worthy the great aviary, from cooing and billing, and all our former galled turtle-play, reviving glory begun to sharpen up her old rusty gafflets, and whet her blunted beak. Our now truly royal and only long-winged eagle, led forth to foreign fields of honour; and though flying at a too headstrong game, (our own only fault, the flight begun no sooner, and the quarry so overgrown,) yet despising dangers, odds, and inequality, made those impetuous flights at the bold vulture, that never was clash more fierce or grapples more

^a James II.^a William III.

terrible. Nay, there was once a day, when, had our shrinking rear seconded our bold leading front, their whole glory had been struck down before us, and the whole field of prey been all our own.

And 'twas now our royal eagle, by the great virgin example, set forth our second great ocean Drake, his bold deputed thunderer, who, in that memorable scene of deathless glory, drove their whole craven flock like so many dared larks before him, shamefully sculking home, with all the wing that fear could make, for covert for their coward heads, where, in the face of the whole trembling vultury, he put fire to the coop and set 'em a blazing.

Such was the glory of that illustrious day, and such the worth and honour that atchieved it. Yet even such worth, though solemnly congratulated by the acknowledging storkery, however not able to tune his airs with the great bull-fi—h, was laid by, and his divested power lodged in a tripple succession of new-chosen favourites. These promising new darlings, resolved to out-fly their predecessor, were for carrying their thunder even to the vulture's own door. But, oh, the sad fatality of defeated hopes! Alas! fallen short of all those towering wonders, they came too late; for the penn was empty and the birds were flown. But miscarriage never wants misfortune for a plea; some pretended to prattle, that want of provant might possibly retard their otherwise nimbler speed; some stickt not to say, that possibly some canary birds might perhaps have too much rape in their troughs, and yet want a little hemp-seed, or so: But that shadow vanisht, and that calumny was cleared. However, whatever impeding obstacle hindered, as whether not unhooded in good time, or not whistled off soon enough, or what else, &c. so it was, that they only took a long rovers to no purpose, only shook their wanton bells a little, and so home again; for as we said before, the birds were flown.

Flown, did I say? and good reason too. For instead of dry buffets and hard beaks at home, they had a fatter prey and an easier game a little farther abroad. For about this time from our aviary was a great Turkey drove designed to travel that way, headed by a leading Rook and a small attending rookery, (a too slender guard against such potent talons,) that at that very pass, with their unwieldy bulks and wealthy feathers, must run full into their mouths; for whose waited reception these keen expectants lay hovering. I confess this travelling rookery and his rich charge had several months before been prepared for their movement; but some stop or other still kept them in their coops, and this was the only hour of departure.

No sooner were they set out and past recal, but the whole publick outcry was wakened, and alarmed at their danger. The affrighting dread of a decoy raised a hundred untuneable murmurs, even to blame both the gosselin-poll coop masters and aviary keepers; and the modestest reproach was, to call it a buzardism. Their fears, alas! were but too just; for the poor unwary Rook and his long heavy-pinioned train fell into the snare. 'Tis true, in this dismal surprise, and seemingly total prospect of ruin, just ready for the cormorant's gorge before us, we had a little more than ordinary (I might say) almost miraculous deliverance; for unless a few of our neighbours fellow-travelling flock, that, by moving in the van, were a little too near reach and gripe, and so fell into their talons, 'twas our more especial happiness so to amuse by a false appearance of our strength well ranged and well managed, (our rookeries prudent after-game,) that under the umbrage of that amusement, and the terror it raised, we secured our retreat. In short, we made all that nimble wing as to slip home; only three or four stragglers, that run into a friend's coop too weak for shelter, were under those hard apprehensions, as to be forced to play the dop-chicks, and duck under water for their safety; and one or two of them had the misfortune to have some of their upper-tire feathers singed, and a good shift they got off so.

But had the vulture made a home-swoop, and seized the whole quarry, (as God knows he was little less than cock-sure of us,) good heaven, what a swinging high-tory feast would he have furnisht, with so many fat well-plumed pouts, for the great bird of his own feather, his own dear brother of prey at the Turkey port! Nay, the jack-daws round us fell a chattering at no small rate, and so tickled their gizzards and merry-thoughts, and hooted our success, as is past imagination. Nay, a more fatal consequence attended us, (for those cacklers at home we did not so much value;) How did the parraquets abroad, and all the tattling Gallic magpies, buz this defeat to Mahomet's pigeon, to the scandal of the royal, and the prejudice of the imperial eagle, by boasting the only vanity they wanted, viz. the length and strength of their pounces and talons, and the shortness and weakness of ours.

A short and true Relation of Intrigues, transacted both at Home and Abroad, to restore the late King James. 1694.

As the Jacobites omitted no opportunity of influencing the people of England, by seizing upon and exaggerating each topic of national dissatisfaction as it occurred, the friends of the Revolution, on their part, failed not to expose, as frequently as possible, the factions and divisions which rent asunder the little court at St Germain's, where, between the national disputes of English, Scots, and Irish, and the everlasting controversy between the church of England-men and the papists, intrigues were as constant, and factions as inveterate, as if the king had possessed a real throne, or enjoyed the means of nominating an effectual ministry. The following Tract is no exaggerated statement of the dissensions which divided the adherents of the exiled monarch.

We may see, by the overturn of the late king, the instability of human greatness, and that sovereignty is, like the globe of the earth, full of windings and turnings, having its ebbs and flows like the ocean, which never rests, and which shews government to be a slippery path; for if the prince chance to catch a fall, though such a mishap may not prove mortal, yet it so disables him ever after, that he cannot recover himself; which at this time seems verified in the fall of the late king, who now finds himself mistaken in his measures; which renders all his endeavours frivolous, and turns to no other account but to frustrate his expectations, and to remove his hopes from ever ascending the English throne again.

The nobles and commons in parliament assembled, after the late king's coronation, demonstrated their fidelity to him by their unexpected attainder of the late Duke of Monmouth, who, but a little before, was the people's darling, and yet, notwithstanding, was sacrificed for the preservation of the late king; an instance of so much integrity at that juncture of time, when the late king dreaded nothing more than the landing of the Duke of Monmouth, that if the late king had but esteemed the affection of the people, pursuant to the experience he had then of their loyalty, and retained the same, and contained himself within the rules of moderation in point of good government,

and not openly exceeded the limits of the law, and strove to content the people, which is the end of all good government, a duty incumbent upon kings and princes to do, he might have ruled and reigned to this day, and all the days of his natural life, with as much honour, grandeur, and satisfaction as any prince that ever reigned in England.

The late king had more experience in government than any prince that came before him. He had seen the tragical fate of his father's death, the turnings and windings in his late brother's reign, wherein he himself had an ample share every way, and was fifty-two years a subject before he came to be a king; so that it might be expected, from a prince of his knowledge and years, to rule well, and to fulfil that saying of Mæcenæ to Augustus, *Nemo bene imperat, nisi qui ante paruerit imperio*. Whereas, had the late king but kept the reins of his government equal in his hand, so as to be able to have made a judgment when to drive fast or slow, and between both had kept a middling pace, and, by an impartial distribution of justice, pleased the lower orb, and trusted not too far to corrupt ministers and judges, who are the plagues of all governments, according to Cicero, *Acceptatio munerum est prævaricatio justitiæ et veritatis*, he had been now, instead of a deposed prince in a foreign land, happy at home. But now he can tell, that a people can do better without a king, than a king without a people; and as nothing would have pleased his ambition, but to trample upon the liberties and privileges of his subjects, so the subjects thought themselves obliged to let him know, that the affection of the people is the surest foundation of government, by their declaring their aversion to the late king, and seating the present king and queen upon the throne.

The late king thought to imitate Henry VIII. the contrary way, but came short of his undertaking; and losing the love of his people, lost himself and three kingdoms. Henry VIII. fought the pope at his own weapons, picked his locks with his own keys, locked in the supremacy, and shut out the pope; and for his seconds had the two great convocations of Roman catholic divines, then residing in both the universities of Oxford and Cambridge, together with all the monastical and collegiate theologues throughout the whole kingdom; which bespeaks the English Roman catholics, both at Rome and all abroad, very scandalous, having no reputation nor esteem any where out of England, but hated mortally.

