OBSERVATIONS ON THE CONDUCT OF GREAT-BRITAIN, WITH Regard to the Negotiations and other Transactions Abroad.

LONDON,
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Observations
for the
Conduct
of
Civil Business
with
a View to the Preservation of
Justice and Equity

On the
OBSERVATIONS
ON THE
CONDUCT
OF
GREAT-BRITAIN, &c.

It has ever been my Opinion, that a Freedom in Speech or Writing ought always to be allowed and encouraged, when it is exerted with an Honest Design of serving our Country, and when it is employed in exposing and censuring any Real Mismanagement of the Publick Affairs. On the other hand, it must be acknowledged to be a very Dangerous and Wicked Abuse of this Liberty, to endeavour to incense the Nation against the Government by General Accusations unsupported by any Proof, and by Assertions, which the Authors of them either do not know to be true, or perhaps know to be false. Persons who are possessed with a Spirit of Detraction and Calumny, are
are always dreaded and abhorred even in private Families, where the Damage, which results from these Ill Qualities, is more confined; But when the same Mischiefous Talents are employed towards disturbing the Peace of a whole Community, they become the Object of the Public Indignation and Resentment. And if a Malicious Misrepresentation of the Management of Affairs has ever been esteemed highly criminal, on Account of the bad Effects which it must naturally have towards creating in the People an unjust Diffidence with regard to their Prince, and towards promoting Civil Discontents; the Guilt of this Practice must certainly be aggravated in the highest Degree, when, besides the ill Consequences before mentioned, it tends to involve us in National Quarrels, and to expose us to the Contempt and Ill Will of Foreign States.

The bold and undisguised Manner, in which the Measures of the Government have been attacked, has made every Body inquisitive into those Parts of the Administration, which have been censured with such uncommon Virulence: And as I have observed, that the late Libels are chiefly filled with Invectives upon the supposed Inactivity of our Squadrons, and the Depredations committed by the Spaniards upon our Merchants in the West Indies, and the Conduct of Affairs with regard to the present Negotiations; I have applied my self with the greatest Care and Impartiality, to be informed of the true State of all these Particulars; and I confess I have received great Satisfaction
satisfaction from this Inquiry, by which I have found that the Situation of our Affairs is quite different from what it has been represented; and have likewise been enabled to form a right Judgment of the Candour and Ingenuity of these Writers.

The first Point that I shall consider, is the supposed Inactivity of our Squadrons, and the Depredations committed by the Spaniards upon our Merchants in the West-Indies. These have been magnified with a particular Pleasure by the above-mentioned Writers, and, as they would have the World believe, with an unanswerable Reproach to the Government, which has been confidently charged, upon this Head, with the most shameful Neglect of our Trade and Navigation; as having taken no sufficient Care either to protect our Merchants from these Losses, or to revenge them by making Reprisals, or any other way. The Government has been accused, on one hand, of insolently provoking the Spaniards to injure us, and, on the other, of tamely submitting to those Injuries. It is represented, as not only withholding that Assistance, which might have been given to the Sufferers; but as refusing them even that Redress, which they were desirous of procuring for themselves. As these are Accusations of such a Nature, as must necessarily raise the Indignation of the Publick, either against the Government, if they are found true; or against it's Accusers themselves, if they should appear to be false: I have used my utmost Diligence
ligence to get the best Informations concerning the Matter of Fact itself.

But before I enter into any Discussion upon this Head, I will beg Leave to observe the Inconsistency which runs throughout the Discourses and Writings of these Men. A little before the Preliminaries were signed, when they were apprehensive that the Emperor and Spain were disposed to an Accommodation, their Labour and Rhetorick were employed in endeavouring to divert those Powers from pacifick Measures, by representing the two great Trading Companies of England, the India and South-Sea, as engrossing all Commerce to themselves by Fraud and Violence, by an unjust Extension of those Privileges in Trade, which are granted by Treaties, and by claiming others without any Pretence or Foundation of Right. This invidious Representation was visibly calculated to make England appear as an Object of Envy and Resentment, and to justify the Emperor and Spain in refusing to comply with our just Demands. But finding that these their groundless Insinuations had not any Effect Abroad, that the Preliminaries were at last signed and ratified by Spain, they have since, like good Patriots, on one hand used all their Endeavours to encourage our Enemies to insult us, by setting us forth as a Bankrupt Nation, exhausted by Taxes, and labouring under a Debt which we shall never be able to discharge; and on the other, to persuade us at Home, that our Affairs were under an Administration which wanted
wanted Spirit, and Resolution to resent any Injuries that could be put upon us.

I come now to consider (as I proposed) the Inactivity which has been objected to our Squadrons, and which is suggested to have been owing to the strict Orders, by which the Commanders of our Men of War have been restrained from protecting our Trade, and from resenting the Injuries and Insults which our Merchants have suffered from the Spaniards. I shall begin with the Squadron, which was sent by his late Majesty to the West-Indies under the Command of Admiral Hosier.

As this has been the most fruitful Source of Calumny and Inveotive, and as I find the Complaints on this Subject have made some Impression on Persons, who are sincerely concerned for the Honour and Interest of their Country, I have, for their Satisfaction, made it my Business to inquire what were the Orders given to that Admiral, and those that succeeded him in the Command of His Majesty's Squadron in the West-Indies.

The first Instructions given to Admiral Hosier were dated, as I am informed, the 28th of March 1726, almost twelve Months after the Treaties of Vienna were signed, and when His late Majesty had obtained Intelligence, as is well known to the Publick, of the dangerous Measures that were concerting in consequence of those Treaties, and of the pernicious Use that was designed to be made of the Effects of the Gal- leons, belonging chiefly to his Subjects, and those
those of his Allies, though at the same time no open Hostilities were begun by the contracting Parties of the Vienna Treaties. His Majesty therefore, having a just Regard on one side to the fatal Consequences of suffering so great a Treasure to come into the Hands of Powers that he had Reason to believe intended to employ it for disturbing the Tranquility of Europe, before they had enter'd into any Stipulation for delivering the Effects as in time of Peace, and for making the Allies easy as to the just Apprehensions of their dangerous Intentions; and on the other side, being desirous not to push Things to greater Extremities, before open Hostilities were committed, than was necessary for the Defence of himself and his Allies; was pleased to give Instructions to Admiral Hosier to the following Effect:

