SOME REASONS
Offered by the
Late Ministry
In DEFENCE of their
Administration.

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Some Reasons

Offered by the

Late Ministry, &c.

It will easily be granted me, that the People of this Island are, at this Time, very much out of Temper: The Divisions and Parties among them are work'd up into such a Fermentation, as the like has not been known since the unnatural Wars, which raged in the Bowels of the Kingdom, and overthrew the very Foundations of the Constitution; what the End of these Breaches will be, none yet knows.

B 2 Were
Were Men enclined to the least Moderation, or were their Animosities carry'd on with any regard to Justice, one would wait a while in Expectation that, by keeping within the ordinary Bounds of Government, they would revolve into Peace, and, reconciling the Parties together, they would at last see their mutual Mistakes, and sit down by the Damage they had done one another. Let By-gons be By-gons, as is the Saying in the North, and agree at least so far as to keep the Peace; and had there been any Hope of this, no Man, that had any regard to the Good of his Country, would be backward to set his Hand to it, much less would be instrumental to hinder it.

But it is in vain to throw Water upon this Fire; every thing that is said to pacify, affists the Ferment, and provokes farther, though it be said with the greatest Sincerity, Indifference, or disinterested Honesty in the World; neither is it any more to the Purpose, to enquire from whence this Fury proceeds, and by what Degrees of Rage Men arrive to a Spirit truly implacable; 'tis enough that the Fact is too true; We find it, by sad Experience; there
there is no disputing the Truth of it, any more than there is disputing the Justice of it, with the Parties: The Temper is gone beyond the Bounds of Reasoning Influence; the Parties are so far from being in speaking Terms with one another, that they are not in speaking Terms with any, who offers to interpose in the Quarrel.

While this is the Case, I see nothing, in the ordinary Course of Argument, is capable of doing any Good. But to carry on the Allusion above, of a Fire which has gotten to so great a Head, that throwing Water on it, instead of quenching it, rather makes it rage the more; I say, to carry on the Allusion, as what the late dreadful Occasion of the Fire near the Custom-House will help to make familiar to us, when the Flame gets such a Head as to contemn the ordinary Means, the People apply themselves to the extraordinary, viz. blowing up Houses from the Foundations, &c.

This is something of the Design of this Book, only wishing the Engineer better Luck than it is said one had in the Fire aforesaid, who went to blow up a House to stop the Fire, and blew
blew up himself with it. However, the Service being necessary, this must be put to the Venture. I shall endeavour to give no Offence to any, and shall hope, while they are so eager in calling for Justice on others, they will not do Injustice to the Person who endeavours to shew them the Way to Peace. The Method to bring Men to Reason at this Time, and on this extraordinary Occasion, must, as is said, be out of the common Course of things, and must be by blowing up, if we can, the Foundations upon which all the Refentment is laid, which occasions this Tumult and Hurry among us.

Let us then enquire coolly what is the Matter, that the good People of Britain are thus immoderately angry one with another; and, to make it intelligible, each Side shall tell his own Tale. The TORY says, 'He is unjustly shut out from the Favour of his Prince; deprived of all Opportunity of shewing his Affection and Loyalty to his Person or Government; condemned as an Enemy to his Succession, tho' nothing was ever more remote from his Thoughts;
charged with Crimes and Designs, which he is not in the least concerned in; that he has not a fair Field given him, to shew whether he would be a faithful Subject or no; that he has neither Room to rectify any Mistake he has made, or make Amends, by his future Zeal, for any thing past; that if a Man be reproach'd in the Army for failing in his Duty, Want of Courage, Conduct, or Fidelity; yet he is never deny'd an Occasion to wipe out the Stain, by some future Act of Gallantry and Bravery; but that here he is condemned as a Traytor, without either Leave to vindicate his past Conduct, or restore the Honour of his Character, by a future, steady, faithful Adhering to his Prince, and to the Interest of his Country. They, the Tories, complain, that they are branded with unjust Marks of Infamy by the rude Censures of the Populace; hunted down by a hot Scent and a full Cry; that a Torrent of popular and tumultuous Insolence is pour'd in upon them from the Press, the Pulpit, and the Incendiaries of their Enemies Party; that they are mark'd out for the Fury
Fury of the Rabble, and set aside as Victims to be sacrificed to the Resentments of the People, as soon as by the Helps of such Methods as their Enemies take, those Resentments may be ripen’d up to a Pitch fit for Mischief; they alledge, that no wise Government ever thought it their Duty to make their Subjects despair; neither that it was thought Prudence to put any one out of the Power of meriting, by a dutiful and quiet Behaviour; whereas now they see no Room to be Loyal, no Admittance, whatever they would be, because of what it is suppos’d, and that wrongfully too, they have been; that every Avenue to the Prince’s Favour is shut up; they are represented as Enemies in the gross, and can see no Remedy, but that they must suffer under the Scandal, although they have not failed to give all the Demonstrations of Fidelity and Affection, that they have been permitted to shew; and have no Misfortune but this, that although they are more disinterestedly Loyal to the Royal Family, and to its Succession to the Crown, than those who op-
pose them; yet that those have the Occasion of being accepted, believ'd, employ'd, trusted, and all Opportunities given them to prove themselves in the Royal Interest; while just the Revers is the Case of the Tories, who suffer under the Slander, all Opportunities being diligently taken from them to prove themselves innocent, and to make the wrong done them to appear.

The Tory goes on, and says, 'Tis the most provoking thing in the World, that they come now into no Company but they are treated as Criminals, as Traytors, as Men that owe their Lives to the publick Clemency, and are threatened frequently with being brought up before the next Parliament as such; that they are told, they are not fit to live; that Justice shall be done upon them e're it be long; whether they mean the Justice of a legal Prosecution, or that Street Justice, which has been the Fate of many innocent Men in the World, they know not, neither do they always explain themselves when they speak of those things; they add, that if they enter but into a modest...
Vindication of themselves, and mention the late Measures with the least Offer to defend them, they have nothing but Axes and Halters talk'd of; and the bringing every Man to the Block, &c. that had a Hand in them, is the mildest of their Discourse; that they have it openly propos'd in publick Prints, that the Tories have nothing left them, but to dispose of their Estates, and remove with their Persons, Families, and Effects, into some foreign Country, &c. intimating, that they shall not be permitted to enjoy the Benefit of the free Air of their native Country, as not being esteem'd worthy the Privileges of English-men or Britains; because they, who were in Power, did not please the Whigs in their Administration; they alledge, that they are not treated fairly or honourably, in that not only Justice is talk'd of, which they have not the least Fear of; but that the Clamour is such against them, and push'd on so artfully by their Enemies, as that Justice seems to be design'd to be forc'd and aw'd against them; and that they are to be
be fallen upon, for Fear of displeas-
ing the Mob.

They make Complaint of divers il-
legal and unprecedented Steps taken
by their Enemies, in order to provoke
the People to be tumultuous and
uneasy, in such a Manner as evidently
shews, that it is their Blood, and not
an exact, strict, and legal Enquiry, that
their Enemies push at; declaring,
' That they desire no more than that
' Justice may impartially be executed;
' that they shun no legal Prosecution;
' that it is a Testimony undeniable,
' that their Opposers are afraid the Par-
liament should proceed by an un-
byass'd, impartial Inquisition, and
jealous that, on a fair Trial, they shall
be cleared of the Charge; otherwise
they would not take these extrajudi-
cial Steps to try if they can make
by Clamour, mob the Parliament
into it, and as it were force the
P—-s to find them guilty, for
Fear of the Fury of the People.

These are some of the Complaints
which that Side make; and seeing the
Opposers are for Appeals to the Peo-
ple, and the Cause must, of Necessity,
be thus try'd without Doors; I shall

B 2 ex-
examine, as nigh as I can, how far either Side seems to make good what they alledge, that we may judge a little what is likely to be the Issue of all these things.

To this End, I add here what the Whigs say on their Part; seeing, to do Justice, both Sides ought to be calmly heard, and fully, patiently, and freely suffered to make the best of their Cause.

