

I. Three clauses in the Quarentine [sic] Act, VII. Georgii; II. The petition of the City of London to the House of Lords; III. Their Lordships protest on rejecting the said petition; IV. Another protest of their Lordships: And; V Another protest of their Lordships, on Sir George Bing's attacking the Spanish fleet.

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Wellcome Collection
183 Euston Road
London NW1 2BE UK
T +44 (0)20 7611 8722
E library@wellcomecollection.org
<https://wellcomecollection.org>

- I. Three Clauses in the Quarentine Act, VII. GEORGII.
- II. The Petition of the City of London to the House of Lords:
- III. Their Lordships Protest on rejecting the said Petition.
- IV. Another Protest of their Lordships: And,
- V. Another Protest of their Lordships, on Sir George Bing's Attacking the Spanish Fleet.

The Clauses in the Quarentine-Act, VII. GEORGII.

AND be it further Enacted, That if any Person infected with the Plague, or obliged to perform Quarentine, shall wilfully refuse or neglect to repair within convenient time, after due Notice for that Purpose given to him, her, or them, by the proper Officer, to the Ship, House, Lazaret, or other Place duly appointed for him, her, or them; or having been placed in such Ship, House, Lazaret, or other Place, shall escape, or attempt to escape out of the same, whilst he, she, or they shall continue infected, or before Quarentine fully performed respectively; It shall and may be Lawful to and for the Watchmen and other Persons, appointed to see Quarentine performed, by any kind of Violence that the Case shall require, to compel every such Person so refusing or neglecting, as aforesaid, and every such Person so escaping, or attempting to escape, as aforesaid, to repair or return into such Ship, House, Lazaret, or other Place, so appointed for him, or her, as aforesaid; and every such Person so refusing or neglecting to repair within convenient time after such Notice, as aforesaid, into such Ship, House, Lazaret, or other Place appointed for him, or her, as aforesaid, and also every Person actually escaping, as aforesaid, shall be adjudged Guilty of Felony, and shall suffer Death as a Felon without Benefit of Clergy.

And be it further Enacted, That if any Person not infected, nor liable to perform Quarentine, shall presume to enter any Ship, House, Lazaret, or other Place so appointed, as aforesaid, whilst any Person or Persons so infected, or being under Quarentine, shall be therein, and shall returne or attempt to return from thence, unless in such Cases, and by such proper Licence, as shall be directed or permitted by such Order or Orders, made or to be made and notified, as aforesaid, It shall and may be Lawful to and for the Watchmen, or other Persons appointed to guard or secure such Ship, House, Lazaret, or other Place, so appointed, as aforesaid, by any kind of Violence that the Case shall require, to compel such Person, so returning, or attempting to return, to repair into some Ship, House, Lazaret, or other Place, so appointed, as aforesaid, there to continue

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and

and perform Quarentine; and in case such Person shall actually escape out of such Ship, House, Lazaret, or other Place, where he, or she shall be so placed for Performance of Quarentine, before he or she shall have fully performed the same, he or she shall be adjudged Guilty of Felony, and shall suffer Death as a Felon without Benefit of Clergy.

And be it further Enacted by the Authority aforesaid, That if at any time or times hereafter, any City, Town, or Place within Great Britain, or Ireland, shall be infected with the Plague, it shall and may be Lawful to and for His Majesty, His Heirs and Successors, to cause one or more Line, or Lines, Trench or Trenches, to be cast up or made about such infected City, Town or Place, at a convenient Distance from the same, in Order to cut off the Communication between such infected City, Town, or Place, and the Rest of the Country; and to prohibit all Persons, Goods, and Merchandizes whatsoever, to enter, pass, or be carried over such Lines or Trenches, unless in such Cases, and by such proper Licence, and subject to such Regulations and Restrictions for Performance of Quarentine, as shall be directed or permitted by any such Order or Orders, made or to be made and notified, as aforesaid; and in Case any Person or Persons, being within such Lines or Trenches, or any of them, shall, during the time of such infection, presume or attempt to come out of the same, unless in such Cases, and by such proper Licence, and subject to such Regulations and Restrictions for Performance of Quarentine, as shall be directed or permitted by such Order or Orders, made or to be made and notified, as aforesaid; It shall and may be Lawful to and for the Watchmen, or Persons appointed to guard or secure such Lines or Trenches, or any of them, by any kind of Violence that the Case shall require, to compel all and every such Person and Persons to return back within such Lines or Trenches; and in case any Person shall actually come out of such Lines or Trenches, or any of them (unless in such Cases, and by such proper Licence, and subject to such Regulations and Restrictions as aforesaid) every such Person shall be adjudged Guilty of Felony, and suffer Death as a Felon without Benefit of Clergy.