That he was to sail, as soon as possible, with the Squadron under his Command for the West-Indies, and to send a Frigate before to Jamaica, with Orders for such of His Majesty's Ships on that Station to join him, as he should think proper, and also to get what Intelligence he could of the Flota and Galleons. Being arrived before the Port of Carthagea, he was to inform himself whether the Spanish Flota or Galleons, or any Part thereof, were there; and in that Case, he was forthwith to send to the Spanish Governour there, and acquaint him, that the King had commanded him not to commit any Hostilities, unless he should be obliged to it, in order to take the necessary Care of the Interest and Property of
of His Majesty's Subjects, and those of his Allies, which were so much concerned in the Cargo on board the Flota and Galleons, or unless the Effects of His Majesty's Subjects within his Government, or any other Part of the Spanish Dominions, should be actually seized. That he had Orders to signify to him, and to the other Governours of the Spanish Colonies in America, that provided they would not suffer the said Galleons or Flota, or any Part thereof, or any Ships having on Board the Cargo of the said Flota or Galleons, or any Part of the same, to go out of their Ports, he was not to give them or any Subjects of the King their Master in those Parts any manner of Disturbance or Molestation: But that if they would not comply, but contrary to this Notice should think fit to suffer their Flota or Galleons, or any Part thereof, to put to Sea, or the said Cargo, or Part of it, to be sent away, he was to use all possible Means to secure the Effects on Board the said Galleons, Flota or Ships, to the end Justice might be done to all who were concerned therein. If he found the Spanish Flota or Galleons in the Port of Carthagena, he was accordingly to remain there and block up the same, to prevent their coming out till further Order; but if he had Intelligence that the said Galleons or Flota were gone from thence to Porto-Bello, or to the Havana, or to any other Port of the Spanish Colonies, he was ordered to follow them to any of the said Ports, and block them up, making the same Declaration to the Governours.
tours of the Places before named, or of any
other to which he should fail, as he had
been before directed to make to the Gover-
nour of Carthagena. If notwithstanding
this Signification to the Governors of the
Spanish Colonies, the said Galleons or Flota,
or any Part thereof, or any Ship or Ships
having on Board its Cargo, or any Part or
Parcel of the same Cargo, should venture to
put to Sea, he was immediately with his
whole Squadron, or by proper Detachments,
to pursue them: And in case he overtook
them, or if he met the said Galleons, Flota,
or Ships at Sea, in his Voyage to the West-
Indies, or otherwise, he was to use his
best Endeavours by Persuasion, or even by
Force, to get them and their Cargo into his
Possession; declaring in the strongest manner
to the Commander in Chief, that his Orders
were to carry them to a Port of Safety, and
that his Majesty's Design was to restore to
every body what belonged to them: And in
case he succeeded in getting such Galleons,
Flota or Ships into his Possession, he was to
bring them to some Port in England, there
to be secured till further Order. And it being
his Majesty's Intention, that the Effects of
the said Flota, or Galleons, whether they
should be taken on Board the same, or in any
other Ships the King of Spain might think fit
to imploy to bring them Home for greater
Security of getting them into his Power,
should be entirely and safely preserved for
the Use of those that had a just Title to the
fame,
same, he was ordered to take particular Care that there should be no kind of Embezzle-
ment thereof whatsoever; and to endeavour to possess himself of the Invoices of the Car-
go of every particular Ship; which said In-
voices he was to have sealed up, and the Hatches of the Ships spiked; and he was to keep the said Invoices safe in his own Custo-
dy till further Order; and to take an Inven-
tory of all the Chests, Bales and Parcels, di-
tinguishing the same by particular Numbers, in which the said Effects should be packed up, without opening them, as also of such other Effects as perhaps might not have been regularly put on Board, and of which no Invoice could be had, distinguishing in such In-
ventories (as far as he should be able) who were the particular Owners thereof, to whom they were consigned, and for whose Ac-
count. And whereas it was his Majesty’s firm Resolution, that no part of the Effects or Cargo above mentioned should be disposed of to any Use, but such as in Justice, and agree-
ably to these Instructions, his Majesty should afterwards think fit to direct, he was (under Pain of the King’s highest Displeasure) to see his Majesty’s Orders for that Purpose punctu-
ally executed and obeyed; and he was to ob-
lige all Persons whatsoever under his Com-
mand to act in the strictest Conformity there-
to. And whereas his Majesty had received undoubted Intelligence, that the King of Spain had order’d two Ships of War to sail forthwith to the Spanish West-Indies, under
Pretence of carrying Quicksilver thither, for working of the Mines, but with secret Orders to take on Board all the Gold and Silver which was to have been brought by the Flota or Galleons, and to return with it with all Expedition to Spain; he was likewise ordered to employ his utmost Care and Application to get Intelligence of the said two Men of War, and to deal by them, in case he met them, and they had such Treasure on board, in the same manner in every Respect as he was directed to do with the Flota or Galleons. If upon his Arrival in the West-Indies he had certain Information that the said Galleons, Flota, or other Ships, having on Board the Cargo which the Galleons should have brought, were come away for Europe; or that, notwithstanding his blocking up such Ports as above mentioned, they should be able to push out to Sea, and to pass by him in their Way home, he was in such Case (leaving two Men of War, of the fourth, fifth, or sixth Rate, on the Jamaica Station, with Orders to protect the Trade of his Majesty's Subjects, and to make Reprisals on the Spaniards for any Injuries that should be done them by the Spanish Garde Costes or otherwise) immediately to fail in Pursuit of such Galleons, Flota, or Ships; and if he could not come up with them, he was to make the best of his Way to the Cape of St. Vincent on the Coast of Portugal, detaching a Frigate home with notice of his being on his Voyage thither. If he
he met with no Intelligence of the said Galleons, Flota, or Ships, upon his Arrival on that Coast, he was to keep cruizing off the said Cape; and to the Southward of it, in order to intercept them, and to expect Ships to join him with Intelligence, or with his Majesty's further Orders.

At the same time he had his late Majesty's direct and positive Orders, 'In case he received, during his Stay in the West-Indies, a certain Account that the Spaniards had seized the Effects of the South-Sea Company, or other his Majesty's Subjects, in any of their Colonies, to use his best Endeavours to recover the same, or to make Reprisal, and to assist, in the best manner he could, the said Company, or their Agents, or other his Majesty's Subjects, if, to prevent such Seizure, they should apply to him for his Assistance in withdrawing such Effects out of the Power of the Spaniards.

On the 29th of September, 1726, his Orders contained, 'That he was to look upon his Instructions to be the same with regard to the Flota, expected from Vera Cruz, as with relation to the Galleons; but the stopping of the Galleons, and the Money they were to have brought, was to be his chief Care, and therefore he was not to risque the Success of it upon any Account—His Majesty still recommending it to him, to omit nothing that could possibly be done to prevent the bringing to Spain that Treasure, upon which those who wished us Ill had so much Dependence.

By
By his late Majesty's Orders of the 18th of November, 1726, 'The same Attention, with regard to the Galleons and Flota, was again recommended to him.' And it was added, 'That the South-Sea Company having Reason to apprehend, that their Ships at Vera Cruz would be stop'd by the Spaniards, and having made Application to the King that they might, by the Protection of his Ships, be brought away from thence, as their other Ship was from Porto-Bello, His Majesty being always defirous to protect the Trade of his Subjects, as much as in him lay, would have him (Hosier) give them his Assistance therein, as far as he should judge it to be consistent with the main Service upon which he was employed, viz. the preventing the bringing from America any Part of the Spanish Treasure above mentioned.

On the 4th of March, 1726-7, upon the Spaniards having laid Siege to Gibraltar, he was directed by the Lords of the Admiralty, in pursuance of his Majesty's Pleasure signified to them, 'To give Orders to the respective Captains under his Command, to take, sink, burn, or otherwise destroy any Ships of War, or Privateers, or Merchant Ships, or Vessels, belonging to the King of Spain, or his Subjects, which they could come up with; the Spaniards having begun Hostilities against his Majesty's Subjects at Gibraltar.

On the 19th of May following, he was informed, 'That the King of Spain being actu-
ally in War with His Majesty, it was the
King's Pleasure, that instead of stopping the
Galleons only, as he had been formerly di-
rected, he should seize them, and make him-
self Master of them, wherever he could meet
them, or any other Spanish Ships, or Vessels,
either in or out of Port; still taking care, if he
should be so fortunate to get any of them
into his Possession, to prevent all Embezzle-
ment of the Effects on board them, and to
secure their Cargoes, and all the Papers
relating thereto, in the Manner prescribed
by his Instructions, and to keep them safe
and untouched 'till further Signification of
His Majesty's Pleasure thereupon.

On the 18th of July, of the same 18 July,
Year, the Spaniards having, instead 1727.
of putting the Preliminary Articles in Exec-
cution on their Part, refused to raise the Siege
of Gibraltar; to release the South-Sea Ship,
Prince Frederick, then detained at Vera Cruz;
and to restore any other of the Ships or Eff-
ects belonging to His Majesty's Subjects, which
had fallen into their Hands; I find the Or-
ders and Instructions from His present Majesty
to Admiral Hosier, were to this Effect: 'That he
should continue with greater Care and Dili-
gence than ever, to watch the Motions of the
Spaniards, and to hinder the Galleons from
coming out; or, if possible, to intercept and
get them into his Possession, acting in every
thing pursuant to the Directions formerly
sent him, until he should receive His Ma-
jefty's positive Orders to the contrary; or
' until
until the Spaniards, according to the Obligation he would find they were under, by the Fifth Article of the Preliminaries, should have given up all the Persons, Ships, and Effects of the King's Subjects, which they had seized; especially the Ship Prince Frederick, and what belongs to the South-Sea Company.' And it is added, 'That His Majesty was sorry, that it had not been possible for him (Hosier) to oblige the Spaniards to deliver up the Ship Prince Frederick; and that if any Accident should happen that might render it practicable for him to force them to it, His Majesty doubted not but he would make use of it; still taking care not to be diverted by That, or any thing else, from the main Business of stopping, or intercepting the Galleons.

In November, 1727, His Majesty having received Advice of Vice-Admiral Hosier's Death, dispatched Vice-Admiral Hopson to take upon him the Command of the Squadron in the West-Indies: His Instructions were 'to follow in every respect the Orders, which had been sent to Admiral Hosier.