The Whigs, on the other Hand, are warm in the affirmative of the Charge; they say: 'The Nation has been betray'd; the Allies abandon'd; a treacherous Peace made; the victorious Arms of the Confederates check'd; Victory ravish'd from them; Spain and the Indies, which they fought for, given over; the Catalans drawn in, and then dishonourably left in the Lurch; the Allies bully'd and hector'd into Compliances; the Trade fold to the French; the Army drawn away, and the Allies expos'd to have been ruin'd; a secret Correspondence with the Pretender carry'd on, to the Prejudice of the Royal Family of Hanover, &c. that such things must not pass unpunish'd;
punish'd; that if Justice be not done on evil Ministers, there will be no End of Oppression; that there is no restoring our Reputation abroad, or giving Satisfaction to our Allies, if the Men who did these things are not punish'd. They add, that the Justice of the Nation demands these Men should answer with their Heads for abusing the Country, wasting the Treasure, concerting with the declar'd Enemies of the Kingdom, and joining with trayterous Jacobites, to overthrow the Protestant Settlement at Home, and let in a foreign Power from abroad.

Though this Part is contain'd in few Words, yet it takes in all the capital Charge which the Whigs bring against the late Ministry, for which, they are told, they must be brought to Justice. There are indeed particular things which they insist upon, and which they say likewise, are criminal; viz. 'That they disposess'd an upright Ministry; advised the Queen to dissolve the best of Parliaments; imposed upon Her Majesty destructive Schemes; led Her to unprecedented Stretching of Her Prerogative, in
'pardonning Sacheverell's Rioters; making Troops of Lords; entering upon Negotiations contrary to publick Engagement; breaking Her Royal W—d, and the like; that they are accountable in Parliament for all these things, and ought to be brought to Justice, as well for advising a separate Treaty, as for making it; that they heaped Injuries and Indignities upon Her Majesty's best Servants; publish'd reproachful Libels against our Allies; offered Indignities to Ambassadors, contrary to the Law of Nations; took the Army out of the Hands of those, who had raised the Nation to the highest Pitch of Glory, and put it into the Hands of such, as the Nation had no Love for, or the Allies any Confidence in; that they sunk our Credit, spoil'd our Trade, spent our Money, and run us yearly into Debt, though the War was at an End. ' If there is any thing in the Pamphlets of the Party, which is not contained in this Collection, I desire it may be suppos'd, and shall as effectually notice it in the following Discourse, as if it had been at large expressed.
Before any Enquiry is made into the Matters on either Side, this is humbly offered as the more immediate, and most necessary thing now to be spoken to in behalf of one Side, viz. That although every Jot of this were true; yet that the Method taken now by the common People, is contrary to all the Rules of Justice, Equity, Conscience, and Honour; seeing no Man is to be try'd but by his Peers, nor to be convicted but by Evidence; whereas this raising popular Clamours against Men, and as it were prompting the Parliament, is not only injurious to the Parliament it self, as if they would not do Justice without it, or that they would be byas'd and aw'd by it into condemning Men, whether guilty or no; but is highly scandalous to the publick Justice, and injurious to the Persons who are accused, representing them as unpopular, as Men obnoxious, and whom it will be scandalous not to condemn; representing them as Men that must be sacrificed to appease the People; and that it is necessary to put them to Death, whether guilty or not.
We are not without Precedents in History of Cases like this, wherein the Clamours of the People have been raised up to fatal Heights, by the Arts of bloody and cruel Men; and the Commons have been provoked to Sedition and Tumult, on the Supposition of publick Injury being done by such and such Persons, pointed out to them by the Authors of those Tumults; which Persons have suffered unjustly, and innocent Blood has been brought upon the Nation, by the same Methods which are now taken in the Case before us; for Tumults once raised, seldom end but in Violence and Blood.

Nor is it criminal to say, that even Parliaments themselves have been hurry'd, by these popular and tumultuous Methods, to do things whereof they have been ashamed; and have acknowledged the same, by making an Order, that it should be raz'd out of their Journals, and should not be drawn into Precedent for any future House to be directed by; which should for ever, if I mistake not, warn not Parliaments only against being precipitated or byass'd, in Matters of Justice,
Justice, by Tumults of the People; but should also warn honest Men from making Attempts on the Publick, to hurry them upon the fatal Offence of shedding innocent Blood.

The Consequences of those Rabblings and tumultuous Calling for Justice in those Days, are too well known; and that three Victims were offered upon the Altar of popular Rage, which to this Day the whole Kingdom laments over, and earnestly wisheth it had not been done: Those were the Earl of Strafford, the greatest and gallantest Englishman of that Age; the Archbishop of Canterbury, and King Charles I.

One would think those Examples, which none can approve, and few will attempt to defend, might warn the People of this Kingdom, against admitting Justice to be influenced from the common People, by singling out Men for Impeachment, calling for Justice; that is to say, for Revenge, by the Mouth of the Mob.

If these Men are guilty, let Justice, none can hinder the publick Justice from taking its Course; and those who are busy at this Time, raising Clamours and Rabbles to push Justice
beyond its Bounds, and to drive the Law faster than it ought to go, should be better employ'd in forming sufficient Evidence to make good the Charge against them, in order to bring it in a legal Way of Prosecution; or let them prove, if they can, what Part of Justice is it they are now acting? What Tendency has this Method to legal Trials? Indeed none but what they will be ashamed to mention: It can be no Help to Evidence; it rather seems to be a Method taken to supply the Want of Evidence; and if so, it is such a Method as honest Men will tremble at, and all Men ought to blush for.

Let not such Men flatter themselves, or the People, with saying, that Governments cannot be influenc'd to do wrong; we hope the present Government will not; but has there not been a Time when publick Justice has been influenc'd? as in the Case of the Earl of Straford beforementioned; consenting to whose Death, King Charles I. never forbore mourning for, no not at his own: It is not the Question, whether the present Government will, or can, be influenced; the Attempt to do
it is Criminal: And it is the Question, whether we ought to try if they may be so influenc'd or not? Suppose, for the Purpose, that we are satisfy'd such or such a Witness against a Criminal will not be brib'd to withhold his Evidence, or will not be suborn'd to bear false Witness; or that the Judge will not be byass'd, by any Method that may be taken, to give a false Judgment, or pass an unjust Sentence; it is not, however, the less criminal in those who tamper with them, in order to bribe, suborn, byass, or corrupt the said Witnesses, Judges, &c.

Likewise we find some say; That if the Man is innocent, they do him no Wrong; he will be acquitted, and come off with Honour; his Reputation will be clear'd up, and he will be the better for the Justice done him. This wicked Way of arguing shews the worst of Malice; is it then no Injury to render an innocent Man suspected? It is some Scandal to say, a Man has done enough to merit being put in Hazard of Life, and brought upon his Trial; and therefore Grand-Juries were appointed first to judge, whether there appears sufficient Ground to put
a Man to the Trial; if not, they bring in the Bill, Ignoramus; which is, in the Effect, rejecting it: This sufficiently acknowledges, that as a Man ought not to be condemned without Guilt, or calumniated without Cause; so neither ought he to be put upon a Trial for his Life, if there appears not sufficient Ground of Guilt, and sufficient Evidence of Fact, to make the slandering him necessary and reasonable: It is not sufficient to say, that if he is innocent, he will be acquitted: Suppose a Man were to ride through a Town, compleatly arm'd Cap a Pe, with Armour of Proof; is it lawful to fire a Musquet at him, and say, we are sure he cannot be wounded? It is no more lawful falsely to accuse, than it is lawful wrongfully to condemn; and either of them are a Degree of Murder, if the Case be Capital.

I never find any People oppress'd with Clamour, but even, whether guilty or not, they suffer Injury by the publick Censure; if they are not guilty, doubtless their Injury is greatest; but if they are really guilty, even that Guilt is unjustly aggravated upon them,
them, and they are represented to the World ten-fold worse than they are.

In the next Place, the Injury to Justice itself, and to the Constitution of the Government which we live in, is great; it is not perhaps irreparable, as it is to the Person accused; but it is scandalous to the Government in its Practice, and more so in its being conniv'd at: It is an Injury to Justice; for it is trying and condemning, brevi Manu, without Form or Process; which, as it is contrary to the Rules of Justice, so it overthrows the very Nature of Justice itself; because it condemns without a Hearing, not giving the Person accus'd Liberty to answer for himself; it blasts with the Breath of Man; whereas Justice, and a legal Prosecution, is the Sentence of Heaven itself: He that falls under publick Calumny, is condemned, and not convicted; is silenced, but not heard; and, I may say, he is executed, but not put to Death; for Slander, and universal Censure, is the worst Sort of hanging Men in Effigy.

It is a deplorable thing to see, how far this is the present Practice in this Kingdom; and what Numbers of innocent,
nocent, inoffensive People have suffered, and continue to suffer, under this Injustice; of which the Memory of the Queen is one of the greatest Instances, who, in her Grave, is treated with such Contempt, as if She had been the greatest Enemy this Nation ever had; as if She had design’d to betray the Constitution; give us up to Popery and the Pretender; things which Her Majesty abhorred, and of which not a Man is, or can be produc’d, who can offer the least Proof: But I shall return to this again.