The late king, to oblige the pope, and out of his fervent zeal to religion likewise, went about to alter the case, and to remove the aspersion wherewith all the English Roman catholics are branded, and fix it upon English protestants, when he, with a protestant army, attempted to establish popery, against law, in a protestant kingdom, and to extirpate the protestant religion: an undertaking too dangerous (as it fell out) to be attempted; and no wonder it should, when a prince, against all the rules of religious policy, and contrary to good conduct in point of good government, without any more necessity to compel him than his ambition and zeal, to take such measures as would not only incense the people against him, and inflame three kingdoms, but also entail an intestine war upon the kingdom: For St Augustin, a great doctor in the church, as well as in the politicks, says, *Remota justitia, et quid sunt regna, sed magna latrocinia?* The removing of religion and justice lets in an inundation of sorrow, calamity, and distress, to the overthrow of all good law and moral honesty; which the late king now sees, when, instead of being attended by his nobles, ministers, and his judges, and seated at home upon his throne, he himself, with the help of his more than corrupted council, brought all upon himself, and is necessitated to be maintained at the expence of another prince, which shews the uncertainty, as well as the infelicity of human greatness, to see a prince that might have been happy, but would not; and now, instead of ruling and commanding his late great officers, is again glad to receive and listen to the meanest of his late subjects; a prince that would not hear the counsel of the wise, but embraced the advice of fools, is accordingly accommodated, who

expected, by his exile, when he left his people, to ride triumphantly an absolute monarch, as he thought; but so far from it at this time, that that prince, from whom he expected succour, has enough to do to defend himself, being surrounded by many enemies, which leaves the late king no hopes of supply there, having to that purpose received the King of France's answer but in February last, which crowned all the late king's misfortunes with additional sorrow, as presently will appear.

The late king hath no other remedy left him, as the case stands now abroad, but to court his late injured people to bring him back again, which is not so easily to be comprehended: That prince must be reduced to great hardships, that first receives a broken head, and petitions him that gave it for a plaister; it looks as if no other was or is to be had. But woe be to him that takes that measure for his redress!

The late king believes that the same people that betrayed and deserted him, may be prevailed with, by his declarations and protestations, to restore him again; but (God comfort him!) he is mistaken; the case is since altered, and those religious weather-cocks, upon whose promise he does (at this time) depend, are as impotent to do him any good, as they were potent to ruin him when here last; they have not that virtue that is said to be in Achilles's spear; they gave the mortal wound, but they cannot heal it, now they would, being out of their reach.

And the late king expecting they could, to please them, hath excluded the protestant dissenters, and the Roman catholicks of Ireland, both innocent of the misfortunes that justly overtook him; and is so conscientious, that he condemns the innocent, and pardons the nocent, when he offers all the protestant dissenters, and the Roman catholicks of Ireland (the latter having been sufferers with a vengeance in his cause) as an oblation to the passive-obedience men, who infused non-resistance into the late army; and now these are the late king's creatures, and the only persons that would abdicate the gospel, as they did their passive-obedience king, rather than the church-livings.

The late king fulfils the true character of his family in himself, that have been all known to be unconstant and unfaithful to their friends, and liberal and grateful to their foes. But God has accordingly dealt with them; he has raised them a multitude of enemies, and left the succession of this crown (without any seconds) to fight its battle. And if it be remembered how that the late king, and his brother, Charles II. after their return from exile, treated the decayed cavaliers, who lost their all in their cause, it should leave him destitute of friends. And if it be also considered, how many noblemen and gentlemen, that spent their estates and fortunes in the defence of the succession of this crown, and how they were rewarded by King Charles II. and by the late king, having received, for their comforts in distress, petitioning about Whitehall, nothing but sham references to the treasury, and paid in cold waiting, long attendance, tricks, disappointments, promises, and delays; that betwixt king-craft, and court-cheats, and sharpers, persons of unquestionable families, unspotted loyalty, and sufferers in abundance, have famished for hunger, and perished with cold, and their posterity to this day left without any satisfaction, and reduced to a very mean and low condition, which should take away the least encouragement from all persons to intermeddle in the late king's cause, but look upon his fall, and the overthrow of his crown, as a judgment due to the family, and may say, *Justus es, Deus, et justum est judicium tuum*. It would be a pity indeed that all the family should depart this world till they, or some of them, atone for the manifold abominations wherewithal they stand charged here, as well as before the great tribunal, for what evils they have committed against their people.

The Roman catholicks of Ireland, although in point of interest and persuasion different from us, yet, to do them right, have deserved well from the late king, though ill from us; and for the late king to leave them and exclude them, is such an instance

of mean ingratitude, that protestants have no reason to stand by a prince that deserts his own party, and a people that have been faithful to him and his interest to the very last. That they were overcome, is not so much to be wondered at, as their holding out against the power and wealth of England, and against all nations to admiration so long as they did, and at last to force such conditions from us, as should render them a people never to be forgotten by the successors of this crown: But King James is the late unchangeable King James still, a king that is not to be found but upon uncertainty. What have the protestant dissenters done to him, that he has in the articles of September last excluded them? They had no hand in undermining, betraying, nor deserting of him; they have carried themselves obedient to his lawful commands, and because they did so, he, contrary to all his pretensions of former zeal of liberty of conscience, by his exceptions in the said articles, exposes them all to ruin and destruction; that is to say, when he returns. But when the dissenters consider how he deserts those of his own religion, they may content themselves with being as they are, out of the reach of his hatred; and seeing that his favours are only reserved to promote his enemies, and that he has lost all abroad, let his enemies grow potent every where, and numerous withall, and let him be so lost, that he may never be found here at home.

Now, seeing the late king hath exposed himself, by excluding a people that never prejudiced him nor his interest, to gratify the desires of those that have turned him out of all, it is hoped, that as he had the pleasure of excepting, that he will give leave to return him a *quid* for his *quo*, by directing such measures as may anticipate all his throughout England, Scotland, and Ireland, and by intimating to the government such a method as may for the future detect all the devices on foot in order to his restoration, and so have his exceptions by his own exclusion executed.

The following relation, as had from gentlemen of very good note, who have seen most of the transactions at St Germain's for about four years last past, gives a very impartial account of affairs, and shews the connection of foreign and domestick intrigues carried on, and managed with restless industry now for about two years last past, in order to the restoration of the late king, which at last turned to no better account, than to put a period to his expectations, by leaving him but small, or no hopes to return ever again, as will plainly appear; the truth whereof will want no confirmation, for farther enquiry into foreign affairs will remove all doubts, and leave no room for contradiction.

About two years since, the late king had great hopes to be restored with triumph, and fed himself with the thoughts of being an absolute monarch, having about that time received great encouragement, as well from the pope as from the French king, which made him look above the reach of his late subjects, (as he thought) and to reject all my Lord Preston's undertakings, and the rest concerned in that intrigue, which was like to have cost my Lord Preston his life, and for which he had no thanks, but on the contrary was despised for meddling; the late king protesting then, that he had rather never see England, than come to treat or capitulate with his subjects again: But he soon altered his resolution, seeing affairs abroad thwart his designs, and meeting with such unexpected disappointments, which abated much of the thoughts he retained but a little before; so that, of a sudden motion, he with great impatience consulted some of his protestant council, telling them that he was resolved to treat with his late subjects, and give them any conditions, rather than stand out any longer; concluding that nothing could more conduce to his restoration, than to reconcile himself to his late subjects.

In order thereto an express was sent to England, with instructions to my Lord Middleton, and some others, to treat with the people, and to know their inclinations,

by feeling how their pulses beat, and accordingly to proceed; which my Lord Middleton did, and drew a declaration answerable to the desires of the churchmen of England and Ireland, and some other heads of both the kingdoms: * And after some debates, my Lord Middleton went away for France, and arrived at St Germain's the beginning of March, or thereabouts, 1692-3; produced the declaration, which admitted of high debates, and long arguments *pro* and *con*, as their several separate interests moved the ministers of St Germain's: But my Lord Melford started several cases of conscience against the late king's signing the said declaration; insomuch that, to be satisfied therein, and to remove all scruples of conscience, the late king consulted the college of Sorbon, and the Irish college likewise. The faculty of Sorbon declared against the said declaration, and the Irish college for it.