The same Orders were repeated to Captain St. Lo, December the 24th, 1727; and on the 21st of March, 1727-8, (after the signing the Act of the Pardo,) Vice-Admiral Hopson, having at that time taken upon him the Command of His Majesty's Squadron in those Seas, was ordered to observe the same Instructions, 'till such time as he should have received the King of Spain's
Spain's Orders, for executing the Preliminary, to his Governors and Officers in the West-Indies, in order to be by him transmitted to the said Governors and Officers; and being at the same time ordered, 'to send home ten of the Ships under his Command;

His Majesty declares his Intention to him of sending five Men of War and a Sloop to the West-Indies, to be stationed there (together with the Lark, that went some time before to Jamaica) for the Protection of His Majesty's Islands, and of the Trade of his Subjects in those Parts.

Having been thus particular with regard to the Orders given to the Commanders of His Majesty's Squadron in the West-Indies, I shall now produce a Copy that I have obtained of the Letter, which Admiral Hosier wrote upon his first Arrival before Porto Bello, to one of His Majesty's principal Secretaries of State.

Bastimentos, 25 June 1726.

—The 2d of June I made Sail for Porto Bello, and Coasted it down to the Bastimentos, sent the Spence Sloop into Porto Bello, who brought Mr. Bumpstead, the chief Supercargo, who informed me, that ten Days before we arrived, a Pacquet Boat arrived from Old Spain, with Orders for them to secure the Money that was in the Port, which they put on Board Sloops and Boats, and sent it to the River Chagre, to be
be sent back to Panama; all which was done
and gone three Days before we arrived.

I am credibly informed, they can send the
Money to the Havana by small Vessels, a
Passage to Leeward of the Muskeeta Keys; to
prevent which, I have sent two Ships to look
out off the River Chagre, left they should
attempt that; so that I do not doubt of pre-
venting their getting the Money from those
Parts. There is another Port to the East-
ward of Porto Bello, called Nombre de Dios,
to which they can send Money by Land-
Carriage unseen to us; for which Reason I
have sent a Sixth Rate to cruise off there,
with Orders, if a superior Force should
come, to make the best of his way down to
me, and we can ply up to them, before they
can be able to do anything.

Your — may be assured, I shall take all
the Precaution I can, to hinder any Money
being Shipt off.

As it appears by the Orders above, that no
Care was wanting on the part of the Govern-
ment to prevent the Return of the Galleons to
Spain, and to secure the Effects of His Ma-
jesty's Trading Subjects in the Indies; so this
Letter most manifestly shews, that had it been
thought advisable to have directed him to
have committed open Hostilities by attacking
the Galleons in the Harbour of Porto Bello,
it was impossible for the Admiral to have
taken any thing, but the Empty Hulks of the
Ships; and I believe it will be acknowledged,
that such a Pledge in our Hands could not
have had much Influence on the Counsels of Spain. However His Majesty's Squadron prevented the Return of the Galleons, by continuing in those Parts, 'till the King of Spain had signed and ratified the Preliminaries, and the Act of the Pardo, by an Article of which His Catholick Majesty obliqes Himself, in consequence of our permitting the Galleons to return to Spain, to let their Effects be delivered out as in Times of full Peace.

And as to that other Charge, which has been brought against the Government by these Libellers, as if the Depredations, committed by the Spaniards upon our Merchants in the West-Indies might have been prevented by the Commanders of His Majesty's Squadron in those Seas, if they had not been restrained from revenging those Insults upon their Country, by strict, particular, and explicit Instructions; The Orders themselves, which I have produced, are a full and incontestable Proof of the Falsity of such an Imputation; and may serve at the same time to give the Reader a just Idea of those, who have represented the Measures taken in that Affair by his late and present Majesty, as Instances of a tender Conduct, and particular Care to give no Offence to our Enemies.

Admiral Hosier having in his very first Orders been directed to give the best Assistance he could to the South Sea Company and other His Majesty's Subjects, for the preventing any Seizure of their Effects, or, if they were seized, to use his best Endeavours to recover them, or
to make Reprisals; and further Orders having, upon the first Notice of the Beginning of Hostilities by the Spaniards, been sent him to take or destroy their Ships, as in time of an actual War; he, and his Successors in that Command, continued under those Orders to the time of the Arrival in the West-Indies of the Orders given reciprocally by His Majesty and by the King of Spain for putting the Preliminarys in Execution; which was in June last.

I shall now proceed to give some Account of the Losses suffered by our Merchants in the West-Indies, which have, according to these Gentlemen, reduced so many Families to Misery. I commiserate, as much as any body, those, whose private Fortunes are ruined by National Quarrels; and who have no more Interest, than every other Member of the Community, in those Disputes which have brought these Calamities upon them: And I would by no means be understood, by what I am going to say, to have the least View or Intention to lessen the Concern of the Government for their Losses, or to divert it from taking proper Measures for procuring them Redress: But a due Regard to Truth has obliged me to inquire likewise into these Facts; and I hope to make it appear, that the Losses since the beginning of the present Disturbances, and the sending Admiral Hosier’s Squadron to the West-Indies, are not any thing near so considerable as they have been represented; as I have already shewn that they have not been owing
owing to any want of that Care, which the Government ought always to take for the Protection of our Merchants. When I have stated these Matters of Fact by the best Lights I have been able to procure, I shall leave these bold Asserters to the Censure they have deserved, by so many and so gross Impositions upon the Publick.

If I had not been before sufficiently prepared by their so often repeated Misrepresentations of our Affairs, I must own that the Solemnity and Seriousness of their Affirmations, their malicious Triumph upon this Occasion, together with their frequent Appeals to the Merchants themselves, and the Credit they have found with many uninform'd Persons, would have made me less cheerfully undertake the Examination of a Matter which I should have otherwise been inclinable to believe was of too public a Nature, for even these Writers to have risqued a Falsehood upon: But I have had the Comfort to find my former Opinion of them and their Writings still confirmed, and must do them the Justice to own, that they have supported their Character with the exactest Uniformity.

I now come to give the Account promised, of what I have collected from the most authentic Testimonies, with relation to the Spanish Depredations in the West-Indies; and shall here insert an exact List of all such Ships, (together with their Tonnage and Value, wherever I found it estimated by the Sufferers themselves,) as have been taken by the Spaniards in
in the West-Indies, since the Conclusion of the Treaty of Hanover in the Year 1725, and at any time convey'd to the Knowledge of the Government, either by the immediate Complaints of the Merchants concerned in those Captures, their Representations to the Commissioners for Trade and Plantations, or the Accounts transmitted by his Majesty's Ministers and Consuls abroad. The List is as follows.
<table>
<thead>
<tr>
<th>Ships and Vessels Names, of what Place and Burthen.</th>
<th>Tons.</th>
<th>Masters, Owners, and Freighters.</th>
<th>What Voyage they were on.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benjamin of Providence.</td>
<td></td>
<td>Benjamin Bullock, Mafter.</td>
<td>To Vice-Admiral Hosier’s Squadron.</td>
</tr>
<tr>
<td>Diamond Snow.</td>
<td></td>
<td>Norton Kelsall, Mafter.</td>
<td>From Tertuga to Piscataqua.</td>
</tr>
<tr>
<td>Eagle of Amboy.</td>
<td>65</td>
<td>Philip Cockran, Mafter.</td>
<td>To Port Anthony’s in Jamaica.</td>
</tr>
<tr>
<td>Charles of Nevis.</td>
<td>35</td>
<td>George Frazer, Mafter.</td>
<td>From London to Jamaica.</td>
</tr>
<tr>
<td>Loyal Hart, of St. Christophers.</td>
<td>65</td>
<td>Samuel Scranton, Mafter.</td>
<td>From Carolina to London.</td>
</tr>
<tr>
<td>Marygold, of Barbadoes.</td>
<td>45</td>
<td>Richard Bardin, Mafter.</td>
<td>From New-England to Antegoa.</td>
</tr>
<tr>
<td>Endeavour, of Antegoa.</td>
<td>65</td>
<td>William Griffith, Mafter.</td>
<td>From Jamaica to Bristol.</td>
</tr>
<tr>
<td>Adventure.</td>
<td>150</td>
<td>Charles Devon, Mafter.</td>
<td></td>
</tr>
<tr>
<td>Praxton Gally.</td>
<td></td>
<td>Samuel Cornock, Mafter.</td>
<td></td>
</tr>
<tr>
<td>The Susannah Sloop of Kingston in Jamaica.</td>
<td></td>
<td>Moses Gardner.</td>
<td></td>
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<tr>
<td>Schooner Kilmington.</td>
<td></td>
<td>Thomas Price, Mafter, Thomas Rudge, Owner, and John Cav-wood, Freightier.</td>
<td></td>
</tr>
<tr>
<td>Harriot Gally, of Bristol.</td>
<td></td>
<td>John Rhodes, Mafter, Hunt and Comp. Owners and Freighters.</td>
<td>From Tertuga to Piscataqua.</td>
</tr>
<tr>
<td>When and where taken.</td>
<td>By whom taken or plundered.</td>
<td>Damages sustained.</td>
<td></td>
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<tr>
<td>1726 Mar. 18 upon the Bahama Bank.</td>
<td>By a Spanish Periagua.</td>
<td>l. s. d.</td>
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</tr>
<tr>
<td>1726-7 March, in his Passage.</td>
<td>By two Spanish Men of War.</td>
<td>Value of Provision. 1815 5 7</td>
<td></td>
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</tbody>
</table>