Having said, that this is unjust; that thus condemning Men without Doors, is injurious; I must add, that it would be so, tho’ the Persons were as criminal as they are suppos’d to be: Here it may not be amifs to say, that it is unjust to the Constitution; for it is taking away the fundamental Privilege of an Englishman, who demands, by Law, the Privilege of not being condemned without a legal Trial. The great Statute, call’d Magna Charta, is the Fundamental of an Englishman’s Liberty; and as it was purchas’d with the Blood of the People of England, our Ancestors, we have an indefeasible
feisible Title to every Clause therein: And this now speaking of, will be found to be one of the principal Articles of this Charter, in these Words: No Freeman shall be taken and imprisoned; nor we will not pass upon him nor condemn him, but by lawful Judgment of his Peers, or by the Law of the Land, Magna Charta, Cap. XXIX. and the Title of this Chapter is, that None shall be condemned without Trial. If the King cannot condemn a Subject without a legal Trial, neither may any else do it; less may it be lawful for the Subjects to condemn one another, till the Person accused have a fair and a legal Trial: Now this publishing Men to be guilty by Pamphlets, injurious, scurrilous Libels, publick Prints, &c. which are all Appeals to the Rabble, against the Persons mentioned, as being Criminals, I say, is one of the worst Kinds of condemning without a Trial, and it may be questioned, whether ever Men so publicly insulted, can have a fair Trial afterward; it were to be wished, Men would consider what they do in such a Case; and whether, while they talk of Liberty, and the Pri-
Privilege of Englishmen, they are not, *ipso facto*, taking away the English Liberties in the worst Manner imaginable.

When Men are publickly calumniated, the Charge against them made popular, and the Commons have once received an universal Prejudice in their Disfavour, where shall a Jury be found, who can be said to pass fairly upon them? For, as the Jury must be chosen out of the Commons for a Commoner, and the Peers for a Peer; if these are prepossessed, by any popular Mistake, in Prejudice of the Person, how can it be said, that he is fairly tried by the Laws of this Land? Every Person brought upon his Trial for Life and Death, as we style it, is allowed to challenge a certain Number of those who are summoned on his Jury peremptorily, without shewing any Cause; but if he can shew sufficient, legal Objections, he may challenge as many more as he can bring such legal Objections against.

It is allowed to be a legal Objection against any Man, and shall barr his being admitted on the Jury, if he has declared himself to be an Enemy to the
the accused; if he has declar'd beforehand, that he would find him guilty, or that he believ'd he deserv'd to die, or any such Way own'd himself personally prejudic'd against the Man who is to be try'd; let this be brought home to the Case, here is a manifest Attempt, to prejudice the whole Body of the People of England against certain Persons, as against Criminals, who ought to be put to Death; if the Design took Effect, the Persons cannot be try'd according to Law; for no Jury would be empanell'd, against every one of whom they might not lawfully except, challenging them as having declar'd personal Enmity against the Man who they were to try; which Enmity unqualifies them, by the Laws of this Land, to be of the Jury in that Man's Trial; so that, I say, this Way of publickly condemning Men without Doors, is not only injurious to the Person accused, but is destructive of our Constitution, overthrows the Law, and destroys the Liberty of the People of Britain.

If this will not move the People to forbear this unjust Treatment of those they hate, to what other Motive shall they
they have Recourse? The Complaint made here, is not against the Government, the present Ministry, or the publick Justice; neither shall they have any Reason to be offended; but the Injustice complain'd of by these Discourses, is that which is done in the Streets in publick, in lewd Pamphlets, Libels, &c. and in fiery Discourses, Sermons, &c. things which no Government can approve of; they do their utmost Endeavour to stir up and inflame the whole Kingdom against the late Queen's Servants, for acting in the Administration in a Manner unpleasing to a Party; which acting, were it more criminal than even they can suppose it to be; yet is not this Proceeding justifiable, either by the Laws of Heaven, or of this Kingdom; and this Injustice, we are told, they think they have Caufe to represent in Publick, that all indifferent Men may judge of the Treatment they receive. Let us see if it be not dishonourable to the Government it self; if the Government is upright, if the King's Throne is established in Righteousness, if the Statutes have their free Course, and the greatest as well as the least
enjoy the Protection of the Law; what then means this Way of Proceeding? (1.) Does not the Government suffer, as it were, the Sword of Justice to be taken from them; and the Work to be put out of their Hands, reserving only to themselves the Power of being little better than the Peoples Executioners? What Government but this, would bear to have insolent Pamphleteers tell them in Print: My Lords, We know such or such Men to be guilty, and we EXPECT you provide us their Heads? If they had been condemned, after a fair Trial, upon Parliamentary Impeachment, they might, with more Justice, have said; Such and such Men have been fairly try'd, and are convicted of Treason, and we expect they should be executed according to Law; seeing by the Statute of 13 William III. Cap. 2. it is provided, that No Pardon under the Great Seal of England, be Pleadable to an Impeachment by the Commons in Parliament: This had been speaking in the Language of the Laws of the Land: But for Subjects to say to the King; We expect such Mens Heads, or such Mens Impeachments; for WE say, they ARE GUILTY;
this is a down-right Insurrection upon Justice, taking the Sword of the Law out of the Hands of the legal Authority, and making their Princes little more than the Hangmen of the People; obliging them to put to Death whoever Tumult and popular Malice give Sentence upon: It is true, it may be said, that the People condemn not, in so far as that they do not put their Condemnation in Execution; but it is answered, that thus to condemn, is to make the Execution sure as Cheque; for if a Government is capable of being aw'd into passing Sentence, neither will they dare to defer the Execution, when the same Power commands or says, We Expect it, which is the same Effect. (2.) What needs all this Reproach upon the Justice of the Government, if they were not afraid that the Government would not do Justice? If they believed the Administration true to the Interest of their Country, why is all this Clamour raised? It is the strongest Satyr that could be made upon the King, and upon the Ministry; sure they are very different in the Regard that they think
think the Ministry may have to Justice; that they think these extrajudicial Ways needful to work them up to it; why must the Government be told by every Hot-spur, that the People EXPECT Justice, if there was no Room to question, whether they would do Justice or not? There can be no greater Satyr upon the Government, than that to demand Justice, as it were, L'espée en la Main, Sword in Hand, and to threaten them with the Resentment of the People, if it be not done. There is no need to dun good Pay-masters; current Merchants, who pay their Bills at Sight, need not be threatened; no Man says, Sir, I EXPECT you will not fail to pay me at the Day, unless there is some Ground to fear, or Room to suspect, that he will not make a punctual Payment; none but Bankrupts are arrested before their Money is due, by Way of Security; in a Word, this Language to a Minister of State, is as plain as the English Idiom will admit of speaking, that we fear you will not do us Justice; and therefore a late foolish Author, who is very well called, a young Squire, who publish'd a Letter
Letter to my Lord H——x, could not have more insulted that noble Lord, however unjustly he did it; strongly implying, that he thought his Lordship false to the Trust repos'd in him, and not likely to do his Duty: It is not more or less than a clear Suggestion, that we fear the Ministry, as perhaps former Ministries have done, will regard, principally, their private Advancement and Interest, and satisfying themselves with having gotten into warm Posts, and having turn'd those out who they desir'd to be rid of, will think no more of doing their Country Justice; but give a Testimony to the World, that it was not the publick Grievance which they struggled to redress, so much as the private Advantage of getting into Places of Profit and Trust, which they sought; which having obtain'd, they will be willing enough to look no farther, but to be quiet, and let the publick Justice sleep in their Hands.

It is evident, here is a Wrong done many Ways; (1.) To the Persons, accusing them wrongfully; (2.) To the People, by their being impos'd upon; (3.) To the Government, suspecting them of
of Sincerity; (4.) To the Lams, inverting their Executions; and (5.) To the Constitution, robbing the Kingdom of the Privileges which belong to it as a Nation. All this is the Effect of the new Method now practis’d in this Kingdom, whereby innocent Men are branded with Infamy; because they have not better Means to condemn them: The People are first animated against them, and brought up to a blind Rage, in which they would doom their King, their Father, or any other, to Death, without Form of Law; and this is made use of to influence the Persons in whose Hands Justice is deposited in Trust, that, whether guilty or not, the Person accused may suffer; charging them without Guilt, trying them without Juries, passing Sentence without Hearing, and executing them without Law.