The Irish college gave these reasons: That the king was in exile, banished his kingdoms by his own children and subjects for his religion; that as the case stood with him, there was no remedy for his restoration left him, but to comply with his subjects, and to sign any instrument whatever, for to prevail with them to accept of him home again; and whatever he should sign, whilst in exile, and under tribulation abroad, he should not in conscience be obliged to perform after his restoration, as exacted from him perforce and duress, which renders all conditions and agreements of that kind neither obligatory nor binding, any longer than a fit opportunity should offer itself to break them; [and wherein he would but imitate his brother Charles II. who took the covenant in Scotland, and after his restoration burnt it at London, by the hands of the common hangman.] The faculty of Sorbon declared against this kind of Machiavelian doctrine, and against the declaration too; yet notwithstanding, the late king did sign the said declaration on the consideration aforesaid. But my Lord Melford and my Lord Middleton fell out, and are to this day irreconcilable; they do not contend for any good either of them would do to this side or that side, but their quarrel is, like that of Cæsar and Pompey, who should be the greatest, not the best: But Melford (a convert in wolf's dress, under the shadow of religion,) bears the sway, *tantum religio potuit suadere malorum*.

The said declaration, so signed by the late king, was ordered to be sent into Flanders, to be read there at the head of the Irish troops; but was to them the most unwelcome and unacceptable message that ever they met withal, or that the late king could send them, finding by the said declaration that they lost themselves both at home and abroad, by the late king; which caused such a consternation in the camp, that the soldiers, (who would be glad of any occasion to quit the service, and to return home,) openly mutinied, having started the question, that now being deserted by King James, why should they not go over to King William, and accept of conditions? But the question was carried in the negative, and an express sent immediately to St Germain's, to let the late king know the discontent amongst the soldiers, and the disorder in the camp, occasioned by the said declaration. Here King James returns to himself again, and after his old custom of doing and undoing, gets another declaration drawn, signs the same, to null the former, and sends away two gentlemen, and two clergymen of note, with this new declaration for Flanders, to pacify the Irish, and to give them content; which for some days gave some satisfaction, but not so much as to harbour a good thought of the late king, believing, that if ever he should be restored, they would be all lost through his unconstancy, and that by reposing their trust in him, they confided in a rotten reed: But however they were appeased for that time.

* This was said to have contained, in the original draught, a proffer, on the part of King James, to resign in favour of his son. But on agitating the matter in the court of St Germain's, nothing could be obtained except a declaration in more gentle and temperate terms than that which James at first addressed to his subjects, which had sounded too much of prerogative, force, and conquest, to be acceptable even to his own party.

Here the late king, forgetting his declaration and protestation to the Irish, sends the first declaration for England without any amendment, or taking any notice of the last declaration to the Irish; but with the former exception against them, he lets it pass for England. Here (as they relate it abroad) it was published the 19th of May last; but several, not believing the same to be the late king's declaration, but the product of some other invention to amuse the people, seemed disgusted at it, and would give it no credit: But that the people may be undeceived in the said declaration, notice was sent to St Germain's, what the people said about it; and immediately, to remove all doubts touching the same, the late king caused it to be put in the Paris Gazette, where (to his great dishonour and disadvantage) it was published by authority, which gave content in England, and great discontent to the Irish army, who are ever since in great disorder about it; but the king of France has promised to see them righted, who are all very unruly and weary of King James, (except some officers, that cannot live so well at home as in their stations abroad,) and willing to quit the service upon any reasonable conditions whatsoever; especially the common soldiers, who are extraordinary poor and dissatisfied, would give any thing to be at home.

The nobility and gentry of France, finding a declaration of King James's in the Paris Gazette, were surprised at it; and seeing him desert the Roman catholick interest, did look upon it as a very great unconstancy of resolution, which in truth removed the interest and affection of the clergy and nobility of France from him, who, before that publication, were all resolved for him, and to promote his restoration to their power; but since are grown cold upon the matter, and but indifferent whether he be restored or not. In the court of France the late king is extremely much made of; but had he more constancy of mind, he would be much better looked upon there, where nothing else but resolution is in esteem.

The said declaration, it seems, had such effects, that some have been pleased to send away a draught of articles or conditions, contained, as reported from abroad, under twelve heads, which the late king, in farther confirmation of his good will to that party he relies on, hath in September last signed, as they say that came from thence. Since the return of the said articles for England signed, they say abroad, that preparations have been diligently used for the restoration of the late king.

And that in December last an express arrived from England at St Germain's, which gave the satisfactory account of the people's return to their former allegiance to King James. How true or false it was, that court was so elevated with joy, that nothing was talked of but an immediate return for England, all there striving who should be foremost upon the expedition; others, to make some considerable figure, came away, as they say, to have some men in readiness against the landing here in England. Frequent fresh news came from England confirming the same; and every half-starved poor man about court used his interest to have some considerable employment; and he that could not be in a valuable station, thought himself as good as lost; by which we may judge how the Jacobites here in England would be looked on. But it is thought the late king would continue his favour to them, by leaving them always reserved to drink his health, an employment most suitable to their principles; for certainly they that live in so merry a mood in his absence, cannot but do extraordinary well when he returns, that is to say, if their money holds out; otherwise they may become Williamites.

About this time, France was as full of the expectation of a general peace, to be concluded all abroad, as other places were full of the rumour thereof; and to stay for the ratification, was alleged to be the only stop that prolonged the late king's coming away, having all things at home and abroad ready, doubting not in the least but all things would have answered expectation. But all the preparations returned to no-

thing, and the great joy, of a sudden, to sorrow; insomuch, that all the tidings at home and abroad met together in the dissolution of the hopes of a second restoration.

The late king having, about the fourth day of February last, new stile, acquainted the French king with the frequent good tidings from his late subjects, who now were returned to their allegiance, and all free to hazard their lives and fortunes for his return, which, he said, were all true according to his intelligence, and that he was most certain and sure, that none would oppose him in England; the French king told him, that he was glad to hear it, and wished it might prove so, but seemed to give little credit to it.

The late king pressed hard to have some succours to come for England the beginning of last March; but still the French king doubted the reality of the English to him, alledging thus, as King James repeated the same after his return from Versailles to St Germain.

"First," says the French king, "as you have experience to know your subjects, so I know them by their character, and do believe them to be a people of no faith, no honour, and no honesty, whom no promise can oblige, nor oath can bind; and as for their clergy, I look upon them much worse than the commonalty, having not only by teaching and preaching taught the people to forswear themselves, but shewed ill examples in themselves by doing the same; they have sworn allegiance to you, and since accepted of the Prince of Orange for their king, and swear allegiance to him; how this swearing to both can be reconciled, I cannot understand: But let them swear what they will, I should not believe them, nor put any more value upon their oath than they do themselves, which is nothing at all. Neither do I understand how you can be assured of them that have no other assurance to give you of their future fidelity but their oaths, which are worth as much now, as when they broke with your majesty last. It is out of my reach to put any trust in such people, neither would I have you confide in them, for I doubt much their integrity; and if they are weary of the war at a distance, what will they not be when it is with them at home? That will be your time to hear them, and not before."

The late king still urged to come for England.

Whereupon the French king told him, seeing he had that confidence in his subjects, that if they did but demonstrate their fidelity by some action, as the seizing of any citadel, town, or fort of any good consequence, and put such in his hands as might be for the safety of his ships, and secure the landing of an army; that after that was effectually done, he would give him succours; but before, he did not think it safe to venture, considering how his own affairs stood at home and abroad. The late king pressed no further upon him, but returned to St Germain, where he told all the particulars, which put that court into such a fit of grief and sorrow, that they were all like so many people going to die. In five days after, all the decayed gentlemen about court were ordered some advance-money upon their pensions, and commanded homeward, to make the best of their way and conditions, who are now upon the road for Flanders; others coming for England, and the rest begging all along, being in a most deplorable condition.

The English protestants about that court do wish themselves at home again, for they are respected as strangers, but hated as protestants, and looked upon as spies from England, so are some Roman catholicks too, who thereupon, both clergy and laity, were forbid the court.

The protestants are hated likewise by the people there, who have the same notion of religion, if not with more zeal, as the people here; the protestants are under the calumnies of the late king's declaration, and the articles both against Roman catholicks and dissenters; and the English protestants about court on that account are loathed and hated by the people there, who are full of it: For English protestants to go

for France, to propagate their religion, where a native protestant cannot live, is but like the quakers that went to Rome to reconcile the pope to be a quaker; they are equally looked upon, though not equally treated; the quakers were looked upon in Rome to be mad-men, and were sent to Bedlam; but our English protestants are yet at liberty, and in more danger of the Bastile than of Bedlam, being of late upon their good behaviour, but still much suspected.