Were all seized and made Prizes in Lime Tree Bay in the Island of St. Cruz, one of the Virgin Islands belonging to the Crown of Great Britain, by two Spanish Guarda Costas, fitted out by the Governor of St. Domingo, and forcibly carried to some of the Spanish Islands in 1726-7, together with their several Cargoes.

<p>| 1726-7 March, at Sea. | By a Spanish Privateer. | 1500 |
| 1727 April 5, near Tercera. | By a Privateer of Vera Cruz. | Cargo only. 200 |
| 1727 April 13, off of the said Port. | By a Spanish Guarda Costa. | |
| 1727 May, in sight of Jamaica. | By a Spanish Privateer. | |
| 1727 July 18, off Carolina. | By a Spanish Privateer, and carried to the Havana. | 2611 18 9 |
| 1727, at Sea. | By a Privateer, and sold at Sea uncondemned. | 1793 9 8 |
| 1727 Aug. 7, near Bermuda. | By the Sloop Fortune, Peter Peirsom, Master. | 2961 14 6 |</p>
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<tr>
<td>William, of New-England.</td>
<td>150</td>
<td>Peter J ump, Master; Chauncey and Company Owners and Freighters.</td>
<td></td>
</tr>
<tr>
<td>Sloop Betty, of Carolina.</td>
<td></td>
<td>Nat. Leatherland, Master; Pemberton and other Owners and Freighters.</td>
<td></td>
</tr>
<tr>
<td>Penelope, of Liverpool.</td>
<td>130</td>
<td>William France, Master, Thomas Sede, sole Owner and Freight-er.</td>
<td></td>
</tr>
<tr>
<td>Ship Amy, of Liverpool.</td>
<td>90</td>
<td>Robert Theobalds, Master, Banker and Company Owners.</td>
<td></td>
</tr>
<tr>
<td>Sloop Jolly, of New-York.</td>
<td></td>
<td>William Sutherland, Master, James Tipping, Merchant.</td>
<td></td>
</tr>
<tr>
<td>Endeavour Sloop.</td>
<td></td>
<td>Thomas Jarvigan.</td>
<td></td>
</tr>
<tr>
<td>Kilhampton Brig.</td>
<td></td>
<td>Joseph Stackman, Master, Bonham and other Owners.</td>
<td></td>
</tr>
<tr>
<td>Ship Dolphin, of London.</td>
<td>200</td>
<td>From Honduras to New-England.</td>
<td></td>
</tr>
<tr>
<td>Anne of London.</td>
<td>130</td>
<td>From Pennsylvania to Carolina.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>From Virginia to Liverpool.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>From Honduras to Liverpool.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>From Barbadoes to New-York.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>From London to Guinea and Ja-maiaca.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>From Jamaica to Rhode Island.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>From Jamaica to Virginia.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>From Boston to Ja-maiaca.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>From Barbadoes to London.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>From Africa to Jamaica.</td>
<td></td>
</tr>
<tr>
<td>When and where taken.</td>
<td>By whom taken or plundered.</td>
<td>Damages sustained.</td>
<td></td>
</tr>
<tr>
<td>-----------------------</td>
<td>-----------------------------</td>
<td>--------------------</td>
<td></td>
</tr>
<tr>
<td><strong>1727 Aug. 7, near Cuba.</strong></td>
<td>By the Commander of the Barlovento Squadron.</td>
<td>l. s. d.</td>
<td></td>
</tr>
<tr>
<td><strong>1727 Aug. 25, at Sea, in her Voyage.</strong></td>
<td>By a Privateer from the Havana.</td>
<td>2000</td>
<td></td>
</tr>
<tr>
<td><strong>1727 Sept. 8, near Virginia.</strong></td>
<td>By a Privateer from the Havana.</td>
<td>880</td>
<td></td>
</tr>
<tr>
<td><strong>1727 Off. near Cuba, and carried thither.</strong></td>
<td>By a Spanish Privateer.</td>
<td>2488 4 2</td>
<td></td>
</tr>
<tr>
<td><strong>1727 Novem. 13, near the Island Margarita.</strong></td>
<td>By a Spanish Privateer.</td>
<td>1139 16</td>
<td></td>
</tr>
<tr>
<td><strong>1727 carried to Vera Cruz.</strong></td>
<td>By Ditto.</td>
<td>998</td>
<td></td>
</tr>
<tr>
<td><strong>1727-8 off Cape St. Nicholas in Hispaniola.</strong></td>
<td>By Ditto.</td>
<td>Cargo</td>
<td></td>
</tr>
<tr>
<td><strong>1727-8 March 10, off Cape Tiberon.</strong></td>
<td>By Ditto.</td>
<td>1247 the Sloop not Estimated</td>
<td></td>
</tr>
<tr>
<td><strong>1728 April 12, off Jamaica.</strong></td>
<td>By Ditto.</td>
<td>1182 10 2 ½</td>
<td></td>
</tr>
<tr>
<td><strong>1728 June, near Martinico.</strong></td>
<td>By Ditto, from St. Domingo.</td>
<td>1185 12 10 Jamaica Money.</td>
<td></td>
</tr>
<tr>
<td><strong>1728 June 12, off Cape Tiberon.</strong></td>
<td>By a Spanish Guarda Cofia, Pines, a Fleming, Mafter.</td>
<td>10000</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>10500</td>
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</tbody>
</table>
I shall only observe upon the foregoing Lift, that, for near a Year after the Arrival of his Majesty's Squadron in the West-Indies, not one Ship was complained of as taken from our Merchants by the Spaniards; that the whole Number of Ships taken since the Hanover Treaty, is but 26; and that of these, Six together amount to no more than 340 Tonns; and one other was the Property of the Publick, being bound with Provisions for his Majesty's Squadron. Yet this is the long and black Catalogue of British Ships taken from us by the Spaniards; these are the heavy and severe Losses, which have for the three last Years ruined so many of our Traders to the Plantations. But since even these, (such as they now appear,) have been ascribed to the Provocation supposed to be given to the Spaniards by the Measures taken by, and since the Conclusion of, the Hanover Treaty; and as such a Charge can only be founded upon a Supposition, that our Losses, since that Period, have exceeded those of former more peaceful Times; I have thought it worth while to look back, upon the three Years that immediately followed the Treaty of Utrecht, and by the like Authentick Testimonies, have found, that the Number of Ships taken in those Parts by the Spaniards during those three Years of full Peace, is equal to what they have taken from us there since the Treaty of Hanover.

I shall make no further Observations upon this Head, but leave every impartial Man to judge with what Design so much Industry has been employed in propagating such Reports; and with how little Foundation the Govern-
Government has been aspersed upon this Account.

I shall now insert the most material Parts of the Orders given to the Commanders of His Majesty's Squadron employed upon the Coast of Spain.

The 11th of June, 1726, Sir John Jennings being appointed by His late Majesty to proceed with his Fleet to the Coast of Spain, he was order'd to keep Cruising between Cadiz and Cape St. Vincent, 'till further Orders; to use his utmost Endeavours to get Intelligence of the Flota and Galleons, expected that Year from America, and of the time when they might probably arrive in Spain; and to post his Ships in such Stations as might be most proper for the intercepting them; which in case he did, he was then to follow Admiral Hopson's Instructions relating to them (a Copy of which was at the same time deliver'd to him) in the same manner as if they had been directed to himself.