Besides all this, it is a plain Indication that there are not Crimes enough in the Charge to find the accus’d Persons guilty, in the ordinary Course of Justice; and really if there was not something more in this Part imply’d, than is express’d, I can see nothing in all this Noise; if there is nothing conceal’d, I say then, I can see no Policy in it; and
if there is, I see no Honesty in it; and be it which Way it will, it is extra-
prudential, as well as extra-judical; if they were sure of their Blow, why all
this Popularity need fall? In the Sieges
and Attacks of Towns, the surer the Be-
siegers are of their Mines, and of an ef-
fectual Blow when they come to spring,
the more Care is taken to prevent the
least Knowledge of the Place where
they are carry’d on; a profound Silence
is kept about the Particulars, as when,
how, and where the Mine is to spring,
and the Attack to be made; hereby
there appears an extraordinary Diffi-
dence in the Substance, that so many
Shadows are summoned to help to make
it up; what need of bringing in the Rab-
bles, and the Cries of the Mob, to drive
Justice, if it were likely to go without
those Whips and Spurs of the People?
On the other Hand, if this be the Case
at Bottom, it must be allow’d to be a
foul Case; none can plead against a De-
mand of Justice; every Friend to the
Constitution desires it, and, if concern’d,
submits to it; but the pushing Justice,
by Clamour, without Doors; the con-
demning Men in the Streets, by Pam-
phlets and Satyrs; and the threatening
the
the Government into Measures, by telling them, the People EXPECT this or that from them; this is a new, and, I think, an unjustifiable Way of doing Justice, though the Persons were the worst Criminals; and therefore, though it is not the Business of this Discourse to defend the Cause here, any more than it is theirs to condemn unheard; yet this leads of Course to examine, what the Persons accus'd say for themselves in it.

Having thus expos'd the popular Rage of the Times, and shewn how absurd, how unjust, and how inconsistent with the publick Liberties this Matter is, it seems but reasonable to enquire into the Substance of the Charge; and there to see what it is these Men, who we call the last Ministry, have done to bring this Usage upon them; what they are guilty of; what criminal Things can be laid to their Charge; and how they defend themselves against them: In doing this, the Writer of these Sheets shall lay nothing of his own; but set down precisely what he hears that these accus'd Persons say in their own Defence, without making any Observations thereon; so that he may not thereby wrong them.
them, by supposing, that this is all they have to say, or affirm any thing in their Behalf, which they do not advance for themselves.

The making the Peace is the first and most capital Charge among all that we meet with, in the clamorous Writings against the late Ministry; and for which their Heads are EXPECTED, as Authors express it.

To this, we are told, that they reply, 
That France first made Overtures to Her Majesty for a Treaty; that they deny the flanderous Part, and challenge their Enemies to prove the least Tittle of it, viz. that they solicited it from France, or received any private Advantages to introduce it; that if Bribery or Corruption be found in their Hands, they desire to be purg'd in the strictest Manner; that to say, they begged a Peace, or bought a Peace, or were bribed to give a Peace; this, they say, is Slander and Malice; and that it ought to be proved, or not to be spoken; and they ought to have Justice done in their Behalf, against those who affirm and publish these things, and are not able to bring legal Proof thereof; neither, say they, ought such things to be published upon
upon them among the People, to raise Mobs upon them, and preposterous the Nation, unless they had legal Proof, and before they had been legally convicted thereof; seeing by Magna Charta, as aforesaid, no Man is to be condemned without a legal Tryal by his Peers, Mag. Chart. cap. XXIX.

They alledge, That although none of the Confederates were to treat with France without the rest of their Allies; yet that it was not unlawful to any of the Confederates to hear Proposals, or receive Overtures from France towards a Treaty, in order to communicate them to the Allies; if otherwise, then, they say, the War had been eternal, and all Means of a Treaty of Peace had been destroy’d; which would be both unjust and inhumane.

They say, that as the Overtures of Peace were made by France to Her Majesty at that Time; so had they been made to Holland before the Treaty of Ghertrudenburgh, and at another Time to the Duke of Savoy; that the Queen took no other Steps than the Dutch and the Duke of Savoy did, in the like Case, viz. to communicate them immediately to Her Allies; and they deny, that they entred
entered into any private or separate Treaty with France, before the said Overtures were made Publick, and communicated to the Allies, as aforesaid; and say in this Case, as before, that it ought not to be charged upon them, unless there was Evidence thereof; which they likewise challenge their Accusers to produce.

They say, that when France first made Overtures of Peace to Her Majesty, the Answer given them here, was to this Effect, and no other, viz. That Her Majesty would hear what they had to offer; and that if they thought fit to put it into Writing, signed by such as had sufficient Power to sign the same in the King's Name, the Proposals should be communicated to the Allies; and when the said Allies had given their Answer to the same, it should be given them to transmit to their Master; they say, that possibly they might be told, that they would do well to make such Proposals as they thought the ALLIES would judge a sufficient Ground of a Treaty, and such as would satisfy the Allies of the Sincerity of the King their Master; otherwise no Treaty could be expected; Her Majesty being resolved not to treat without the Concurrence
rence of Her Allies, nor to make any Peace, without Satisfaction to the just Demands of all Her ALLIES.

That upon this Declaration on the Queen's Part, the French Agents drew up Six Heads of Proposals for a Treaty, corruptly called afterwards, Preliminaries; that the Ministry here neither acted one Way or other in forming the said Proposals; but took them in these Terms; Her Majesty commands us to ask, if these are the Offers you make? And when they had answer'd, YES; it was reply'd thus; Her Majesty will communicate them to Her Allies.

They say, That immediately Her Majesty did communicate these Proposals to Her Allies; and that no private or separate Convention, Agreement, or Treaty of Agreement whatsoever, was made with the French by Her Majesty, or any of Her Servants, to the Day the said Proposals were made publick.

How the said Proposals were receiv'd, and how the Ministry were treated in publick Prints and Papers here, as well as abroad, they say, that as they took no Notice thereof when they had Power to resent, and to punish it, neither do they less contemn it now.
When the said Proposals were made publick, and the Allies were to give their answers to, and opinion of them; they say, it was, doubtless, lawful for Her Majesty to do the like; adding, that as some of the Allies were brought, chiefly by application from hence, to decline a treaty; so Her Majesty had, in justice, liberty to give her opinion, viz. that she thought the proposals of France were sufficient, though not for a peace, yet at least for the ground of a treaty; they say, that Her Majesty, being earnestly desirous to put an end to the miseries of Europe, and to give peace to her people, and seeing a treaty unreasonably opposed, did publickly declare her willingness to have a treaty begun; and wrote to that purpose to all her allies, inviting them to send plenipotentiaries to Utrecht for that purpose; all which, they say, was done openly, avowedly, and without any secret conjunction with France whatsoever, as has been suggested; and all this, they conceive, Her Majesty was, by right and justice, as to her allies; and by her unquestioned prerogative, as to her own people, lawfully empowered to do; and consequently, they say, any
Her Subjects and Servants might lawfully execute Her Majesty's Orders therein.

The Treaty being commenced, they allege, that Her Majesty plainly perceived, that some of Her Allies seemed to act with less Sincerity than was expected; and that it was discovered, that Measures were concerted for the destroying the Treaty, rather than the making a Peace; and it being, First, Her Majesty's Resolution to bring the said War to an End, if safe and honourable Conditions could be obtained; and, Secondly, Her Opinion that She was not candidly used, in the Management of the said Treaty, by some of Her Allies; and the French, at the same Time, offering to give such a Pledge of his sincere Desire to make a Peace, upon Terms safe and honourable to all the Allies, as could not be reasonably deny'd to be sufficient, viz. by putting Dunkirk into Her Majesty's Hands; an Advantage which, had it been gained by Arms, at the Expence of much Blood and Treasure, would have been esteemed equal to the most glorious Campaign: Upon these Considerations, they say, that Her Majesty found Her self oblig'd to act more separately than
than otherwise she had proposed to do; and after having in vain endeavoured to persuade SOME of the Allies to be in earnest for a Peace, to let them know she was so her self, and by making a Cessation of Arms with France for two Months, to disappoint the Designs of those, who strove to bring on the Operations of the Campaign, in order to put a Stop to the Negotiations of Peace.

In all which, they say, as her Majesty acted nothing but what the Allies, in some Measure, drove her to a Necessity of doing; so she acted nothing but what she was empowered, by the Laws of the Land, to do; acknowledging her undoubted Right of making Peace and War; they say, it seems strange her Servants should now be questioned for obeying the just Commands of their Sovereign.