The late king did all along rely upon the pope's interest to mediate a peace abroad, and addressed a great many other princes to the same purpose, hoping that a peace abroad would be a means to bring him to his late home; the pope did use his interest that way, and so did the princes of Italy, but it was to no effect; for nobody seemed willing but the French king to accept of the peace, which in him was but to wheedle some of the confederate princes to listen to his proposals, and accept of his conditions, to divide and break the allies, and that so by taking off some, and dispersing their forces, he may with the more facility crush the rest, and break all at last; but the confederates, who are sensible of his designs, will accept of no conditions from him of his own proposals, but intend to bring him to their conditions; they all foresee he intends to become emperor of the west, which he cannot attain to, but in consequence must extirpate the house of Austria, in whose preservation all the princes think themselves obliged to keep up the war, rather than voluntarily suffer themselves to be brought under a yoke of tyranny and usurpation.

The emperor is well satisfied, that the war made by the Grand Seignior against the empire, was promoted by the French king, and since furthered by him, which consideration requires the emperor to decline all his proposals, until the French king first allays that war raised by himself upon the emperor. As for the King of Spain, the French king is a plague to him by ravaging of his territories, seizing his towns and forts, without any pretence of justice, and compelling his subjects to swear allegiance to him by the law of conquest, which, by divine law, is no lawful right, but a homicide and open robbery; for mankind was free in the beginning, but since, by the power of usurpation, subjected under a yoke, which lost the world forty times over more lives, to continue man's ambition over man, than are left living in the world; therefore, as God's laws are against destroying and killing of men, certainly that power which cannot govern, nor live, but upon the destruction of God's creation, cannot be called just nor lawful *jure divino*, but an absolute tyranny, though some of our divines will say, that a conquest is a lawful title: so it is by the law of the sword, but against the law of natural right.

Some perhaps may take occasion to question, by what law did King William and Queen Mary ascend this throne? A question as soon answered, by a better title than ever Alexander the Great, or Julius Cæsar, had to any part of their several conquests. King William and Queen Mary had the choice and affection of the people, which is the best foundation, and surest title that ever prince had to build upon, and without which, no prince can be safe on the throne. But that prince that has it, and knows how to keep it, and retains it, may reign and rule in defiance of all foreign enemies, if it does not happen to him to have a corrupted council, which is the overthrow of any state, kingdom, or empire. We need not go abroad for precedents, having some of the council at home in being, that brought us almost to destruction, and are as likely to do it once again, as ever they did before, if God prevents not. It is true enough, that where a prince has not an army to rule absolutely, no king of England can hurt the privileges of the subjects, if his ministers and judges be but faithful to the prince and people, in discharge of their trust according to law, but, otherwise, all goes to wreck.

We exclaim against the late king's evil counsellors, and who can say that there was one good amongst them? It is commonly said, that they that have betrayed the se-

crets of one king against the oaths commonly taken, have since betrayed another: Or how can this king and queen believe themselves happy in the council of those whom they themselves know to have been false to the late king? Or is it to be thought the kingdom is asleep, when a clamour is raised against the late king's evil counsellors, when, at the same time, the major part of them are still in our councils and places of trust? which denotes a long snake in the grass. But I shall do by them as God Almighty did, leave them, and return to conclude my discourse; only adding, that the court of St Germain's dreads nothing more than such an alteration of the lieutenancy and justices of peace over all England, as it has pleased their majesties of late to cause in London.

The resolution of the confederates against the peace, has altered the measures of France, abolished the thoughts of a restoration, and has put a period to all the designs of an invasion from France hither. It is of all hands in France believed, that through the distraction amongst the clergy and gentry about the taxes, the scarcity of money among the commonalty, with the want of provision, and the excessive expences of the war to maintain so many armies, the glory of that crown, without a peace, cannot hold much longer, the declination of the wealth of France having reduced all people to a very low ebb.

And if the late king and the French king did hold a resolution to land an army in this kingdom, this island is naturally so strongly situated, that they would find it a difficult matter to land an army here, having the elements to fight with, and the sea to conquer, before they can touch the shore; and perhaps the attempt, whenever tried, may prove as fatal to France as the overthrow of the Spanish armada was to Spain; which makes me think of Hegisippus, who personated King Agrippa, in his discourse to Claudius, of the danger and difficulty of invading Great Britain, which discourse ended, as Florus said of the Ligurians, and as I may say, and conclude,—

Major labor est invenire, quam vincere.

'Tis not so hard for greedy foes to spoil
Another nation, as to touch our soil.—WALLER.

A Speech spoken by Isaac Crew, an Orphan of the Grammar-School in Christ-Hospital, to his Majesty King William III, in his Passage through the City of London, November 16, 1697, on his Return from Flanders, after the happy Conclusion of the Peace.

After concluding the peace of Ryswick, King William landed in England on the 14th November, 1696, and on the 16th made a triumphal entry into London, with all the magnificence which he would admit. "Some progress," says Burnet, "was made in preparing triumphal arches, but he put a stop to it," as well, according to the right reverend historian, out of a natural modesty, which rendered him averse to such pageantry, as to shun the excess of flattery to which Louis XIV. had given way upon such occasions. It would appear that the speech of Isaac Crew was among the permitted solemnities of the day.

Amidst the loud, repeated acclamations of your joyful people, which, like the voice of thunder, fly round our isle, vouchsafe (dread sir !) a gracious ear to us poor children, who, in softer accents, but with no less loyalty of affection, congratulate your long-desired return in peace and triumph, to this-once more happy nation ; whose ancient government and pure religion, whose laws and liberties, whose rights and immunities, (things dearer than our blood, and always highest in the esteem of wise and good men) your sacred majesty, with utmost hazard of your unvaluable person, has so gloriously retrieved, and with such matchless gallantry continues to maintain. Nor doubt we, but so immense goodness, joined with so great prudence, is still preparing a fairer scene of things, and new joys for your people.

It is you (illustrious sir !) who are the support of all our dearest interest, the palladium of our present felicity, and the pledge of our future. But your unparalleled virtues are a subject too lofty for our praises, sufficient to exhaust the vigour of the boldest panegyrist ; nor can the stock of the whole inspired tribe furnish out an adequate encomium. Your great achievements fill our histories and annals ; and Fame, which has spoken such mighty things concerning you, almost staggers in the belief of her own just reports.

Go on (great sir !) beloved of God and man, and having surpassed all ancient heroes, be your own great rival and example.

Heaven smile on all your enterprises, and favour all your great designs, for the advancement of the protestant interest, the prosperity of these nations, and the weal of Europe, and crown that zeal with which your great soul is inflamed towards the publick with suitable successes and rewards.

May you long sway the sceptre of these flourishing kingdoms in security and ease, blessed always with the faithful counsels of the wisest senate, and the entire obedience of a most loyal people. And amidst all the glories of such sovereign greatness, vouchsafe to look down on us poor orphans, and grace our numerous foundation with your princely favour.

May no Alastors henceforth infest your state, no factious jars disturb the civil harmony ; but, in an entire accord, may all orders apply to their respective duties, and wisely and thankfully enjoy their happiness, under the best of princes, the best of governments, in the best of kingdoms.

A Memorial drawn by King William's special Direction, intended to be given in at the Treaty of Ryswick, justifying the Revolution, and the Course of his Government. In Answer to two Memorials that were offered there in King James's Name.

At the treaty of Ryswick, the interest of James was resigned in the very preliminaries, since Louis could treat with King William on no other conditions than those of acknowledging him as king of England. Accordingly, the exiled monarch was precluded from sending even a minister to the congress. Yet he issued two papers, the one entitled, A Manifesto, or Summary Memorial, addressed to the Catholic Powers of Europe ; the other, A Summary Memorial addressed

to the Protestants. In the first he set forth, in as specious colours as possible, the injustice of the pretexts under which he alleged he had been deprived of his crown, and the importance of his re-establishment to the safety and endurance of all legal governments. To the protestants he repeated nearly the same arguments, mingled with a defence of his conduct against the imputation of having designed the extirpation of the reformed faith. These memorials were answered both in French and English, paragraph by paragraph, with great animation. In these answers, for there were more than one, the crimes of King James against his subjects were urged with sufficient bitterness and contempt, without omission of any particular fact or suspicion which could swell the account. But it would seem, from the following preface, that a still more elaborate refutation of these memorials was actually prepared, and only laid aside because the remonstrances of James seemed to sink into insignificance of themselves. Indeed, James soon betrayed a sense of his own desperate condition, by lodging a formal protest against the congress's expected acknowledgment of King William's title, as the basis of the negotiation.