June 29, 1726. Upon some Advices which the King had received, that it was probable the Flota and Galleons, instead of coming to Cadiz, as usual, would put into St. Andrew, or some other Port that way, he was ordered to detach Rear-Admiral Hopson, with four Men of War, to cruize on the Coast of Biscay, off St. Andrew.

Upon the 18th of August of the same Year, His late Majesty having recalled Sir John Jennings, was pleased to order Rear-Admiral Hopson, who succeeded
ceeded him in the Command of that Squadron, to observe the same Instructions as had been given to Sir John Jennings.

On the 22d of December, 1726, the Squadron was put under the Command of Sir Charles Wager; and the several Instructions to Vice-Admiral Hosier, Sir John Jennings, and Rear-Admiral Hopson, relating to the Flora and Galleons, were put into his Hands, which he was commanded also to observe. And for the further reinforcing the Garrison of Gibraltar, which was then going to be besieged, he was ordered to send as many of the Land-Forces then on board Admiral Hopson's Squadron, as could be spared; and even the whole Number, if necessary, for the Security of that Place; and in case there should be occasion for one or more Ships of Force to continue in or near that Port for securing the Garrison from any Attempt by Sea, he was to employ in that Service, such of the Ships under his Command as he should think proper; and in case of Need, he was to give all the Relief and Assistance he was able to the said Garrison, and (as far as was consistent with the Services above mentioned) he was to protect the Trade and Navigation of His Majesty's Subjects; and in case of a War Declared, of Gibraltar being attacked, or any other Hostility actually begun by the King of Spain or his Subjects, against His Majesty and His Subjects, he was to the utmost of his Power to distress and annoy the Enemy, by Taking, Burning, or otherwise destroying their
their Ships and Vessels, or doing and per-
forming any other Acts of Hostility against
them, as he should have Opportunity.

On the 7th of March, 1726-7, Ad-
vice having been received that the Spa-
niards had actually besieged Gibraltar,
Admiral Wager was informed, by the late
King’s Command, ‘That His Majesty was
pleased to approve his Resolution, now the
Spaniards had begun Hostilities, to treat as
Enemies all the Ships and Vessels he should
meet with. And His Majesty also very
much commended his Readiness to assist
Colonel Clayton with what he wanted for
the better putting the Place in a Posture of
Defence, who took care to mention in his
Letters the Obligation he had to him on
that Account.

On the 21st of March, 1726-7, he
was informed, ‘That it was His
Majesty’s Pleasure, that he should treat
the Spaniards every where as Enemies,
and endeavour to annoy them in whatever
way he could.

On the 19th of May, 1727, ‘His
Majesty, having received Advice
of three Spanish Privateers being
fitted out at Lisbon, that had already ta-
ten two Ships belonging to His Subjects,
and lay there on purpose to molest our
Trade with Portugal, was pleased to or-
der Admiral Wager to send two small Ships
that might best be spared from other Ser-
dices, to cruize off of Lisbon, for the Se-
curity of our Trade, and to lose no time
in doing it.

Such
Such were the Orders given to Sir Charles Wager; and I believe every body will own, that an abler or a braver Officer could not have been pitched upon for these Important Services. The Flotilla had indeed the good Fortune to escape him, from Circumstances that no Care on his Part could prevent, and which were owing to the Season of the Year, viz. long Nights, and dark foggy Weather. He had however, notwithstanding this ill Success, the Confolation to find, by a Spanish Man of War that fell afterwards into his Hands, that nothing had been wanting on his part towards preventing the Escape of the Flotilla; that he had judged right as to the Station he took to wait for them, and that, though they passed him unobserved in the manner above mentioned, yet they steered the very Course, which he imagined they would, and where he had placed himself to intercept them. He was of great Service in protecting our Trade, and in the vigorous Defence of Gibraltar; and tho' by reason of the number of English Ships constantly employed in the Mediterranean Trade, it happened unavoidably, from the Spaniards commencing Hostilities without any previous Declaration of War against us, that they took several of our Merchant Men in those Parts, and upon the Coast of Spain; yet, it will not, I believe, be even insinuated,
nuated, that Sir Charles with his Squadron, or perhaps with the Help of the whole Fleet of England, could have prevented their taking for the greatest part of those Ships. He had, as I have shewn, Orders sufficient for performing every part of the abovementioned Services; and he carried with him the same Abilities, and the same honest Heart and Zeal for the Good of his Country, by which he had already distinguished himself in many former Expeditions; neither was he in want of any thing, but a little of the same good Fortune that attended him some Years since upon pretty much the same Occasion.

What I have hitherto said contains, I think, so full and direct an Answer to all the Calumnies, which have been vented upon this Subject, that, without any farther Reasoning, I shall leave every Reader to compare those unjust Representations of the Conduct of our Affairs, which He must frequently have been entertain'd with in the Writings of these Authors, with that plain and authentick Account I have here given.

The only Objection that remains to be answer'd upon this Point of the Spanish Depredations, is with regard to Letters of Marque and Reprisal, by which the Traders might have been authorized to make themselves Reparation. I shall therefore now proceed
proceed to give such an Account of that Affair as may entirely remove that Doubt and Uncertainty which these Writers have affected to lye under in this Particular; in which I find them proceeding with unusual Caution, not venturing to affirm that such Letters have been actually refused by the Government, though, by several indirect Insinuations, they sufficiently shew that This is what they would be glad should pass upon their Readers for a Truth. That Letters of Marque and Reprisal are what our Merchants, in the Situation we were then in with regard to Spain, had a Right, both by our own Law, and that of Nations, to demand, I entirely agree; and in order to shew that such Letters were not refused them, I shall transcribe an Extract of the Order in Council issued concerning this matter in 1727.

Upon laying before his late Majesty in Council a Memorial from the Lords Commissioners of the Admiralty for granting Reprisals against Spain, together with the Opinion of the Advocate-General, and the Attorney and Solicitor-General thereupon; An Order of Council was issued on the 28th of March 1727, "directing the Advocate-General, with the Advocate of the Admiralty, to prepare a Commission to authorize the Lords Commissioners of the Admiralty to grant Letters of Marque and
"and Reprisal; and also to prepare another
"Commission to authorize the said Lords
"Commissioners of the Admiralty, to will
"and require the High Court of Admiralty
"in England, and the several Courts of
"Admiralty in the Plantations, to try all
"Captures, Seizures, Prizes, and Reprisals,
"and to determine the same; and likewise
"to prepare two Draughts of Instructions,
"the one to be sent to the Courts of Ad-
miralty in his Majesty's Plantations, and
"the other to be given to such Ships as
"shall be commissioned for the Purposes
"aforesaid."

Note. This Order was inserted in the
Gazette.

The said Draughts of Instructions
were laid before his late Majesty in
Council, who was pleased to approve thereof, and to order that one of his Princi-
pal Secretaries of State should prepare the two
Draughts of Commissions for the Royal Sig-
nature, with proper Warrants for their im-
mediate passing under the Great Seal of
Great Britain, and likewise prepare the
said Draughts of Instructions for the Royal
Signature.

Pursuant to this Order, the said Commiss-
sions and Instructions were, by one of the
Principal Secretaries of State, laid before his
late
late Majesty, who was pleased to sign them. But the Preliminary Treaty having been for some time negotiating at Paris, his late Majesty thought proper to defer issuing these Commissions 'till he should see the Success of that Negotiation: And this Caution was very commendable, and even necessary; the abovementioned Preliminary Articles for a general Pacification, having been signed at Paris the 26th of May O. S. His late Majesty died the 11th of June, and no Application from our Merchants for Letters of Marque has since been made; excepting that in September last, a Petition from the Owners of the Ship Dolphin, and, since that, another from those of the Anne Galley, (both inserted in the List above, as taken in the West-Indies by the Spaniards) were presented to his Majesty, praying for Letters of Reprisal. The Preliminaries being now ratified by Spain, these Petitions were immediately transmitted to that Court, in order to the obtaining of Satisfaction. This being the plain State of the Case, it is evident, that any Imputations of Neglect upon the Government in this Particular, are as unjust as those other Calumnies which I have before refuted.