They alledge also; that the Terms of the Peace being the Result of a long Convention at Utrecht, are not in the present Question; being such as were publick, and disputed by all the Confederates abroad, and agreed to by her Majesty, and approved in Parliament by the whole Representative of Great Britain; which
which if it shall not be allowed to justify Her Majesty's Servants in their Share of the Transaction, then, say they, no Subject can ever be safe in the Administration of publick Affairs; adding only this, that if any Corruption, any unlawful Correspondences, any Attachment to the Interest of the Enemy, can be alleged against them, they are willing and ready to answer the same, as the Laws require; at the same Time complaining, that they ought not to be arraigned by Pamphlets, and popular, injurious Treatment, such as is inconsistent with the Justice due to all indifferent Proceedings; neither ought the People to be artfully prepossess'd, who, perhaps in Case of Trial, may be made the Judges of their Defence, and pass upon them for Life or for Death; they allege, that the Government are the legal Protectors of all Persons accused, from any unjust Violence, as the Judges are their Council, in Matters of Law; and that to suffer Persons to be outrageously assaulted by lewd and scurrilous Pamphlets, when they are supposed to be coming into the Hands of the Law, they say, is a most illegal and unjust Usage of them; seeing every Man is,
is, in the Sense of the Law, a good Man, till something is legally prov'd to the contrary.

They complain of the Injustice of charging the Queen with acting contrary to the Grand Alliance, and Her repeated Promises from the Throne, in sending to, or receiving Managers from France, to treat separately of a Peace, without the Knowledge or Consent of Her Allies: — Words of Scandal, maliciously framed by a Party of People, who falsely call themselves, The Citizens of London; and published in a Paper, entitled, Instructions by the Citizens of London to their Representatives, &c. with Design to reproach the Memory of the Queen, and blacken those they are preparing to destroy.

They say, THAT Her Majesty never sent to France for Managers, &c. that it is dishonourable and unjust to the Queen's Memory to suggest such things, unless Evidence thereof was offered to prove it; THAT it has been lawful in all War, and in all Ages and Nations, to receive any Overtures of Peace from any Enemy whatsoever; and it would be an unchristian, unnatural War, if it was otherwise, as is observed above; THAT
THAT it never was the Design of Her Majesty, or was She advised, much less prevailed with by any of Her Servants, to receive Managers from France, to treat separately, &c. neither was any separate Treaty carry'd on, till the Treaty for a Cessation of Arms in the Field, to which Her Majesty was compelled by the Opposition, and, as She conceived, unfair Treatment which She met with from some Allies, in the Prosecution of the Treaty of Utrecht, wherein Her Majesty believed a manifest Design was set on Foot, to oblige Her to carry on the War whether She would or not; in which Cessation nevertheless, no exposing Her Allies, no laying them open to the French, &c. as is pretended, could have been reasonably charged on Her Majesty, for Her Ministers, though the other Troops in Her Majesty's Service had obey'd Her Orders; seeing the Duke of Ormond had Instructions for a defensive Conjunction, if the Enemy had attack'd the Allies, contrary to the said Conjunction; and the evil Consequences which follow'd, they say, were occasion'd by the Temerity and Unskillfulness of the Confederate Generals; and their Obstinance, in carrying on their Schemes,
contrary to Reason, and Martial Experience; and against a General, to whom, it seems, they were not equal in the Art of War; they say farther, THAT it is a false Suggestion to say, that, by the Grand Alliance, no Overtures were to be received, but what were made to all the Confederates at once; that if that were so, then, they say, was the Grand Alliance broken by the Dutch long before, who, as they have been informed, received Overtures from Monsieur Pettetcum, Minister of Holstein; and with whom Monsieur Mesnager himself continued incognito, several Months before those Overtures were communicated to the Allies; and that it may be remembered, that the Allies took Umbrage thereat; so that the States were obliged to publish, as Her Majesty did in the like Case, that they had not entered, nor would enter into any Negotiation of Peace without the Allies; after which followed the Treaty of Ghertrudenburg, which none of the Allies scrupled to enter into; although the first Overtures thereof were not made in general to all the Allies separately, but to the Dutch particularly, in order to be communicated to the rest of the Allies; as was pre-
precisely the Case, in the Overtures made to Her Majesty before the Treaty of Utrecht.

For confirming what they say, as above, they refer to the Words of the Grand Alliance itself, which are as follow, viz. "It shall not be permitted to " either Party, when the War is once " begun, to treat of Peace with the Ene- " my, unless jointly, and with the common " Advice of the other Parties." This, " they say, is all that the Grand Alliance " binds the Crown of Great Britain to, in " the Affair of a Treaty; and that here is " no mention, that it shall not be lawful " to the Queen of Great Britain to hear, or " receive Proposals of Peace from the Enem- " my, in order to communicate them to " Her Allies; and that it would have been " absurd, and without Example, to have " put such a Clause into the said Tre- " ty.

Much less is it true, as is published " in another injurious Libel * against " them, that, by the Grand Alliance, no " Proposals or Overtures of Peace ought to " have been received, but what were " made to all the Confederates; no such "

Article, or any thing relating thereto; being to be found in the Grand Alliance it self; and as they conceive such a Provision would have been useless, seeing the Overtures for a Treaty being made to any one Branch of the Confederacy, in order to be communicated to all the Allies, is effectually making Overtures to all the Allies.

Likewise they say, That Her Majesty received these Overtures from France, in no other Manner, the Difference of Dignity excepted, than as Ministers of State receive Offers relating to things not mentioned in their Instructions for Treating, ad referendum, to be communicated to the Allies, and their Answer to be returned; which is so far from being an Entering into a separate Negotiation, that nothing could be more surprizing to Her Majesty, than the Construction which She found put upon it; or more disobliger, than the reproachful Representations which were made of it, as well abroad as at home; which was Part of the Reason of those just Resentments, such Her Majesty and Her Privy Council thought them to be at that Time, of the Conduct of the Imperial Court, and of their Minister resi-
They deny receiving these Proposals of France, in order to a separate Treaty; or that there was any separate Treaty carry'd on with France by them, before or after the said Overtures were made, till other Incidents made Her Majesty think it needful to do it avowedly and openly; as in the Case of the Cessation of Arms, and withdrawing Her Troops from the Confederates; which Her Majesty found Her self obliged to do, having been impos'd upon in an unreasonable Manner; as is expressed more fully in the several Declarations of the Reasons thereof, made, by Her Majesty's Orders, to the Plenipotentiaries of the States, and of the other Allies concerned at Utrecht.

They say, It is an Evidence of the Injustice with which they are treated, that such things are named to be in the Conventions and Treaties of Alliance, between Her Majesty and Her Allies, which are not really to be found there; neither are they, Bona Fide, supposed to be inferred from, or contained in the true Intent and Meaning of those Conventions; but are publickly and falsely said
said to be there, to impose upon the People, in order to raise seditious and tumultuous Clamours against them; thereby to justify the Designs of those, who publickly and shamefully own, they seek the Blood of innocent Men; at the same Time they take Notice, that, in several Conventions and Treaties between Her Majesty and Her Allies, for carrying on the War, the Quota's and Proportions of Ships, Troops, Subsidies, Sums of Money, &c. to be contributed by each Ally, are expressly stipulated, and were always exactly comply'd with, on Her Majesty's Part; but, on the contrary, several of Her Allies, and some of those who carry the Complaint of ending the War highest, were far from contributing their said Quota's and Proportions thereto, which, by the said Conventions and Agreements, they were oblig'd to do; imposing upon Her Majesty, or at least bringing Her Majesty to a Necessity of supplying the Deficiency of the said Neglect; or to let the War be carried on in a Manner which could not consist with Her known Zeal for the common Cause, or the true Interest of the Confederacy.

They
They say, That not only the Replies published to the Representations of those Matters, made here by the House of Commons, do plainly acknowledge, that the States of Holland did not furnish their Number of Ships, &c. but the publick Accounts of the Kingdom will shew, where the British Nation paid immense Sums for the extraordinary Expenditures of the War, which the Allies ought to have paid their Proportion of; or, at least, to have paid such like Sums; which would, if paid, have made the said Service more effectual; which said Payments, in Part, occasioned that great Debt; for Payment whereof the Fund of the South Sea Company was erected by Parliament.