The Preface.

WHEN the treaty was begun at Ryswick, King James ordered two memorials to be offered; the one to all the plenipotentiaries of popish princes, and the other to those from protestants. In both he asserted his own right, and claimed the observance of all the treaties which any of them had made with himself, and mixed with it a severe invective against the late king.

Upon this, it was thought necessary to prepare a memorial in answer to these, which was intended to be given in the late king's name, to all the ministers that were then met at the Hague. These papers were upon this drawn up by the late king's own direction, he explaining himself upon every particular. The draught was examined by the late king himself, and, by his orders, it was carried to some of the wisest and worthiest ministers that our nation has produced in this age, and was very carefully revised and corrected by them.

But when it was resolved to translate it into Latin and French, in order to the communicating it, the late king had advice from the Hague, That those memorials were so little considered there, that the offering an answer to them would give them some credit, and that without that, they had none at all. So this draught was ordered to be writ over again in another style, not in the late king's name, but as the answer of a private hand to those memorials, and so to be printed. Yet before this could be done, another advice came, to let the matter quite alone, and to leave these memorials to sleep in that neglect under which they were fallen.

The matter rested upon this; but these papers being drawn by such an authority, and containing such a full, though short, vindication of the Revolution, since some are willing to bring that matter again into question, it seemed not unseasonable to publish them to the world. The clear and the full answers that these papers give to the memorials that were sent in King James's name, would appear more visible, if those memorials themselves had been in my power to have published them with this; but I have them not now in my hands, nor do I know any one that has them.

And so desirous is the publisher of this, to have them both appear together, being well assured that this will then be much better understood, that if any person that has them will send them to him, he will take care both to translate them, and to print them and this together, and then the world would see the whole matter in a better light.

The Answer to the First Memorial.

The King of Great Britain does not wonder to see a prince who has for so long a time sought to take away his life in the blackest methods, endeavour now likewise to attack his honour, even in the undecentest expressions, of which the late memorial is full. The late king while he was in Ireland, did himself concert with one Jones,¹ the way of murdering the king: But so tender was his majesty of the honour of a person so nearly related to him, that he gave order to suppress that matter, though the authentic proofs of it are yet extant, in letters and other papers taken in the late Earl of Tyrconel's cabinet. Grandval's confession is well known: And Sir John Fenwick did lately claim merit by his diverting another design to murder the king, pursuant to a commission, that though it was not come over, yet was affirmed to be signed by the late king. His having laid the design of murdering the king a year ago, and his having sent over persons and a commission to that effect, have been so undeniably proved, that all Europe is still full of horror at it. Of such practices heathens would be ashamed. The pursuing them in such a manner, year after year, deserves severer words than the king thinks fit to use, even after such provocation: Such regard is had to the high birth, and the rank which that prince once held in the world.

The king had the less reason to have expected such practices from the late king; because, though he had him so long in his power, he did him no hurt, nor put him under any restraint. He refused to harken to the advices that many gave him, of securing his person till a general peace should be made; or at least, till Ireland should be reduced. Some who offered those advices are now in the late king's interest, and can, if they please, inform him of the truth of this matter. The late king himself desired to be attended by some of the Dutch guards when he went to Rochester, and sent to the Count de Solmes to that effect, who immediately ordered it, without any direction from the king, who was not then come to London. When the king knew of it, he sent orders to those guards to wait about the late king in what manner he himself should command: And it was visible to those who were about him at that time, that he was all the while as much master of himself, as when he was served by his own guards.

The memorial makes it necessary to lay open the whole progress of affairs, as they passed between his majesty and the late king.

Upon the late king's first accession to the crown, the king made offers to him of all the service and assistance that was in his power; which soon after was very useful to him, and contributed not a little to the settling him on the throne: But though he had no reason to be satisfied with the returns that were made him, yet he resolved to have patience, and to bear with every thing that related to himself.

When his opinion was asked concerning the repealing the laws that related to the Roman catholicks, he declared his thoughts very freely of those penal laws under which they lay, by reason of their religion: He liked the motion of repealing them, which might have satisfied all those of that communion, as it did the most moderate of them. He did not indeed think it adviseable to repeal those other laws that excluded them from sitting in parliament, and from offices of trust. This proposition, if closed with, would have made the Roman catholick subjects safe and easy; and if they had behaved themselves so well upon such a favour, as to put an end to the jealousies of the nation, they might after that have pretended to farther degrees of confidence

¹ Burnet assures us, that there is frequent mention made, in Tyrconnell's letters to Mary of Este, of a bravee called Jones, an Irishman by birth, who, it seems, was engaged to murder King William. He adds, that James was brought with difficulty to acquiesce in the proposal, but that the assassin, after having received a considerable earnest of his reward, disappeared, and was never after heard of. The tale seems at least doubtful.

with a better grace ; for it gave too just an occasion to jealousy when all was asked at once : And it was said, " All or nothing."

This did too evidently demonstrate, that the late king's zeal for his religion was managed by those who had set all Europe on fire, and designed to embroil England, that so it might have been brought into a necessary dependence on another court ; or at least, be put out of a condition to have the share in the balance of Europe that naturally belongs to it, till all the rest should have been subdued ; and then it must have been at mercy likewise. Methods were taken in order to the compassing those ends, that would soon render all publick laws and liberties very insignificant things. Judges were made, not according to the ancient constitution, *Quamdiu se bene gesserint*, during their good behaviour, but during pleasure. By many changes the bench was oft altered, every judge being turned out as soon as he stuck at any thing that the court desired. At last, and not without great difficulty, and after many removes, twelve men were found out, who judged, that the king could dispense with those laws, though it was notoriously known that they were made on design to restrain the crown from making any use of Roman catholicks, either in places of trust, or in parliament. The penalties on those laws were not such as accrued to the crown, which by consequence might have been pardoned ; they were forfeitures of great sums, which were by law given to informers : they who transgressed were also put under such incapacities, that whatsoever they did was null and void ; to the removing of which, it was never before pretended that the regal prerogative could be carried.

A judgment so destructive to the whole constitution of this government, given by precarious judges, who had been all examined before they had been advanced, could not in so plain a matter alter either the nature of things, or the sense of the nation : And since the strength of every law lies in the penalty upon which it is enacted, a power of dispensing with penal laws, though then applied to a few of them, was in its just consequence a power to evacuate all the laws and liberties of England ; of which this nation has been, at all times, so justly tender and jealous.

As soon as this power was thus authorised, the clergy of England were subjected to a commission, that, as it was illegal in its constitution, not only without, but against an express law to the contrary, so it had no regard to any rules of law, but was composed of persons who proceeded arbitrarily in every thing that was brought before them.

When the church of England was put under this yoke, the whole body of the clergy was required to publish a declaration, that was founded on the dispensing power, and that asserted it. The king was then applied to in Holland, and desired to interpose, for preventing the confusions that these kingdoms were like to fall under, and for hindering the advantage that another court was like to have by it. He avoided meddling in it, till he saw matters driven to the last extremities, and that the danger was not only visible, but imminent.

For while England was in this struggle, the state of affairs beyond the seas called for speedy remedies : All the places in the bishoprick of Cologne were possessed by French garrisons : And before the king set sail for England, the French king had declared war against the Emperor ; the dispute concerning the electorate of Cologne being a main article of that declaration, which concerned the states very nearly, since it lies in their neighbourhood.

About that time, the French ambassador at the Hague, in a memorial given in to the states, did affirm, that there was an alliance between his master and the late king. This, whether true or false in itself, was a just ground to the states to believe it ; and this was heightened when the English minister, who was at Paris when it was sent, after a short and feigned disgrace upon his return to England, pretended on that ac-

count, was, from being a prisoner in the Tower of London, made governor of that important place.

The states of the United Provinces said the truth, when they affirmed, that the king was not gone to England on design to dethrone the late king: He came over, declaring a full purpose to leave the cure and settlement of the nation to a free parliament. And when some lords were sent to him by the late king, to ask him what it was that he proposed, his answer was, that he desired that the administration of the government might be brought into a state conformable to the laws then in being: so that no persons who were under legal incapacities might continue in publick offices or trusts; and that a parliament might be called, and sit in full freedom, both armies being at an equal distance from it; that so proper remedies might be applied to all the distempers into which those violent councils had thrown the nation. By this it appeared how firmly the king had adhered to his declaration.