I shall, in the last place, proceed to examine briefly what Foundation there is for all the Clamour that has been raised upon the Conduct and present Situation of our Affairs, with
with regard to the Measures that have been taken at the Congress towards a General Pacification. And here, with relation to the Provisional Treaty in particular, it might have been expected from those who have taken so much Pains to render it odious, that they would have been very particular in examining what they so confidently affirm to be unsafe and dishonourable to the Nation; and have shewn that the Project upon which they ground this Affertion, does not really provide for the Security of those Points which we have been so long contending for; and that we are like to lose by Negotiation some of those valuable Rights, Privileges, and Possessions, which we have been at so great an Expense to maintain by Force. But they have saved themselves the Trouble of such an Examination (which might have discovered the Fallacy of their Reasonings, and the Insincerity of their De- figus) by contenting themselves with declaring in a most pompous Manner, that they could not expect less from a successful Negotiation, than that the Emperor and the King of Spain should consent to a solemn Cus- sation of the Treaty of Vienna, or at least of the secret Article in favour of the Pretender; That if the Erection of an East-India Company at Ostend be contrary to Treaties, as we have been assured, his Imperial Ma- jesty should be obliged absolutely to revoke his
his Charter, and abolish that Company; That his Catholick Majesty should in like manner once more give up all his Claims and Pretensions, of what kind soever, to Gibraltar and Port-Mahon; That he should restore our Commerce upon its antient Foundation, and make our Merchants full Re- paration for all their Losses. And then instead of shewing that the Project of a provisional Treaty, which has appeared in Print, does not contain a full and reasonable Satisfaction upon those very Terms They them- selves have laid down as just and honourable, they content themselves with boldly affirming at once that the said Articles are an Heap of unintelligible Stuff.

Having passed this Sentence upon them, they proceed to declaim in general Terms upon the ill State of our Affairs abroad, and to inveigh against the Persons whom they suppose to have the Direction of them, and, lastly, to enter into critical Dissertations upon the Word Truce, which one of their favourite Writers, after several other Objections of equal Strength, declares to have something disagreeable in the Sound of it.

This Behaviour (which can never proceed from Persons animated with a Zeal for their Country, and who had no Motive for finding fault with the present Management of Affairs, but a sincere Desire that they may be settled in a Manner advantage-
ous to the Publick) might very justly ex-
cuse any one who was convinced of the Ex-
pediency of the Measures that are now taking
for a general Pacification, from entering the
Lists with Advertraries, whose Reasonings are
so weak and inconclusive, and who appear to
be actted by such factious and selfish Mo-
tives.

But because popular Declamations, how-
ever destitute of Truth and Argument, are
apt to operate upon the Minds of those,
who, either for want of sufficient Attention,
or of being informed of the true State of
Matters, are unable to discover the Fallacy
of them; and because the Authors of those
Compositions affect to triumph upon that
Silence which a just Contempt of their
Writings has occasioned, and to interpret it
as an Acknowledgment that their Reason-
ings are unanswerable; I shall here make
some few Observations on the Project of a
Provisional Treaty, and upon the Objections
which those Writers have made to it.

And first, I observe that these Writers (for
Reasons best known to themselves) affect to
call this Treaty a Truce; and I don't find
they have in Reality objected to any thing
but the Name, which they themselves have
thus been pleased to give it. I must do
them the Justice to own, they have suffi-
ciently proved that a Truce (such a one
as they would have this Treaty pass for)
is
is not a perpetual Peace: But that the Provisional Treaty is not so framed as to answer all the Ends that could be proposed, even those which They have been pleased to declare honourable and advantageous, is what they have made no Attempt to prove. It is now so long since the Project of this Treaty appeared first in Print, and the World is so well acquainted with Their Disposition to find fault, that they cannot be supposed to have wanted either Leisure or Inclination to examine it thoroughly, and point out its Imperfections: And therefore since they have not so much as pretended to show that this Project is deficient, in not providing for all those Points that have been the Subject of the late Disputes between Great Britain and Foreign Powers; I think I may fairly conclude, that their Silence upon this Head, is to be ascribed to nothing but their not daring to venture their Reputations upon an Assertion, which they must be conscious could not be supported with the least Appearance of Truth. However, that the Publick may be the better able to form a right Judgment of the Provisional Treaty, I shall begin with inserting at length the Project of that Treaty, as it was printed in the Post-Boy of October 26. last.
I. There shall be, in pursuance of the present Treaty, a good Harmony, Amity, and perfect Tranquillity, between every one of the Contracting Powers.

II. The Treaties of Utrecht, Raftad, and Baden, the Treaty of the Hague of 1717, the Quadruple Alliance, all the Treaties and Conventions anterior to the Year 1725: As also the Articles and Conventions signed at the Pardo on the — shall be the Basis and Foundation of the present Treaty. And all the Contracting Powers do declare, that they hold them as confirmed, every one as much as concerns him; and in whatever, therein, does not derogate from the present Treaty, as if they were here repeated verbatim. Promising, that they neither will do, nor suffer to be done any thing which can be contrary to the same, either directly or indirectly.

III. His Imperial Majesty, induced by the same Motives which engaged him to suspend, by the first Article of the Preliminaries, the Charter and Commerce of Offend, and of the Low-Countries to the Indies, for the Space of Seven Years, and being willing to give a farther Proof of his Love for Peace, and Friendship for the United
United Provinces of the Netherlands, pro-
roques and continues the said Suspension for
the Space of —— Years, over and above
the Seven already mentioned by the said
Preliminaries; during which Time, En-
deavours shall be used in the respective
Courts of the Contracting Powers, for a-
agreeing for ever on Means for removing all
Obstacles, which might disturb the good Har-
mony and Correspondence between his Im-
perial Majesty and the Lords the States
General of the United Provinces of the Ne-
therlands.

IV. All the Contracting Powers hav-
ing made serious Reflections on the Neces-
sity there is to preserve the Tranquillity
in the North, and in Lower Germany, and
observed that this Part of Europe would
not enjoy a perfect Calm as long as some
Complaints and Pretensions which as they
may be supported by considerable Powers,
might one Day or other serve for a Pre-
tence to cloak greater Views, should re-
main unregulated, they judged it of the
highest Consequence to examine, according
to these Principles, the Differences which
subsist between the King of Denmark and
the Duke of Holstein, on Account of the
Dutchy of Slelwick. For these Causes, it
is agreed by the present Article, that
Commissioners shall be appointed by every one of the Parties concerned, for examining and deciding these Affairs in an Amicable Manner. Which Commissioners shall, for this purpose, meet at Hamburgh, within three Months at farthest; and all the Allies shall join, if needful, for preserving the Tranquillity of the North, and preventing and hindering all Hostilities.

V. The Ministers of his Most Christian Majesty, of his British Majesty, and those of the Lords the States General, having pretended, that in the Treaty of Commerce concluded at Vienna, on the—there were divers Clauses, which clashed with Articles of several Treaties of Commerce anterior to the Year 1725. and consequently confirmed above; by virtue of which Clauses, the Subjects of his Imperial Majesty might pretend to be better and more favourably treated, than those of his Most Christian Majesty, the King of Great Britain, and those of the Lords the States General; the Ministers of his Catholick Majesty have declared, as they do declare by this present Article, That the King of Spain never understood to grant by the said Treaty of Vienna, any Privilege contrary to the Treaties confirmed above, nor give to the Subjects of his Imperial Majesty any greater
greater Advantages than those enjoy'd by other Nations in their Commerce; his Imperial Majesty adopting for his Subjects the above-mentioned Declaration made in the Name of his Catholick Majesty.

VI. It is likewise agreed, between his Imperial Majesty on the one Part, and the King of Great Britain and the Lords the States General on the other, that in Consequence of what is stipulated by the Barrier Treaty, a Tarif shall forthwith be agreed on between the Inhabitants of the Austrian Netherlands, and the Subjects of Great Britain, and also those of the* Lands subject to the Republic; and that without any Delay, Commissioners shall be appointed for regulating the said Tarif, who shall meet at Brussels within such Time as shall be fixed. The said Parties have agreed to fix the Term of two Years for settling the said Tarif.