The Petition of the City of London to the House of Lords

Die Mercurii 6 Decembris, 1721.

A Petition of the Lord Mayor, Aldermen, and Commons of the City of London, in Common-Council assembled, was presented to the House and read, setting forth, That it appearing by the Inspection of the Journal of this House, that their Lordships have now under Consideration, the Amendment of an Act pass'd in a late Session of Parliament, Entitled, [An Act for Repealing an Act made in the Ninth Year of the Reign of Her late Majesty Queen ANNE, Entitled, An Act to oblige Ships coming from Places Infected, more especially to perform their Quarentine, and for the better preventing the Plague being brought from Foreign Parts into Great Britain or Ireland



or the Isles of Guernsey, Jersey, Alderney, Sark or Man; and to hinder the spreading of Infection:] That the Petitioners conceive, that in some Clauses of that Act, not only the Rights, Privileges, and Immunities, but the Trade, Safety, and Prosperity of the City of London are highly concerned; and praying, That they may be heard by their Council, or otherwise, in relation to the said Act, at such Time, and in such Manner, as their Lordships shall judge most proper and expedient.

And a Motion being made, That the said Petition be rejected. After Debate, The Question was put, Whether the said Petition shall be rejected?

It was resolved in the Affirmative.

Their Lordships Protest on rejecting the said Petition.

Dissentient.

I. **B**ecause the Liberty of Petitioning the King (much more that of Petitioning either House of Parliament, is the Birth-right of the Free People of this Realm, claimed by them, and confirmed to them, soon after the Revolution, in an Act, *Declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown*: And, whenever any remarkable Check hath been given to the free Exercise of this Right, it hath always been attended with ill Consequences to the Publick.

II. Because the Petition so rejected was, in our Opinion, every Way proper and unexceptionable, both as to the Manner of Wording and Presenting it, and the Matter to which it refer'd; nothing being more natural and reasonable, than that any Corporate Body should, if they desire it, be heard upon any Bill under the Consideration of Parliament, whereby they judge their particular Interests to be highly, tho' not solely affected. This Liberty, we remember to have been granted, in a late Session, to the Traders of *Norwich*, upon their Petition touching the *Callico-Bill*: Nor are we aware, that it hath ever, in like Circumstances, been refused to the meanest Corporation in the Kingdom: But if it had, we humbly conceive, that in this Case, a Distinction might have been made in favour of the *City of London*; which being the Centre of Credit, of the Trade and Money'd-Interest of the Kingdom, and the Place where the Plague, should we be visited by it, is most likely first to appear: And having also remarkably suffer'd by Means of the late fatal *South-Sea-Scheme*, was, we think, in a particular Manner, intitled to apply for Relief against some Clauses in the *Quarentine-Act*, and deserved to have been treated, on that Occasion, with more Indulgence and Tenderness.

III. Because the rejecting the said Petition tends, we conceive, to discountenance all Petitions for the future, in Cases of a publick and
 general

general Concern; and, by that Means, to deprive the Legislature of proper Lights, which they might otherwise receive; it being no ways probable that Subjects, or Societies of less Consideration, will venture to represent their Sense, in Cases of like Nature, after the City of London have been thus refused to be heard.

IV. Because as the Receiving this Petition could have no ill Consequences, as we conceive, nor have given any great Interruption to the Business of Parliament; so the rejecting it, may, we think, widen the unhappy Differences that have arisen, and increase the Dissatisfaction to the Government, which hath already too much prevailed in this Kingdom.