During this negotiation, and after the late king had notice given him what the king's demands were, he, upon reasons best known to himself, threw up all, and abandoned the government; and let his army loose upon the nation, and the rabble upon the city of London, and withdrew himself: By which he did all that in him lay, to cast these kingdoms into most violent convulsions, and exposed even his own friends to all the hardships that might have been apprehended from enraged multitudes; For if the providence of God, and the natural gentleness of the people of England, had not proved effectual restraints, this nation had become a scene of fire and blood; which the enemies of this kingdom persuaded the late king to venture on, rather than to stay, and suffer a parliament to enquire into the causes of the miseries the nation was fallen under, and to secure their religion and property.

Upon this, that part of the nation which had, till then, adhered to the late king, finding themselves abandoned by him, desired that the king would assume the administration of this forsaken government; which he consented to do, till a convention of the states should be brought together, to give it a full and legal settlement.

He did take a most particular care, that the elections should be carried with all possible freedom, not only without violence and threatenings, but even without recommendations, or any sort of practice, how usual and how innocent soever. The like care secured their liberty when they met; every man argued and voted in the great deliberation then on foot, both with freedom and safety: Nor did the king speak to any person, or suffer any to speak in his name, to persuade, much less to threaten, those who seemed still to adhere to the late king's interest. So strict was he in observing the promises he had made in his declarations. It was thought a remissness, and a hazarding the publick too much, to interpose or move so little in those matters as he then did.

The convention came to a full resolution, and judged, that the late king had broke the original contract upon which this government was at first founded, and after that, had abandoned it; so that it was necessary for them, being thus forsaken by him, to see to their own security. And as they judged that the late king's right to govern them was sunk, so they did not think it was necessary or incumbent on them to examine that, which the whole nation in general, as well as the king in particular, had just reason to call in question, concerning the birth of the pretended Prince of Wales.

When the late king had quite dissolved the tie of the nation to himself, they thought they had no further concern upon them to enquire into that matter; and therefore they thought it fit to let it remain in that just doubtfulness under which the late king's own method of proceedings had brought it: Besides, that a particular care had been taken by the late king, to cause all those who had been in the management of that matter, or were suspected of having a share in the artifices about it, to be carried over

into France : so that it was not possible to come at those persons, by the interrogating of whom truth might have been found out.

The king expressed no ambitious desires of mounting the throne : The addresses of both houses, and the state of Europe, which seemed desperate without a mighty support from England, determined him in that matter. But as he can appeal to God of the sincerity of his intentions, who alone knows them, so he has an infinite number of witnesses, who saw and can justify his whole conduct in the progress of that revolution, if it were fit for him to appeal to them.

He is quiet in himself in the conscience of his own integrity : His subjects and his allies see how much he has sought the public good, both of his people, and of all Europe ; and how little he has regarded either his own quiet or safety. He being secured of these, is little sensible of all that the malice of his enemies can suggest, to detract from him, or to asperse him.

The first thing that his majesty applied his thoughts to in his government, was to quiet all men's fears and apprehensions, by acts of grace and oblivion. This is now objected as a proof, that the dispensing power assumed by the late king was not illegal, since none of the judges have been punished for the judgments that they gave in that matter. Some of the chief of them died in prison, while others fled from justice ; so that those who remained were thought below the indignation of the public. The king makes a great difference between the effect of the fears and feebleness of some weak men, and the blacker design of their managers ; the one may be as proper objects of mercy, as the others are of justice : Therefore, though his majesty's gentleness towards these, and an aversion that this nation has always had to severe (though just) punishments, has covered them : yet this will never justify that conspiracy against law and liberty, in which many of the judges were but the weak and unwilling instruments of restless priests and jesuits. The nation has fully declared their sense of these matters in several bills, to which the royal assent has been given.

Amongst these, one was against the king's intermarrying with Roman catholics. The nation had felt the ill effects of three of those marriages successively, in very fatal consequences ; and the king was so sensible of it, that as the two houses of parliament judged it necessary to desire a security against such marriages for the future, so the king thought it not reasonable to deny it.

It is no new thing in this government, for king and parliament to limit the succession of the crown : it has been often done. A disability was once put on the heirs of the crown, in case they married otherwise than as that law prescribed ; and it is a crime highly penal, by a law still in force, which was at no time attempted to be repealed, to deny the authority of the king and parliament, in limiting the succession of the crown. So far is that act, passed by the king, from being contrary to the fundamental laws of this kingdom.

The king has at all times professed, that it was his fixed principle, that men's consciences ought not to be forced in the matters of religion ; but that these ought to be left to God. He has always acted pursuant to this rule, because he thinks it just in itself, and that it is a wise measure of government. He wishes that the moderation of his government towards his Roman catholic subjects, might dispose both princes and nations of other communions, to practise the like towards those of his religion. He has particular reasons to be more than ordinary jealous of the affections of his Roman catholic subjects, yet such of them as live quietly, are put to no trouble upon the account of their religion ; and though the nation was much provoked by their behaviour during the last reign, yet, as no new laws have been made against them in his reign, so there is a general non-execution of those that were made long ago, and are still in force. The laity of that religion are under no vexation ; and it is not to be wondered at, if those laws are, in some few instances, executed against some turbulent spirits,

who give just cause of jealousy. But the king has reason to believe, that there are few instances even of any such prosecutions, since so few complaints of these have been brought to him; nor is there any part of his dominions so distant from him, but that such complaints, if there was cause for them, would soon reach both his ears, and the courts of all Roman catholic princes in Europe.

The king thinks it becomes him likewise to do this right to his subjects, as to own the great moderation that they express upon this occasion; and that even the rewards that the laws had provided for encouraging informers, do not set them on to an eagerness in prosecutions. And though the many provoking instances that they daily see or hear, of unjust and violent proceedings in matters of religion, within a neighbouring kingdom, might move them to severe reprisals, yet the temper of the nation, as well as the principles of their religion, disposes all people to an universal moderation in those matters.

As for the reflections that are made on the king's person and actions, in the late memorial, that are as unjust as they are indecent, his majesty has reason to despise them, and judges it below him to answer them; but as all the black attempts of his enemies against his life have never been able to provoke him to any such against them, or to lessen the horror that he naturally has to such designs, so he is above those poor effects of impotent malice, that breaks out into slander and calumny: He will make no returns that way neither. God in his providence had preserved him from the one, even without any great care of his own; and he is so confident the world will regard the other so little, that how silent soever he may think it fit to remain under them, they will be able to make no impression on just or equitable minds.

The Answer to the Second Memorial.

The late king has seen that the much greater part of the Roman catholic princes and states, notwithstanding their zeal for their religion, have yet been so just as to rest satisfied with the late revolution, and have not taken upon them to pass any other judgment concerning the laws and constitutions of these kingdoms, than what was concluded by the estates themselves, by which they have been determined. And since his complaints have made no impression on them, he has no reason to expect that his Memorial, addressed to the princes and states of the protestant religion, should succeed better.

They who saw how little he considered his oaths and obligations to his own people, and most particularly to that body among them of the church of England, that as it was much the strongest, so had engaged in his interests, and had maintained his right of succeeding to the crown with the greatest zeal, can expect nothing from his restoration, but the total extirpation of that religion which they profess; for a prince who considered his faith to his own people so little, can have no regard to strangers.

The matter contained in both Memorials are so much to the same purpose, that the king thinks fit to join the reflections that he makes on the last, in the same paper with those he made on the first; so that the justice of his cause may appear more evidently in one view, and without needless repetitions.

The king does not think it proper nor necessary for him to enter into the discussion of the lawfulness of the late revolution. That has been copiously done already by the men of those professions to whom the managing of such questions does belong, both with relation to the principles and rules of the Christian religion, and to the laws and constitution of these kingdoms. It is acknowledged by all, that the measures of obedience and subjection do vary in all nations, according to the diversity of their consti-

tution ; nor is it denied by any that have looked into the history or laws of England, that the crown and the regal prerogative here are limited by law.

A great difference is also to be made between the overthrowing the constitution and fundamentals of a government, and some lesser violations. The preserving the one against open attempts made upon it, has been universally justified by the chief assertors of the sacredness of princes.

A main and fundamental point of this constitution is, That the subjects ought to be governed by laws enacted in parliament, and not by the mere pleasure of the king.