They refer, for the Particulars of the Inequalities put upon them by their Allies, to the Representation of the House of Commons of Great Britain, made to Her Majesty; wherein the same is at large specified, only subjoining, that it is too well known to be contradicted, that when Her Majesty, in the Time of the Earl of G—d's Ministry, made frequent Complaints of the said Deficiency of Her Allies, and pressed them to make good their
Treaties, She receiv'd Answers to this Effect; That they were heavily pressed by the War; that they were reduced to such Exigencies, as permitted them not to exert themselves farther; and that, if their Allies insisted upon it, they must bring the War to a Conclusion, and make Peace on the best Terms for themselves that they could obtain: This they appeal to several noble Lords, concern'd in the Administration of that Time, for the Proof of; and this, if true, they say, they think justifies Her Majesty in Her Resolutions taken at that Time, to expect the full Quota's of Her Allies, in every Occasion of the War; seeing it was reasonable that, if the Allies expected the Performance of the Grand Alliance on the Part of Her Majesty, in carrying on the War; Her Majesty likewise should expect the Performance of the particular Conventions, made in Consequence of the said Grand Alliance; whereby each Power was engaged to, and with the other, for their respective Quota's of Ships, Troops, Subsidies, &c. the Breach whereof, and more especially the insisting upon those their deficient Performances and Payments, as being really no Infractions of the said Conventions
ventions and Agreements, had been a sufficient Argument to justify Her Majesty, if She had thought fit, as it is evident the Queen did not, to declare Her self disengag'd from the Alliance, and at Liberty to treat with France by Her self.

But they say, That as Her Majesty was always zealously attach'd to the Interest of the Allies, and had not taken the Advantage which their not performing their Conditions gave Her just Reason to do; so neither at last, although it was Her earnest Desire to put an End to the War, and for that End She did earnestly press them to a Treaty; yet Her Majesty continued to act in an Union of Measures with all the said Allies, until it was evident to all the World, that they had entred into separate Measures, and some of them with Her own Subjects, inconsistent with the just Desire of putting an End to the Miseries of Europe, which Her Majesty acknowledged to be moved by; and appear'd not only resolv'd to push on the War against all the Remonstrances to the contrary, made by Her Royal Commands; but to oblige Her Majesty, on Pretence of
the said Alliance, to do so likewise; whereupon Her Majesty thought fit to shew Her self so far resolv'd in Her said just Desires of an Honourable Peace, as to agree to a Cessation of Arms with France, upon such advantageous Conditions nevertheless, viz. the Surrender of Dunkirk, &c. as the Confederates could not contend, were equal to the most glorious Campaign of the War.

These Things, they say, together with much more which they might bring, if need were, they think sufficiently prove, that the Queen entred into no Measures which were inconsistent with the Grand Alliance, when Her Majesty received Overtures of Peace from France; but that, on the contrary, it was lawful for Her Majesty, or any other of the Allies, to have received the same Overtures, and to have transmitted them to the Allies, in the same Manner as was done on Her Majesty's Part; and as to what follow'd, they give the Reasons above, as the Ground of Her Majesty's Proceeding in that Manner.

They
They say, that to expose the Weakness and Folly of their Enemies effectually, they need do no more than to recite an Article in the pretended Instructions of the Citizens of London to their Representatives, printed in the Flying Post, Feb. 17. wherein are these foolish Words; — "By whose Advice the " Whig Ministry and Parliament, and " the Duke of Marlborough, were turned off; contrary to the Assurances " which Her Majesty had given to " Her Allies, as well as to the Dire- " ctors of the Bank of England, &c." signifying, that the Allies had concerned themselves in Her Majesty's domestic Affairs; and had taken upon them to interpose in the continuing, or removing, Her Parliament and Servants: An Experiment of such dangerous Consequence, that, had Her Majesty admitted it, they leave it to common Judgment, what might have been the Issue; and they think Her Servants would have been justly liable to Censure, who would have ventured to have advised giving up the Honour and Prerogative of their Sovereign to a Foreign Nation; and they leave it likewise to common Judgment, what His
His Majesty would say, if any Foreign Power or Potentate should offer to interpose in his establishing the Administration of Affairs; or offer to direct Him who he should employ, or not employ in his Service.

They say, it would be reasonable to desire those Citizens, as they call themselves, to give the World an Account, to which of the Allies Her Majesty engaged, or gave Assurances, That She would not turn off the Whig Ministry, the Parliament, and the Duke of Marlborough? And whether, if Her Majesty had done so, it had not been to make those Allies Regents of Great Britain; and the Whig Ministry, Parliament, &c. independent of the Queen; and consequently Her Superiors, rather than Her Subjects?

Likewise they say, That if Her Majesty did not give any such Assurances, then, as it is evident, nothing was done in changing Her Servants, or dissolving Her Parliament, but what, by the Constitution, Her Majesty had a legal Right to do; none of Her Servants can be made accountable for concurring with Her Majesty's Pleasure therein; neither then can it be said, that
that the Parliament was dissolv'd, or the Whig Ministry turn'd off, contrary to Assurances given to the Allies by Her Majesty; and Her Majesty did continue the D. of M———h in the Command of Her Armies, a considerable Time after the said Foreign Application, though under no Obligation to the Allies to do so; nor was he dismiss'd till other Circumstances in Her Affairs obliged Her to make Alterations in the military, as well as civil Dispositions.

*They say,* That *whereas the Directors of the Bank at that Time, took the Freedom to act in an unprecedented Manner, which Her Majesty, in Her Royal Goodness, was pleased to pass over; yet it is believ'd that, in after Ages, it will scarce be found, as it never was in former, that Subjects shall treat a just Sovereign in such a rude Manner, and receive no other Re-proof, nor be made sensible of the Insolence of assuming to themselves the Office of Counsellors to their Prince, without any Licence or Authority for the same.*
They likewise say, That it is unjust to say, that the dismal Consequences of the Campaign, after Her Majesty had agreed to a Cessation of Arms, was occasioned by the British Troops withdrawing from the Army; but they give it as their Opinion, leaving it to others to judge, whether they are in the Right, Yes or No; that the Allies having supply'd their Army with a Number of Troops, at least equal, if not superior to the British, believed themselves as much superior in the Field to the Enemy as they were before, despis'd and rejected a Cessation, and continued to act offensively, viz. to offer the Enemy Battle, and to besiege Quesnoy, which they did take in the Sight of the French Army; that they believed themselves secure from any Danger of the Superiority of the French; and it was boasted for them in the publick Prints, that they, the Allies, were stronger in the Field, after the British Troops were gone, than when they were with them, and more unanimous; that the French would be beaten, and the Queen should lose the Honour of having assisted therein: That upon this extravagant Be-
Belief they continued to be puffed up with the same Contempt of the Enemy, which so often had caused them to slip the Occasions of an Honourable Peace, and so many Years to boast of being at the Gates of Paris, in one Campaign more; which Contempt of the Enemy led them to enter so far into their Country, not regarding the Strength they left behind them, as well on their Right Hand, as on their Left, that gave the Enemy, who they contemned, an Opportunity to cut off their Provisions, beat the Troops placed in an unsoldier-like Manner, to secure their Convoys; and to surprise their grand Magazine, which, with the same unexampled Security, was left in a defenceless Village, when the strong City of Douay was within two Hours of it, by Water or by Land; so that the dismal Consequences of the Campaign seem, as they think, to be owing to the Security and Temerity of the Allies, to say nothing of the just Hand of Heaven upon them, and not at all to Cessation of Arms, or the withdrawing of the British Troops; unless they will acknowledge, that if his Grace the Duke of Ormond had been
been in their Camp, he would not have fail’d to have convinc’d their Generals, of the unreasonable Hazard; and have perswaded them to have attack’d Maubege, rather than Landrecy; in which Case the Enemy would not have been able to have made any such Attempt; nor would they have been expos’d to any Difficulties for their Convoys or Magazines.

These Things, they say, if weigh’d with equitable Thoughts, will serve to shew, on what groundless Pretences they suffer, under the Clamours of a Party; how the People are impos’d upon in things of the highest Nature; and with what Arts, and by what evident Falshood, the Charge against them in these things, as well as in others, is maintain’d; they doubt not but, with thinking Men, it will be of Weight, to see how trifling, how foolish, and how false the Matters are, of which their Libels are likewise compos’d; and for which they assume, the Power of demanding, what they are pleas’d to call, Justice.

They say, That they think the Tables are turn’d in this Case; and that it is the late Ministry who should demand Justice.
Justice against so cruel and illegal Treatment; and that as they are willing to submit to the Law, and to be brought to the strictest Test of their Conduct; so those who have thus violently fallen upon them without Doors, are, as they think, within the Reach of the Law; for false Accusation, malicious Prosecution, and a proceeding, which, as Justice does not approve, so they hope the Government will not allow.