V. Because the Arguments used on the Debate, seem to us not to be of sufficient Force: For we cannot conceive, that, because the said Act of *Quarentine* is a general Act, therefore no particular Community or City, who think they may, in a distinguishing Manner, be prejudiced by it, have a Right to be heard in relation to it; and that, at a Time, when it is under the Consideration of Parliament. Nor can we be of Opinion, That a Petition agreed on by the *Lord Mayor, Aldermen, and Citizens of London, in Common-Council assembled,* and presented, not even by the Numbers allowed by Law, but by a Lord of this House, can possibly be a *Prelude* or *Example* towards introducing *Tumultuous Petitions*; much less can we see, why it ought the rather to be rejected, because it came from so great a Body as the *City of London*. On the contrary, we apprehend, that an universal Grievance, which may be occasioned by any general Act, must be represented to the Legislature, by particular Persons, or Bodies Corporate, or else it cannot be represented at all; That the Rejecting such Petitions, and not the Receiving them, is the Way to occasion *Disorders and Tumults*; and, That the more Considerable the Body is, the more Regard should be had to any Applications they make; especially for Matters, wherein not only the Rights, Privileges, and Immunities, but also their Trade, Safety, and Prosperity are, as the Petition avers, highly concerned.

Bristol,
St. John de Bletsoe,
Fran. Cestriens,
Cowper,
Bathurst,
Boyle,

Ailesford,
Strafford,
Aberdeen,
Gower,
Fran. Roffen,
Litchfield,

North and Gray
Trevor,
Guilford,
Bingley,
Uxbridge.

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Die Mercurii, 13 Decembris, 1721.

A Motion was made, and the Question being put, *That a Bill be brought in for the Repeal of so much of the Act pass'd last Year relating to the Plague, as gives a Power to remove to a Lazaret, or Pest-House, any Persons whatsoever Infected with the Plague, or healthy Persons out of an Infected Family, from their Habitations (tho' distant from any other Dwelling-house :) And also so much of the said Act as gives Power for the Drawing Lines or Trenches round any City, Town, or Place Infected.*

It was resolved in the Negative.

Dissentient.

I. BECAUSE the Powers specify'd in the Question, seem to us such, as can never wisely or usefully be put in Execution. For by the First of them, Persons of what Rank or Condition soever, either actually infected, or being in the same Habitation, tho' in Lone-houses, where they are well accommodated, and from whence there is no danger of propagating the Infection, may be forcibly remov'd into common Lazarets or Pest-houses. And it does not appear to us, that such a Power could at any Time be reasonably executed, and therefore we conceive it should be Repealed.

The other Power extends to the drawing of *Lines* around any *City, Town, or Place*, and consequently around the *Cities of London and Westminster*; the very Apprehensions of which, upon the least *Rumour* of a Plague, would disperse the *Rich*, and by that means (as well as by hindring the free Access of *Provisions*) *Starve the Poor, ruin Trade, and destroy all the Remains of Private and Publick Credit.*

II. Because such Powers as these are utterly unknown to our *Constitution*, and repugnant, we conceive, to the Lenity of our mild and free Government, a tender Regard to which was shewn by the Act *Jac. I.* which took care only to confine infected Persons within their *own Houses*, and to support them under that *Confinement*, and lodg'd the Execution of such Powers solely in the *Civil Magistrate*; whereas the Powers by us excepted against, as they are of a more extraordinary Kind, so they will probably (and some of them must necessarily) be executed by *Military Force*: And the *violent and inhumane* Methods which on these Occasions may, as we apprehend, be practis'd, will, we fear, rather draw down the Infliction of a new Judgment from Heaven, than contribute any ways to remove that, which shall then have befallen us.

III. Because

III. Because we take it, these Methods were copy'd from *France*, a Kingdom whose Pattern, in such Cases, *Great Britain* should not follow; the Government there, being conducted by *Arbitrary Power*, and supported by *Standing Armies*; and to such a Country, such Methods do, in our Opinion, seem most suitable. And yet even in that Kingdom the Powers, thus exercised of late, have been as *unsuccessful* as they were *unprecedented*: So that no Neighbouring State hath any Encouragement from thence, to follow so fatal an Example. In the last Plague with which we were visited, *Anno Dom. 1665*, though none of these Methods were made use of, much less *Authorised* by *Parliament*; yet the Infection, however great, was kept from spreading itself into the remote Parts of the Kingdom: Nor did the *City of London*, where it first appear'd, and chiefly rag'd, suffer so long or so much, in Proportion to the Number of its Inhabitants, as other Cities and Towns in *France* have suffer'd, where these *cruel Experiments* have been try'd.