The late king set himself to overturn this, not only in some practices that imported it by consequence, but by a public act of state ; by which he declared, that the power of dispensing with laws was a right of the crown, upon which he assumed it. This struck at the foundation of the government ; and the exercise and progress of it must have been fatal to the liberties of the people. Upon that, divers persons of great eminence invited the king to come over, and to endeavour to bring things back to their ancient channel. The king thought it became him, who was nearly concerned in the succession of the crown, and in the preservation of the constitution, to come over on that design : But the late king chose to desert his government, and to have recourse to a foreign force, and to the ancient enemy of this kingdom, rather than to suffer a parliament to sit, and to settle the nation, which was then quite shaken by his ill administration. By his so doing, he set his subjects free from any farther tie to himself, and made it necessary for them to see to their own safety ; which they did, by continuing the ancient government, with no other interruption than what their present circumstances made unavoidable.

This appeared to have been the more necessary, when, by the short essay of the late king's government in Ireland, he shewed how little regard he was resolved to have either to law or justice for the future : Even the prospect of regaining what he had lost by his own ill conduct, could not then restrain him ; which made it very evident to all men, what they were to expect from him, if they should ever again fall into his hands. It has also appeared in many instances since that time, and most particularly in the late Memorial, that he still adheres to the same designs and maxims of government ; notwithstanding all the reports that some, who are either deceived themselves, or intend to deceive others, give out of a change in his notions, and of a sense of past errors ; of the contrary of which he now takes pains to convince all the world.

Nothing was done in the progress of the whole revolution, but that which he made inevitable by some act or other of his own. It went not upon false suggestions, nor barely upon the pretences of redressing particular grievances, or some doubtful oppressions, much less on the ambitious designs of his majesty, that are so often and so maliciously represented as the true causes of the revolution. It was the late king's open throwing off the restraint of law, and his setting about a total subversion of the constitution, that drove the nation to extreme courses.

The oath of allegiance can be understood only in the sense limited by law, and so they cannot be conceived to bind subjects to a king who would not govern them any longer, unless he might be allowed to do it against law.

A revolution so brought about, carries in it no precedent against the security of government, or the peace of mankind. That which an absolute necessity enforced at one time, can be no warrant for irregular proceedings at any other time, unless it be where the like necessity shall require the like remedies.

But since the late king thinks fit to reflect on the oaths of subjects, he ought also to remember the oath which he himself swore at his coronation, to defend the church of England, and to maintain the laws ; to neither of which he shewed any regard in his whole government, but set himself to overturn both.

The many alterations that have been made in the succession to the crown of England, upon occasions that were neither so pressing nor so important as those of late were, should have obliged those who penned the Memorial to be more reserved, and less positive, in affirming things so contrary to the known history of this kingdom. These revolutions were confirmed by laws, which were not afterwards, upon succeeding changes, repealed; for they continue still in force: Nor was the crown of England ever reckoned to be such a property to those who held it, that they might use it or dispose of it at pleasure, as this Memorial seems to suppose.

The king thinks it not necessary to add much to what has been already said upon the subject of the pretended Prince of Wales: it was the late king's own conduct that gave just cause of jealousy in that matter. No satisfaction was offered, neither to those who were most immediately concerned, as being next in the succession, nor to the rest of the nation; which yet might have been done in a way that could not have admitted of any doubt, if there was no imposture designed in the whole conduct of that affair. This gave an universal suspicion; which was so public, during the time when it was given out that the late queen was with child, that the whole nation was possessed with it. And since nothing was done to give them any just satisfaction, in a matter of that importance, and which might have been so easily performed, and was so much their own interest to have done, this gave a violent presumption against them, that such an unaccountable management was necessary to cover a black contrivance. And how odious soever that imputation may appear to be, yet those who have been since that time so often engaged in the design of assassination, ought not to think it strange if they are also judged capable of the other.

Foreign princes and states must acquiesce in the public judgments that are made by the only proper courts, that can enquire into and judge of the constitution and the affairs of other kingdoms. Foreigners have not the power of examining or judging them, nor the means of doing it. The only rule by which all other princes or states can judge of the laws and proceeding of these kingdoms, is the determination and conclusions made in a free convention of estates; which have been approved of, and mightily supported since that time, by two succeeding parliaments, that were freely chosen, and have acted with full freedom.

This, as it is notoriously evident to all Europe, so it is that by which all other princes and states must be concluded, in the judgment that they may make concerning the affairs of these kingdoms.

The leagues and treaties between other princes and states, and the crown of England, are not personal but national obligations. For these, though they are made by sovereigns, yet relate to their people, and to the intercourse and commerce between them and other nations; and are such reciprocal ties, that no prince nor state can be bound by them to any other prince who has forsaken his post, and is no more acknowledged by his people; by the means of which he can no more perform those articles to which he was bound on his part by such treaties. So that the late king, by abandoning his people, has lost the benefit of those alliances.

The engagements that do arise out of them follow the crown of England, and are now vested in his majesty. Nor do those princes or states stand engaged by them to the late king, all the rights and obligations flowing from them being now wholly due to the king.

His majesty does not apprehend any thing from the intimation given in the Memorial, of revolutions that may happen hereafter. There is no great reason to think, that these nations, which have been in all past times so careful to preserve their laws and liberties, should at any time hereafter come to lose all regard to them so entirely, as not to maintain a revolution, which has secured them from imminent ruin, and has

given their constitution such a confirmation, and such explanations, as the injustice and violence of the former reign had made necessary.

The king reckons his having been the instrument, under God, of effecting this, amongst his greatest honours; and by the grace and blessing of God, he will maintain it as long as he lives; and doubts not but that he shall transmit it to those who are to succeed him, according to the present settlement. Hoping that God will so support and bless him, and them after him, that the religion and the liberty of these kingdoms shall be preserved pure and entire to all succeeding generations.

The late King James's Letter to his Privy-Counsellors. With just Reflections upon it, and upon the pretended Prince of Wales. And a short Account of the Judgment of the Parliament, 1 E. 4. in Confutation of the Author of [The Case of Allegiance to a King in Possession:] With the Reason why the Sham Birth has not been publicly exposed. 1692.

From the contents of this Tract, it would seem to have been published in opposition to the measures adopted by King James to authenticate the pregnancy of his queen in 1692. Upon this occasion there was circulated generally, among the English nobles and privy-counsellors, an invitation to be present at the expected birth. Several ladies of rank, and Dr Chamberlain, the celebrated man-midwife, were in like manner invited. It is remarkable that Dr Burnet has suppressed, rather disingenuously, the fact of Mary of Este's pregnancy in 1692, lest it should confirm the reality of the former conception of the Princess of Wales. The author of this Tract takes occasion to revive the various reports which had been current upon that subject, and labours hard to apologize for no public step having been taken to bring forward proof of the imposition which James had attempted to pass upon the nation, in the birth of his pretended son.

JAMES R—

How much soever the late king may flatter himself with an empty name, if he had consulted his trusty counsellors, the jesuits, or the laws of that kingdom which he might have governed happily to this day, if he had pleased, he would have found no reason to continue this style.

For the judgment of his best-loved counsellors, I shall refer him to two men of undoubted credit with that society,* Lessius and Becanus, who both hold, that when a prince is deposed, he ceases to be a prince, and becomes a private person.

The authority for this they both place in the estates of every kingdom, and hold it justifiable to depose a prince for tyranny in the administration, when he designs in his government, and aims at his private advantage, and not the publick good, &c.

* *Lessius de jure et justitia*, p. 79. *Tum desinit esse princeps*, &c. And Falkner's *Christian Loyalty*, p. 343, 344, citing them, both agreeing almost in the same words.—*Orig. Note.*

But unless it was for the publick good of this nation to bring it into subjection to the see of Rome, and for that end to exercise an arbitrary power in dispensing with the laws of the kingdom, it must be granted that the late king was far from aiming at the publick good.

For the laws of England; I shall not here have recourse to those numerous precedents, which may be produced as evidences of the law in this matter; but shall content myself, and, as I believe, the impartial reader, with an act of parliament,¹ which a popish parliament, 12° R. 2. refer to, as known and upon record; and ² but very lately before that time put in practice.