VII. As for the Wrongs which 'tis pretended are daily committed in the Commerce to India and elsewhere, in Breach both of general Treaties of Commerce concluded between England and Spain, and also of the various special Privileges, it was judged that the Examination of the same would

* Countries.
would take up too much Time, because of the Necessity there would be to make such Enquiries and Proofs, as would too long protract the Duration of the Congress. Consequently it has been agreed, that within the Space of three Months, Commissioners shall be appointed on both Sides, to reckon from the Time of the signing of this Treaty, who shall meet at — and examine amicably and bona fide, and endeavour to restore, if any thing has been derogated therefrom, the Affairs of Commerce, both to the Indies and in Europe, on the Foot of anterior Treaties, by which Commerce was regulated. The said Commissioners shall likewise regulate what concerns Prizes, respectively taken at Sea between Spain and England.

VIII. Commissioners shall also be appointed on the Part of his Most Christian Majesty, his Catholick Majesty, and the States General, who shall examine all Grievances whatever, without any Exception, which the said Parties concerned had to propose respectively, either for the Restitution of Ships seized or taken, or in relation to Commerce: And the examining of what is stipulated both by the present Article and the foregoing, must not exceed the Term of two Years.

IX. But
IX. But if to the Prejudice of the present Treaty, any Thing should be either committed or done, under any Pretence whatsoever, during the Space of—which might occasion any Trouble and Hostility, or any ways interrupt the Enjoyment and Exercise of Commerce of all the Contracting Powers on the Foot of Treaties and Conventions anterior to the Year 1725, and here above confirm’d; even during the Examinations which shall be made in Consequence of the Articles Seven and Eight of the present Treaty, all the Contracting Parties shall join, and unanimously put a Stop to all Hostilities, and repair the Damage done.

X. In this Treaty shall be included all the Contracting or Invited Powers, viz. the Kings of Sweden and Denmark, and the King of Prussia, the Czar, the Duke of Holstein, the Landgrave of Hesse Cassel, and the House of Bavaria and Palatine, the Contracting Parties reserving to themselves the Liberty of including into the same hereafter, other Princes and States, as they shall agree amongst themselves.

By the first Article of this Treaty, Peace and good Harmony, and perfect Tranquility are established without any Limitation of
of Time. By the second Article the Treaties of Utrecht, Rastadt and Baden, the Treaty of the Hague in 1717, together with the Quadruple Alliance, and all the Treaties and Conventions antecedent to 1725, the Preliminary Articles, and the Convention signed at the Pardo, are made the Basis and Foundation of the present Treaty; and being expressly confirmed by it without any Restriction of Time, whatsoever has been stipulated in our Favour in any of those Treaties and Conventions, receives a new and perpetual Sanction from This. And consequently, all the great and important Concerns of this Nation, as well with regard to its Possessions as its Rights and Privileges in all its Branches of Trade, both in Europe and in the Indies, are secured to it upon the same Foot they were in 1725, before these Disturbances began; with this farther Advantage, that in the Conclusion of the said second Article all the contracting Parties are severally engaged, not only to abstain Themselves, but likewise to oblige all others to abstain from doing any thing directly or indirectly in Violation of this present, and those antecedent Treaties. It follows therefore that by the Stipulations contained in this Article alone, we obtain the plainest and most direct Acknowledgement and Confirmation of our Right to
to all our Possessions, and to all our Privileges in Trade, even those which had been disputed in Opposition to such preceding Treaties; and the fullest and most general Guaranty of all that we possess, and that we so justly claim in Consequence of those Treaties.

It must be farther observed, that by this Article, and by the third and fifth, we are effectually secured from all the dangerous Engagements contained in the publick and private Treaties of Vienna. Those dangerous Engagements were, that the trading Subjects of the Emperor should be treated in the Dominions of Spain more favourably than those of Great Britain; that the Emperor, in Case his good Offices were ineffectual, would assist his Catholick Majesty to recover Gibraltar by Force; that Spain would by Arms support the Emperor in carrying on the Oftend Trade: And lastly, our Apprehensions were, that there might be Engagements in Favour of the Pretender. Now, this second Article of the provisional Treaty confirms expressly those very Treaties, by which the Pretender is solemnly disavowed, and his Majesty's Title acknowledged and guaranteed by the Emperor and the King of Spain; and by the fifth Article, the King of Spain directly disavows all that was stipulated by the Treaty of Vienna in Favour of his
his Imperial Majesty's Subjects to our Prejudice; the Emperor renouncing, by the same Article, all Pretensions to any Advantage in Matter of Trade, superior to what is granted by Spain to other Nations. Now I lay that a solemn Cessation of the Treaties of Vienna, (to use these Gentlemen's own Expression) could not secure these our most important Interests more effectually, than is done by the forementioned Articles: So that, unless we are to go to War for mere Forms and Modes of Speech, all that they themselves would seem to contend for is sufficiently settled. And by the said second Article of this Provisional Treaty, his Catholick Majesty (as he has already done by the Preliminaries) will once more (that I may answer these Gentlemen in their own Style) give up all Claims and Pretensions of what kind soever to Gibraltar and Port-Mahon.

The Third Article is in Truth no more than a Provisional Agreement for a Suspension of the Charter granted to the Ostend Company, and of the Trade of the Low Countries to the East Indies, for a Number of Years: and the Period that I have learnt was proposed for the Suspension is fifteen Years. I am credibly informed, and it may be reasonably inferred from the Tenor of it, that this Article gave the Rise to the Treaty's
ty's being styled in the Title a Provisional Treaty. The first Part of this Article contains no more, (as I have said) than an Engagement from the Emperor to continue the Suspension, stipulated by the Preliminaries, of the Charter and Commerce of Ostend and of the Low Countries to the Indies, for the Space of Years, over and above the Seven mentioned by the said Preliminaries. The Second, an Obligation that, during that Suspension, Endeavours shall be used by the several contracting Powers, for agreeing for ever on Means to remove all Obstacles, which might disturb the good Harmony and Correspondence between his Imperial Majesty and the States General. It must be allowed, that the Emperor by this Article does not oblige himself to revoke his Charter, and abolish that Company for ever; and therefore this Agreement for a Suspension for a Term of Years is only Provisional. It is natural to believe, that the Imperial Court, having by Writings published in their Name, as well as by the Establishment of that Trade and Company, for so many Years constantly asserted their undoubted Right, (as they called it) of supporting and carrying on this Commerce, might continue to think it too great a Cession, in Point of Honour, to declare in so many Words an absolute Renunciation and G 2 Abolition
Abolition of this Right, at the same Time that, for the Sake of Peace, the Emperor might be willing to agree to a Suspension of that Trade for so many Years, which might have the same Effect: And I am persuaded that this Suspension by the Provisional Treaty will be looked upon by all, who have any Skill in Undertakings of this kind, to be equivalent to an Abolition; for it is not to be presumed, that People will be prevailed upon to venture their Money in a Company, which has received such a Shock, and which, if it ever be revived, must meet with the same Opposition, as it has done since its first Erection; seeing the Treaties, by which the Hanover Allies insist that the People of the Low Countries are entirely excluded from any Trade to the East-Indies, will still subsist, being confirmed under the general Head of Treaties antecedent to the Year 1725, by this Provisional Project. But, in all Events, one would think this Provisional Agreement for so many Years might satisfie such Writers, who are so favourably inclined to his Imperial Majesty's Interests, as to doubt, whether the Erection of an East-India Company at Offend be contrary to Treaties.

The Seventh Article is apparently the wifefst and shortest Method that could be taken towards
towards getting all Abuses committed in Breach of our Treaties and Privileges of Commerce, redressed; as well as for obtaining Reparation for the Losses our Merchants may have sustained. For though all Pretensions and Disputes, relating to Commerce, are, by the Preliminaries, and particularly by the Convention signed last Year at the Pardo, to be produced and discussed at the Congress, as has been usually the Case in framing Preliminaries; yet considering the various Documents and Memorials that are necessary to state those Matters in a true Light, and the Distance of the Places where the Facts have been committed, upon which these Complaints are chiefly grounded, it has been no less usual to have Things of this Nature referred from the Congress to be examined and determined by Commissaries at a certain Place to be named for that Purpose; and for this plain Reason, because the general Pacification is of too great a Consequence to be retarded by long and dilatory Discussions of Points of this Nature, which may certainly be better settled afterwards in an amicable manner by Persons conversant in Affairs of Commerce; especially since so good a Provision has been made by the ninth Article, that no Hostilities shall be committed, nor the Enjoyment or Exercise of Commerce interrupted, on any Pretext whatsoever, even during this
this Discussion of Disputes by the Commit- 
faries; And this under the Guaranty of all 
the contracting Powers.