They say, That the Fury of their Enemies is come to such a Height, as the Government does not suffer, even to condemn’d Malefactors; that the Injury extends to the reproaching them with those very things, which even their now equitable Opposers approve of; and for which any Ministers of State would have expected the Thanks of their Country; as particularly, the Expedition to Canada; and the worthy Citizens of London, as they are pleased to call themselves, are disposed to instruct their Representatives, to enquire, How the Expedition to Canada came to miscarry? To which the Ministry might answer, by asking them; How Sir Cloudefy Shovel came to be drown-
drowned? *Viz.* Because the Ship sunk that he was on Board of; or how three large Men of War were cast away on the Goodwin? *Viz.* Because a Storm of Wind drove them on the Sand; or how Sir Francis Wheeler, with five Ships, came to be drown'd in the Bay Gibraltar? *Viz.* By being embay'd on a Lee Shore, with a hard Gale of Wind; so the Squadron being taken with a hard Gale of Wind, in a Fog, a strong Current, and no Anchorage, though they had the best Pilots on Board, and good Ships, were driven upon the Rocks on a Lee Shore; and it is a Question much more rational to ask, how any of them escaped, than how the Voyage miscarried.

*They say,* It is their Opinion, that they might, with much Justice, answer, that this Expedition was defeated by the immediate Hand of Providence; and that Heaven fought against us in that, as it did in almost all the Attempts of Descents, &c. of which not one was undertaken during the whole War, but it miscarry'd, from that of Camaret to this of Canada; or that Heaven visibly turn'd the Scale of War in Europe in favour of France, from
the Time that the Peace of Ghertrudenburg was wickedly rejected; having that very Year given the Confederates the fatal Blow at Almanza, and afterwards twice beaten them out of all Spain to the Gates of Barcelona; overthrown the British Fleet at Canada; and at last overthrown all the Measures and projected Conquests of the Allies at Denain; forced them to raise the Siege of Landrecy, though their Army was superiour; and taken Douay, in Spight of the Galiconades of Petit Count de Soiffons.

They say, That the quitting Canada to the French by the Peace, seeing it was never in the Power of the Queen to possess it; and the leaving Cape Briton to the French, upon Condition of their quitting all Nova Scotia, Annapolis, and all the Island of Newfoundland, except the Privilege of making use of that Part of it, which is of no Use to us, and of little Use to them; advantageous Exchanges to the British Commerce; and they say, that they are content it should be written on their Graves, that they settled the British Dominions, Trade, and Fishing, in those Parts, in such a Manner as is expressed in that Treaty:

And
And that it was owing to them, that France will have every Year more than half the Number of Ships less in the Banking Trade than they had before; and England will have double the Number of Ships, than ever She employ’d in that Trade; besides that, they can now neither take the Fish so early, or cure it with so much Advantage as the British; having so much a greater Distance of Place to carry it to, after it is taken: All which are such evident Advantages to the British Trade, and Disadvantages to the French, that they think they discharged their Duty to their Country as became them, in settling it as it was; nor could more have been expected, unless they had been actually in Possession of Canada, Cape Briton, Nova Scotia, Newfoundland, and all the Colonies of North America; which, it is evident, they push’d fairly for; but hope no Ministry will pretend to account for those Disappointments, which it is not in humane Power to prevent.

They think, That it might with as much Justice be enquired, who advis’d the Queen to secure the Island of Minorca, and the best Harbour for the Royal
Royal Navy in the Mediterranean? Why Her Majesty kept Gibraltar? And who advis'd to have a Squadron of Men of War always kept in the Streights? as well to secure our Commerce, as to keep up the Honour and Terror of the British Naval Power, in those remote Parts of the World.

That they are ill treated likewise in the Disputes which are now set on Foot, concerning the French making a Harbour at Mardyke: They say, that the surrendering Dunkirk to be demolish'd, was procur'd by the Queen; that the most earnest Solicitation of the French Court, to spare but one of the Sluices, for no other Use, than the carrying the Land Water off, and a necessary Dreining the Country; some Delays were used by the French, in Hopes of obtaining their Request; but that Her Majesty insisted upon the entire Demolition, and absolutely refused to spare the said Sluice; foreseeing what ill Construction would have been made here of such a Concession, by Men who put the worst Sense upon Her most just and reasonable Actions; that this alone put the French upon the Necessity of making some other Passage for the said
faid Land Water, is plain; but if the French, under that Pretence, make any Harbour, Fortification, Basin, Port, or other Reception for Men of War; as it will be a manifest Contravention of the Treaty, in the true Design, Intent, and Meaning thereof, it cannot be charged on the Ministry; and it is not doubted but, in such Case, his present Majesty will be able to do himself Justice on the French; and to those who object, that Provision was not made against it in the Treaty; it is answer'd, that they should examine, whether it would not have been the same Thing, if the Treaty of Ghertrudenburg had taken Place; and if any Provision had been made therein, that the French make no other Harbour near Dunkirk, or within any certain Distance thereof; wherefore, they say, it cannot be justly said of them, that they mocked the Kingdom with Assurances of being free from the Danger of Dunkirk; and that it is yet more unjust to suggest to them, that they did agree, that the French should make a new Harbour at Mardyke: They say, that in all the former Treaties, when the Whig Ministry ruled, it was thought
sufficient, if the French King could be brought to consent to demolish the Harbour, as well as the Town of Dunkirk; not making any Provision against the opening another Harbour at Mardyke, or in any other Place. They say, it was impossible for the Ministry to know, what Methods the French King would take, for preserving the Commerce of his Subjects; and as they had no Imagination of its being practicable to make a new Harbour at Mardyke, any more than at Diep, Havre, or any other Place; it might have been expected, with as much Justice, that the Ministry should have forbidden the French King making any other Harbour, in any other Parts of his Kingdom; which the People who treated at Gbertrudenburg never thought of, any more than they; and which it was not to be expected he would have comply'd with, if they had.

They say, That they wonder with what Justice Men can charge them, with agreeing to give the French Leave to build another Harbour at Mardyke; they say, that it should seem these Men would have it believ'd, that the King of France had submitted lower in this Treaty,
Treaty, than ever they found him willing to submit in the former Treaties, which were had with him in the Ministry of the Allies; seeing they bring him with desiring the Queen of Great Britain, to give him LEAVE to build Fortifications, or to make Harbours in such or such Places or Parts of the Coast of his own Dominions; which, they say, ill agrees with the other Parts of the same Libels, wherein the late Ministry are charged with Seeking, Begging, nay, even with Buying a Peace from the French; which Contradictions, they say, are Evidences of the Malice, as well as of the Weakness, of their Enemies; and prove, that it is not so essential to them to maintain the Truth, or the Consistency of what they say, as it is to say something very Evil against the Queen, and Her Administration; in order to keep up the Ferment, which, by the like Practices, they have raised among the People; and by which alone they can expect to oppress and overthrow the Persons who they aim to destroy; and who, by just Methods, they find it impossible to hurt: They say, that if the French King had stipulated in the Treaty with Her late Majesty, that he
he should be at Liberty to make and fortify another Harbour within a League of Dunkirk, it might be ask'd them; why they agreed to it? But if no such Agreement was made, and the French King acts contrary to the true Intent and Meaning of the said Treaty; the Question returns; why do they suffer him now to do it? And why, if they do not like thereof, do they not send a Force to oppose it, and to cause the said Works to be likewise demolished?

They say likewise, That they are greatly injur'd, with respect to the Treaty of Commerce; that they have therein done nothing injurious to the Trade of Great Britain; that it is their Opinion, the Treaty, if made effectual, would have been very much for the Advantage of the British Commerce; but if not, they are not to be charged with any thing; seeing they made the Treaty in such a Manner, that, albeit they bound the French to the Performance, on their Side; they left it open, on the British Side, to take Effect, or not take Effect, as the British Parliament should determine; leaving it to the People of Britain to judge, what was for
for their Advantage, and what was not; so that the said Treaty is not able to do any Prejudice, unless the Parliament make it effectual: They say, that the late Ministry are not concerned in the Disputes on one Side or other; that if the Parliament does not approve of the Treaty, it is void; and if they do or shall, it may take Place when they please; and they heartily wish, that if the Treaty which they concluded, be not for the Advantage of Britain, it may be set aside, as there is Room by their Articles to do; and that some better Conditions may be proposed, by which that Trade may be carry’d on, more to the publick Advantage than it would have been by that Treaty; which they very much fear, will not be found possible.