“Whereby, if the king, through a foolish obstinacy, contempt of his people, or perverse froward will, or any other irregular way, shall allienate himself from his people, and will not be governed and regulated by the rights of the kingdom, and laudable ordinances, made by the counsel of the lords and great men of the realm, but shall headily in his mad councils exercise his own arbitrary will, from thenceforth it is lawful for them, with the common assent and consent of the people of the realm, to abrogate or depose him from the throne, and set up in his stead, *propinquiorem aliquem de stirpe regis*, somebody of kin, or near of kin, to the king, of the royal stock.” It is not *proximum*, the next upon the line; and then the *aliquem* gives a latitude for choosing any deserving person of the stock royal.

Obj. 1. I know it will be said, that this law is no where to be found, but in an historian of the time.

Ans. 1. That the parliament urged such a statute, and that it was a known law at the time when it was referred to, no man can doubt; though indeed it is highly probable that R. 2. having assumed a very arbitrary power after this admonition, caused this statute, which stared him so full in the face, to be taken off the file. Certain it is, that when, at the end of his reign, the parliament were enabled to call him to account, among other grounds for his deposal, they say, “He had caused the rolls and records concerning the state and government of his kingdom to be destroyed and razed, to the great prejudice of the people, and disherison of the crown of the said kingdom, and this, as is credibly believed, in favour and support of his evil governance.”

Knighton Col.
2752.

Ans. 2. Farther yet, though that statute is not now to be found in words, yet the late king's coronation oath might have advertised him of its being in force, as to the substance of it, to this very day.

According to the ancient formulary, he either swore or ought to have sworn, “To grant, keep, and confirm the laws, customs, and freedoms granted the clergy and people by the most holy and glorious King Edward.”

Vid. Rot. clause
I. E. 3. et Mag.
Cart. ed. cum
privilegio, an.
1558. Juramen-
tum Regis quan-
do coronatur.

This was Edward the Confessor, of immortal memory, for his collecting and strict observing the laws of the kingdom, as well as for the admired sanctity of his life.

Whereas the statute referred to 12° R. 2. makes one of the conditions upon which the sovereignty depended, to be, that their kings should observe the ordinances made by the counsel of the lords and great men of the realm, (the difference between which and acts of parliament is obvious:) In that body of the Confessor's laws transmitted down to us with unquestioned certainty, it is written, *Rex debet omnia rite facere in regno suo et de consilio procerum suorum*, “The king ought to do all things in his kingdom according to law, and by the judgment of his peers.” St Edward's law goes farther, and is express, that unless the king perform his duty, and answer the end for which he was constituted, *Nec nomen regis in eo constabit*, not so much as the name of king shall remain in him.

Vid. Leges Re-
gis Ed. c. 17.
de Regis Officio,
Lambart's
Archæionom,
Hoveden,
f. 644, &c.

¹ Knighton Col. 2683, 12 R. 2.

² Meaning the case of E. 2.

To proceed to the Letter itself.

“Right trusty and well-beloved cousin and counsellor, we greet you well. Whereas our royal predecessors used to call such of their privy-council as could conveniently be had, to be present at the labour of their queens, and witnesses of the births of their children,* and that we have followed their example at the birth of our dearest son James Prince of Wales.”

One would think that this was penned by some French secretary, the English is so bald and improper, as where the letter mentions the calling such of the privy-council as could be had; and whereas that we have followed, &c. However no example can be shewn of any one of his predecessors, who pretended to have a privy-council after he had ceased to be king; or, at least, that thought it to any

purpose to have witnesses of the births of their children, when themselves had no inheritances to leave them.

But as to the insinuation concerning the pretended Prince of Wales, his birth would have been less suspected, if all the witnesses who swore materially, were not to be thought parties; if the bishops had not been sent to the Tower, as it were on purpose to remove the necessity of sending for the then Archbishop of Canterbury, who had not at that time resigned himself up to the French interest; if there had been credible proof of the late queen's having been with child before she was brought to bed; and she had not been past the years at which it was usual for Italian women to bear children.

And yet if we could believe that she was really brought to bed of a son, and that the son is yet living (the proof of which we must fetch out of an enemy's country), how could that in the least affect the right of their present majesties, who have been declared king and queen by the authority of the States, and that according to the express letter of the statute cited, 120 R. 2, which shews that the States, upon the abrogation or abdication of a king, are under no obligation of submitting to the next in the line, nor can a prince who has departed from his title, voluntarily, or by legal implication, leave any right to descend from him.

*Vid. Camden's
Eliz.*

Indeed, when Mary Queen of Scots was adjudged to lose all her right of succession to the kingdom of England, for her attempts against Queen Elizabeth, all the judges of England being consulted whether this would not cut off the interest of her son, declared it would not: But it is to be considered,

*Ans. 1.
2.*

1. That the opinion of the judges in that case could not alter the law.
2. That it was very likely that they would favour King James, who at that time had a great reputation and interest in England, as much as they could, with any appearance of reason; and there seems some colour for it, from the penning of that statute, which was made in the view of the pretences of the Queen of Scots, and her known conspiracies, for which she was tried.

*Stat. 27 Eliz.
c. 1.*

The statute makes a plain distinction between a bare design, and a design which should take effect. In the first case, they exclude and disable the immediate pretenders, if guilty within that act.

In the second, they exclude and disable the persons pretending title after the queen, and their issue, if consenting or privy. Where the first branch seems capable of an explanation by the 13th of the queen, which, in like cases, disables persons during their natural lives only, as if such persons were naturally dead.

13, Eliz. c. 1.

In which act there is plain provision, that the issue shall not be prejudiced, but shall be in the same condition as if the parent had died before the offence committed; and though the same might be thought to be intended by the stat. 270, yet it not

* Whereas, &c. and that, *i. e.* whereas that,—*Orig. Note.*

being expressed, the lords, with great reason, made a question of it; for if this had been the intention of the parliament 270, one would have thought they would have followed so plain a precedent so lately set, in words which would admit of no dispute. And it appears very plainly to have been the judgment of the parliament, 13 Eliz. that the disabling the party would, by operation of law, have disabled the issue, unless they had particularly provided against it. Certain it is, that the states of the realm having¹ deposed E. 2. he accounted it² a special favour that they would choose his son to succeed him.

“ However, that precaution was not enough to hinder us from the malicious aspersions of such as were resolved to deprive us of our royal right.”

But whatever is here suggested, is undoubtedly owing to the just causes of suspicion which the necessity of the matter, or their own ill management, occasioned, so that it must be imputed to their own fraud or folly; most even of them who stand up for a supposed right in King James, look upon the Prince of Wales as supposititious, and will acquit those from malice in this particular, whom yet they stick not to charge with rebellion.

“ That we may not be wanting to ourself, now it hath pleased Almighty God, the supporter of truth, to give us hopes of further issue, our dear consort the queen being big, and drawing near her time; we have thought fit to require such of our privy-council as can come, to attend us here at St Germain, to be witnesses to our said consort the queen’s labour. We do therefore hereby signify this our royal pleasure to you, that you may use all possible means to come with what convenient haste you can, the queen looking about the middle of May next.”

Their plot, which was within these few days the boast and merit of their party, must now be denied with as great confidence; but if there had wanted other proof, the timing the appointment of the birth of another prince, the avowed expectation which they had just at this time, the coming of the French fleet, the preparation for a landing here, and the readiness many expressed to receive them, sufficiently speak their detestable design; but that glorious victory of our fleet, which has dashed their hopes, and broken their measures, will undoubtedly cause an abortion of the intended birth, or an adjournment to some month more favourable to them than May, which is expired, and yet we hear of no young prince born; but both the late queen, and the French partisans, must confess themselves out in their reckoning; and Almighty God, who, as the letter observes, is the supporter of truth, is the exposé of impostures.

“ And that you may have no scruple on our side, our dear brother, the most Christian king, has given his royal word and

Here is a smack of the French scribe again: Who else could have thought it an hinderance to have been kept from aspersions? Or would any Jacobite, who understands our language, use words which admit that the late king stands deprived of his royal right.

In this, and the former paragraph, such stress is laid upon the birth of children by the late queen, as if the disbelief of the former pretence were the sole occasion of the abdication, and nothing of misgovernment, and breach of the original contract, were in the case. The witnesses required at the second scene, are privy councillors to the late king, but whether meant of them who had been of the privy-council while he administered the government, or such as act by commission from him, to plot against the present government, does not appear.

That the nominal most Christian king has passed his word, must be taken upon the word of the late king, to which much

¹ Walsingham f. 107. *Rex dignitate regali abdicatur et filius substituitur.*

² *Vid. Knighton ad finem regni E. 2.*