IV. Because, had such Part of the Act, as we think should be *Repealed*, been accordingly *Repealed*, there would still have remained in it a *general Clause*, which gives the Crown all Powers necessary to prevent the Spreading of Infection, and consequently these very Powers among the rest, if they shall be found necessary: And therefore there is no need, we conceive, to have them expressly granted in the same Act of Parliament, which seems not only to *Warrant*, but in a particular manner to *prescribe* and *direct* the Use of them.

V. Because, the great Argument urg'd for continuing these Powers specified in the Question (that they would probably never be put in Execution in the Cases objected to) seems to us a *clear Reason*, why they should not be *continued*; for we cannot imagine why they should stand *enacted*, unless they are intended to be *executed*; or of what Use it will be to the Publick, to keep the Minds of the People perpetually *alarm'd* with those Apprehensions under which they now labour, as appears by the *Petition* from the *City of London*, lately *Rejected*. It may be an Instance of our great Confidence in His Majesty's Wisdom and Goodness, when we trust him with such Powers *unknown* to the *Constitution*; but we think it ill becomes us to repose such *Trust*, when it tends, in our Opinion, rather to render him *Terrible*, than *Amiable* to his Subjects; and when the only Advantage he can

can (as we conceive) draw from the *Trust* reposed in him, is not to make Use of it.

W. Ebor,		Aberdeen,		F. Roffen,
Boyle,		F. Cestriensis,		Guilford,
Trevor,		Uxbridge,		Gower,
St. John of Bletsoe,		North and Grey,		Ailesford,
Strafford,		Bingley,		Comper,
Weston		Bathurst,		

Die Martis 19. Decembris 1721.

TH E House (according to Order) proceeded to take into further Consideration, His Majesty's Most Gracious Speech from the Throne.

A Motion was made, *That an humble Address be presented to His Majesty, to desire that he will be graciously pleased to give Orders, That the Instructions given to Sir George Bing, now Lord Viscount Torrington, in relation to the Action against the Spanish Fleet in the Mediterranean, may be laid before this House.*

And a Question being stated thereupon after Debate, the said Question be put,

It was Resolved in the Negative.

Content 24.

Not Content 67.

Dissentient.

I. **B**ECAUSE not finding any Instance on search of our Journals, We believe there is none, wherein a Motion for Admirals Instructions to be laid before the House, has been denied but on the Contrary, there are many Precedents of Instructions of a like Nature, and in stronger Cases, as We conceive, Addressed for by the House, and several in point for Instructions given to Admirals, particularly to Sir George Rook, and Sir Cloudsley Shovell, nor does it seem to Us at all material, Whether the Conduct of such Admirals, had or had not been blamed before such Instructions were asked for, since the Sight of Instructions may be previously and absolutely necessary to inform the House, whether their Conduct be blameable or not.

II. Because We think it highly reasonable, that these Instructions should be laid before this House, upon which the Action of the *British* against the *Spanish* Fleet in the Mediterranean was founded, without any previous Declaration of War, and even whilst a *British* Minister, a Secretary of State was amicably treating at *Madrid*, which Court might justly conclude

clude itself secure from any Hostile Attack during the continuance of such Negotiations.

III. Because till We have a Sight of those Instructions, and are able to Judge of the Reasons on which they are founded, the War with *Spain*, in which that Action of our Fleet involved Us, does not appear to Us so justifiable as We could wish; And yet it was plainly prejudicial to the Nation in sundry Respects, for it occasioned an entire Interruption of Our most valuable Commerce with *Spain*, at a Time when *Great Britain* needed all the Advantages of Peace to extricate itself, from that heavy National Debt it lay under, and as it deprived Us of the Friendship of *Spain*, (not easily to be Retrieved) so it gave Our Rivals in Trade, an Opportunity to insinuate themselves into their Affections; And We conceive, that to that War alone is owing the strict Union there is at present betwixt the Crowns of *France* and *Spain*, which it was the Interest of *Great Britain* to have always divided; an Union which in its Consequences may prove fatal to these Kingdoms.

Nor does it appear, that *Great Britain* has had any Fruits from this War, beyond its being restored to the same Trade, We had with *Spain* before we began it.

W. Ebor.

Fr. Cestrænsis,

Strafford,

Gualford,

Aylesford,

Trevor,

Gower,

Aberdeen,

Bristol,

St. John Bletso,

Bathurst,

Comper,

Foley,

North and Grey,

Boyle,

Weston,

Scarsdale,

Uxbridge,

Compton,

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