They say likewise of the Treaty of Commerce with Spain, That they believe the same to be calculated for the general Advantage of Britain; in that the Duties in Spain, as well of Importation as Exportation, being formerly unsettled, and left to the private Treaties between the Merchants and the Farmers of the Customs, not only occasioned unreasonable Inequalities be-
tween one Merchant and another; but likewise gave Leave to the Spaniards to make Demands, at their Pleasure, of such Duties as would be equal to a Prohibition; whereas by this Treaty, they had brought the Spaniards to reduce all their Duties, as well upon Importation, as upon Land-Carriage from one Province to another, to one equal, ascertained Rate; which, as they conceive, was a Damage to the Spaniards, and an Advantage to the British; and they say, they have heard, that the Court of Madrid are very willing to make void that Part of the Treaty, and to stand upon the same Foot as they were before, whenever the British Government shall think fit; and that they are very desirous to have it so, as what they yielded to with some Reluctance, at the Request of the British Ministers, on Behalf of the English Merchants. They say, that if the French continue to trade to the Spanish West-Indies, which yet they do not believe, it cannot be laid at their Door; seeing they made as much Provision against it in the Treaty, as was in their Power; and if the
Spaniards, or French, do not perform their Treaties; they doubt not, His Majesty will always be in a Condition to oblige them to it.

It is farther contained in the popular Charge upon the late Ministry, That they were in the Interest of the Pretender; that they had entred into Measures to overthrow the Act of Settlement, and prevent the Succession of the Royal Family of Hanover.

It would seem to reproach the Principles of any Man, in Matters of Government, if he should venture to say publickly, that he did not believe them guilty of this; so universally has it been received, and so positively is it affirmed; yet we must acknowledge, that no direct Proof, or Evidence thereof, appears; neither is any Testimony of Facts offer'd by any one, to our Knowledge, in this Case. This Discourse is not design'd to vindicate any one in this particular, or in any thing else; but to state the Case, as it stands, between the late Ministry, and the People of Great Britain; and to let the Readers see, what...
what they say in their own Defence.

They say, The Cafe, as it stands between Parties, amounts to no more at present, than an Accusation without Doors; what it may be, is another Question. That it is a Maxim in Equity, that no Man ought to be publickly censur'd without Evidence; and it is a Maxim in Law, That no Man ought to be condemned without a Trial; both which Maxims are now destroy'd by these tumultuous Accusations: They say, they have no Recourse, but to declare their Innocence; and complain seriously of the Hardship they suffer, by being thus treated: They say, that they suffer the most unexampled Usage in this Matter; that they have never entertained the least Intelligence with the Pretender, or with any Person in his Behalf; that they never failed of their Duty, in doing every thing that was needful, and in their Power, to oppose and resist him; that if any thing was, at any Time, offered against his Interest, either in or out of Parliament, they always join'd with it, and came into all the Measures which
which were ever set on Foot against him.

That the Peace itself may testify this for them; wherein they not only oblig'd the King of France to thrust him, the Pretender, out of his Kingdom; but oblig'd him to engage, that he should never suffer him to return; bringing the said French King to acknowledge the Succession of His present Majesty, in the strongest Manner possible; and engaging him, under the most sacred Ties of Honour, never to give any Disturbance, directly or indirectly, to the said Protestant Succession; or to aid, assist, encourage, or support any that should offer to disturb it.

They say, That they left nothing undone, which it was in their Power to do, to secure the Hanover Succession, by these Engagements; as for their employing Jacobites in several Offices, &c. it is known, they could employ none who did not take the Abjuration Oath; and as they complain now of the Hardship of being judg'd, and wrongfully cenfured; so they thought it hard, to adjudge any Man to be a Jacobite, who, in all the most solemn
lemm Ways, and in such as the Law thought sufficient, had given Satisfac-
on, of their being in the Interest of the Protestant Succession: And if a-
y were in that Interest, after such Assurances given, the Mischief of their
abominable Perjury was their own; neither were the publick Affairs in-
jured, or the Succession weakened thereby: They say, if it had been o-
therwise; yet that they did all that the Law required them to do; and
they affirm, that several of the same Kind of Jacobites, as they are now
called, were often, and all along, em-
ployed by the Ministry before them, and without any Danger to the Protestant
Succession.

They farther say, That, as to Jacobites, let whosoever their Enemies
please be called so; yet it does evi-
dently appear, in the whole Course of their Administration, that what
Use ever they might make of them,
that yet, as Jacobites, they never did
anything for them; and their worst
Enemies cannot bring any Proof, that
they entred into any Measures for
the Setting the Pretender on the
K Throne.
Throne; or for overthrowing or defeating the Hanover Succession.

They say, That it is an unreasonable and unaccountable thing, that Men should condemn them as Jacobites, and as Enemies to the Succession; whereas not one Word of Evidence has ever yet been offer'd to prove the Fact; that it is very strange, that in an Affair of such a Nature, where a Negotiation requir'd many Hands, none should be found that could bear Witness of it, if true; and it is no less strange, that such a Slander should be so carry'd on against them, when not a Man can be found to bear Witness of it.

They say, They are content before Hand to subscribe to it, that whoever has had the least Correspondence with the Pretender, or with any Person whatsoever in his Behalf, is guilty of Treason; and they desire as heartily as they can do, that such may be detected, and punished in the most exemplary Manner.

They declare, That since the lamented Death of their late Sovereign, they have omitted nothing which became them, as dutiful and loyal Subjects,
jects, to shew their Zeal for his present Majesty's Service; and they esteem it their particular Misfortune, if they have not yet had the Success of satisfying His Majesty of their Sincerity; believing that God will, in his good Providence, yet encline His Majesty to think favourably of them; and will remove the Slanders of their Enemies, or move His Majesty to resent the Injury done thereby to his faithful Subjects; and to judge them according to that Goodness and Wisdom which he is so eminently bless'd with.

They say, They doubt not but, that, in Time, the Absurdity as well as Malice of this Charge, viz. of their being for the Pretender, will appear; seeing they must be suppos'd to know very little, either of the Constitution of this Protestant Kingdom, or of the Affection of the People, on one Hand, to the Hanover Succession; and of their general Aversion, on the other, to the Pretender; if they had ever imagined any Schemes for the altering the Succession were practicable here; and they must be worse than mad, if, after so many Settlements of the Suc-
cession, and the consolidating them into one indissoluble Knot, by the Union of the Two Kingdoms, they were capable of receiving any Notions, or entertaining any Thought of attempting to put the Pretender upon this Nation; they are willing to hope, the World has a better Opinion of their Senses, than to believe, that they, whose Fortunes were never desperate, and whose Interest in the Administration was not small, as well as in the Favour of their Sovereign, were under any Temptation to play a desperate Game, fit for none that had any thing to hope for, or any thing to lose.

But waving all these circumstantial Parts of the Argument, they desire no Favour, as they are told, they are to expect none, if there can be the least Thing proved upon them, of being in the Interest of the Pretender.

All the rest of what is alleged, so entirely depends upon these Heads, that they seem to require no other Answer than what is contain'd in these: The Case of publick Treasure, which some would pretend to charge them with Embezzelling, they say, re-
quires no Answer, till first the Accounts are Audited in the Exchequer; and then if any thing appears to charge them with, they must answer to it in the ordinary Course: They say, the Affairs of the Treasury and Exchequer, are things, in a Method of Management, that no Treasurer, Chancellor of the Exchequer, Teller, or whatever Office he be, through whose Hands the publick Monies are pass'd, can misapply or embezzle the same, but it must be known, and may be detected, either by superior or inferior Officers; and they demand, where the Man is that charges them? And that, till such are found, they ought not to be reproach'd; neither ought any to suggest, that they have misapply'd the publick Money, till their Accounts being call'd for, it appears, that they are not ready.

They likewise say, That they have not run the Nation into Debt since the War, otherwise than the just Discharge of what was in Demand, and the necessary Annual Support of the Government required; and, for the Sake of their Country, they shall be glad to see other Ways and Means found
found out than occurr'd to them, for the Support of the Annual Charge of the Government; and that no farther Debts were to be contracted, or Taxes rais'd, for that Purpose; professing, that it was not in their Power, or not in their Knowledge, to do it by any other Ways and Means, than those which the last Parliament approv'd of.

These are some of the Answers, which, we are told, these Men give to the Charge which is brought against them without Doors; and to the Pamphlets written against them, as well by Squire Burnett, as others: I make no Observations thereon, having neither Room or Inclination to do it; those who like them not, may refute them, if they think they are able.

FINIS.