I shall now leave it to the impartial Con- 
sideration of any Person, who by his Situ- 
ation and Circumstances may be supposed to 
be affected by the Prosperity or Distresses of 
his Country, and whose Opinions in publick 
Affairs are not influenced by private Views 
and Resentments, whether it would have 
been advisable (by obstinately insisting upon 
Points, not in the least material either to the 
Honour or Interest of Great Britain, and 
which might have been as obstinately refu- 
shed) to have sacrificed to fair a Prospect of 
establishing a general Tranquillity, to the dis- 
stant and uncertain Views of obtaining it by 
a bloody and expensive War.

I am sure I may safely presume so far up- 
on the Experience I have had of the Spirit 
of these Writers, as to affirm, that in case 
such a Step had been really taken, they 
would not have failed to have set it forth to 
their Readers in the most odious Colours, 
and to have represented, with the utmost 
Malice, that His Majesty had wantonly plun- 
ged the Nation, already sinking under a 
heavy Debt and oppressive Taxes, into grea- 
ter Troubles and Expences; by disdainning to 
listen to Propositions which would have se-
cured to us the Enjoyment of all we contend for.

I shall in this Place take the Liberty to give the Reader a farther Idea of the Prevarication and Disingenuity of their Proceedings. The first Instance of it that occurs to me, is with Regard to the Ostend Trade, which by this Project, (as I before mentioned) is to be suspended for a Term of Years. This Suspension has been represented as a mean and inglorious Composition. It has been one while alleged, that a total Suppression of that Company is the only Method by which this Dispute can be terminated, either with Honour or Security to Great Britain. But tho' these Writers insist with so much Vehemence, to have this Company entirely abolished, they at other Times affect to insinuate, that our Demands, in this Particular, are not founded upon Treaties, and that we have not a Right to require even so much as a Suspension. Thus, on one Hand, his Majesty is blamed for making a mean Condescension to the Emperor, at the Expence of his Subjects; and, on the other Hand, his Imperial Majesty is encouraged not to listen to any Terms of Accommodation upon this Matter. From hence it is plain, that (notwithstanding those ardent Wishes, which they express for a solid and lasting Peace) a Peace of any Kind whatsoever
whatever is what they most dread and appre hend, and that their real View and Design is, to foment the Divisions between England and Foreign Powers, in Hopes to reap some private Advantage from the Calamities into which they endeavour to plunge their Country.

The same Publick Spirit discover'd it self in their Behaviour with Regard to the Ship Prince Frederick, which was seized by the Spaniards. As the Interest of the South-Sea Company, and by Consequence the Properties of great Numbers of his Majesty's Subjects, were most sensibly affected by this Seizure, it was thought proper to insist in the strongest manner, upon a Redress of this Injury. It was to be imagined that his Majesty's just and gracious Endeavours for procuring Satisfaction to his Subjects in this Particular, would have been applauded, and seconded by all who had the Honour of their Country and the Interest of their Fellow-Subjects at Heart. As this was the Behaviour which alone could become True Patriots, it might have been expected that those, who affected only the Shew and Name of Patriotism, would, for the Sake of Prudence and Decency, have forborn to give any Opposition upon this Point. But instead of this, their Weekly Libels were full of Complaints against the South-Sea Company, for fraudulent
lent Trades carried on under Colour, and in
direct Violation of Treaties. In short, they
insinuated that the Ship was justly seized, and
endeavoured to suggest Arguments to the King
of Spain against the Restitution of it. I am
glad to find their Attempts have had no bet-
ter Success than was due to the Wickedness
of them; and that in Consequence of the
Preliminaries, the Prince Frederick had (by
the last Advices we received from those
Parts) been actually deliver'd; and its Cargo
was, at the coming away of those Letters,
delivering into the Hands of the South-Sea
Company's Agents.

But whenever these Gentlemen have found
that they have not, by their Arguments,
been able to persuade us out of our com-
mon Sense, they have had Recourse to Ban-
ter and Ridicule. With this View, much
Mirth and insipid Raillery has been bestowed
upon the supposed languishing and indol-
tent State of the Congress: Upon which
I would ask them, whether upon all Oc-
casions, where Assemblies of that Kind
have been thought necessary towards a Ge-
neral Pacification, the main Points in
Dispute, have not been previously settled,
and adjusted among the Ministers of the
Chief Powers concerned? This has been
the constant Practice in all times; and in-
deed it is impossible it should be otherwise,
considering the Delays which must unavoidably arise from the tedious Formalities observed at a Congress, and the Multitude of Ministers resorting thither from all Parts. If we do at last obtain an honourable and advantageous Peace, I presume it will not be thought of much Importance, whether the Project of the Treaty were originally concerted at Soissons, or at a Place twenty Leagues distant from thence. Upon the whole, I believe I may venture to defy those Objectors seriously to maintain their Charge; since within the Space of a few Months from the Meeting of the Congress, the Plan of the Provisional Treaty has been framed by the Ministers of the principal Parties concerned, and by them recommended to their respective Courts, not one of which has hitherto given just Cause to conclude that they will reject it.

But perhaps it may be objected that I have mispent my Time and Labour, in endeavouring to silence the Clamours which have been raised against that particular Form of a Peace, which has been the Object of our late Negotiations, since it does not appear that the King of Spain is disposed to accept even of these Terms. I must own the Backwardness which his Catholick Majesty shews towards giving a final Answer, would be very surprising, if the Project were really such as it has been repre-
represented in some Libels of late. If it contains only a mere precarious Suspension of Hostilities, till our Enemies can find a more convenient Opportunity of resuming their Claims, and putting their Designs in Execution; surely the King of Spain must have embraced such a Proposal with the greatest Eagerness, and could have had no Reluctance, nor made any Delay in subscribing to the hard Conditions we should so officiously have imposed upon ourselves. It must have been sufficient matter of Triumph to him, to have reduced us, without striking a Blow, to Concessions so advantageous to himself, and so dishonourable to this Nation. But whatever the true Reasons may be of his Catholick Majesty's Silence upon this Occasion, I believe no one could have justified the advising his Majesty to have commenced a War with Spain, on their Delay in returning an Answer upon this Project; especially considering the Season of the Year so unfit for Action; and that a very short Forbearance might have enabled his Majesty to have taken the Advice of the Parliament, upon an Affair of so much Importance to his People.

From what has been said, I hope it will in the whole appear, that the Aspersions which have been cast upon the late King's, as well as his present Majesty's Measures, are entirely groundless; and that this Na-
tion never acted a Part more suitable to its Dignity and Character, than it has under the Influence of these two excellent Princes. The Effects which our Squadron produced in the North, by raising the Hopes, and reviving the Courage of a Kingdom, which it will always be our Interest to support, and which we saw then sinking under a long Series of Calamities, will be remembered to our Honour throughout Europe; And the stopping of the Galleons till Spain had consented to the Terms proposed by his Majesty and his Allies, by signing and ratifying the Preliminaries, and sending the Orders to the West-Indies, for the putting them in Execution, was a great, and, it must be confessed, a very reasonable Demonstration of our Naval Force. To the Firmness and Fidelity of our Allies, and to these Measures, we owe the present Tranquility, and the Progress which in so few Months after the Opening of the Congress, has been made towards the Establishment of a general Peace throughout Europe. And I am so far from thinking that the Nation has made a despicable Figure during the late Transactions, that I cannot but be of Opinion, that the highest Encomiums and Acknowledgments are due to his Majesty, whose Prudence and Fatherly Tenderness for his People, have
have enabled him to resist the Temptations to which that Desire of Fame, inseparable from generous Minds, might have exposed him; and who, by his Endeavours for establishing a general Tranquillity, has shewn, that he prefers the Glory of making his Subjects happy, to that Increase of Reputation which he might have had so fair a Prospect of gaining in the Field. I hope therefore, that those who have been so worthily employ'd in vilifying his Majesty's Measures, and exposing their Country to the Scorn and Contempt of its Enemies, will learn henceforward to distinguish between a tame Submission, the Effect of Weakness and want of Spirit; and the Moderation and prudent Forbearance of a Brave and Wise Prince, whose Behaviour upon former Occasions, gives us sure Grounds to depend, that he will be as active in the Prosecution of a War, whenever it becomes necessary, as he is now desirous, by all honourable Methods, to continue to us the Blessings of Peace.

FINIS.