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A HISTORY
OF
ENGLAND
FROM THE FIRST
INVASION BY THE ROMANS.

BY
JOHN LINGARD, D.D.

VOLUME XIII.
THIRD EDITION.

LONDON: PRINTED FOR BALDWIN AND CRADOCK;
AND
JOSEPH BOOKER, NEW BOND-STREET.

MDCCCXXI.

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OF

THE THIRTEENTH VOLUME.

CHAP. V.

CHARLES II.

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HISTORY
OF
ENGLAND.

CHAP. V.

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DEBATES ON THE LEGALITY OF THE PARLIAMENT—PENSION
FROM FRANCE—INTRIGUES AND CONQUESTS OF LOUIS—OPPO-
SITION TO THE KING IN PARLIAMENT—PEACE BETWEEN
FRANCE AND THE STATES—GENERAL PEACE—PLOT FORGED
BY TITUS OATES—THE TEST ACT—ACCUSATION OF THE
QUEEN—TRIALS AND EXECUTIONS—PERFIDY OF MONTAGUE—
IMPEACHMENT OF DANBY—PROROGATION.

ON the conclusion of peace with the States in 1674, Charles had offered his mediation to the different powers at war. He proposed that the treaty of Aix-la-Chapelle should be taken for the basis of a general pacification: but the confederates would submit to nothing short of the treaty of the Pyrenees, that France might be again confined within its ancient boundaries; and Louis, proud of his superiority, refused to accept of any

CHAP.
V.
1674.

Congress
at Nime-
guen.

CHAP. other alternative than to retain his conquests, or
 V. to exchange them for an equivalent. With pre-
 1674. tensions so contradictory both parties awaited
 the issue of the campaign, in the hope that some
 fortunate occurrence might give additional weight
 to their demands. A whole year (so numerous
 were the difficulties raised, so opposite the inter-
 ests to be consulted,) passed away in the arrange-
 ment of the preliminaries; the place of meeting,
 the powers to be admitted, the titles and rank
 which they were to assume, became subjects of
 endless discussion; and when at last the congress
 was opened at Nimeguen, the place proposed by
 the king of England, it soon appeared that none
 of the parties (with the exception perhaps of the
 States-General) sought to bring it to a conclusion.
 It was the object of Louis to break the confede-
 racy, to negotiate successively with his different
 opponents, and to obtain by separate treaties,
 what he foresaw would be refused, as long as the
 confederates remained united. The emperor and
 the queen regent of Spain, persuaded that England
 and Holland would never allow the Netherlands
 to pass into the possession of France, placed their
 hopes on the prosecution of the war. They were
 encouraged by the counsels and influence of the
 prince of Orange; and all three, instead of attend-
 ing to the congress at Nimeguen, bent their efforts
 to draw the king of England, as an ally, into the
 war. They represented to him that he held the
 destinies of Europe in his hands, and that, instead

1675.
 July.

of the office of mediator, he might take upon himself to dictate the conditions of peace. He had only to join his forces with those of the confederates : Louis would instantly recede from his lofty pretensions ; Flanders would be saved ; and a balance of power would be established. Did he allege a want of money ? They would grant him a more ample subsidy than he had received from France as an ally. Did he wish to recover Dunkirk ? They would undertake to reduce, and to place it in his hands. But it was in vain that they appealed to his poverty or to his ambition. Experience had taught him a lesson, which he could not readily forget. He knew that to engage in war, was to become a suppliant to the bounty, and a dependent on the pleasure, of parliament¹.

Ruvigni, the French minister in London, was not blind to this intrigue. When Charles first withdrew from the alliance with Louis, Ruvigni, in the bitterness of his disappointment, charged the king with desertion and ingratitude : but he soon received instructions to abstain from irritating language, to keep the English monarch to his purpose of mediation ; and even to offer him, should such an inducement appear necessary, as the price of his neutrality, the same amount of subsidy which he had previously received for his

CHAP.
V.
1675.

Secret
treaty
with
France.

¹ Temple, ii. 267, 284, 305, 319, 325, 333, 339, 363. Dalrymple, ii. 118.

CHAP. alliance during the war². For eighteen months
 V.
 1676. Charles resisted the temptation: and it was not

— till the house of commons had returned an unqualified refusal to his request of money, that, despairing of aid from his own subjects, he consented to throw himself into the arms of a foreign prince. In a private conversation between him and Ruvigni it was agreed, that the king of France should pay a yearly pension of 100,000*l.* to the king of England; that the two sovereigns should bind themselves to enter into no engagements with other powers unless by mutual consent; and that each should lend effectual aid to the other in the event of rebellion within their respective kingdoms.

Feb. 7. The only persons to whom Charles communicated this treaty, were his brother, and the duke of Lauderdale, and the earl of Danby. James made no remark—he had been previously acquainted with the royal purpose—and Lauderdale, according to custom, applauded the wisdom of his sovereign: but Danby, who had deeply engaged himself to the prince of Orange, demurred: he asked time for consideration: his consent, he observed, might endanger his life; he wished the king would consult the privy council. But Charles cut the Gordian knot with the same facility as he had previously done on a similar occasion. He dispensed with the services and the signatures of his counsellors: he put the treaty in writing with his own hand, and

² Danby, letters, 2, 5.

signed, sealed, and delivered it to Ruvigni, who on his part, engaged to return to him within twenty days a copy of the same treaty signed and sealed by the king of France ³. By this secret proceeding both princes obtained their objects; Charles the money which had been refused by parliament, Louis security that Charles, for some time at least, would not make common cause with his enemies. But the English king, if he possessed the spirit of a man, must have keenly felt the degradation. He was become the yearly pensioner of another monarch; he was no longer the arbiter of his own conduct; he had bound himself to consult, with respect to foreign powers, the master whose money he received. Perhaps he might console himself with the notion, that it was less disgraceful to depend on a powerful monarch, from whose alliance he could disengage himself at pleasure, than on the party among his own subjects, which constantly opposed him in parliament: perhaps he felt a malicious pleasure in defeating the machinations of his adversaries, whom he knew to be, in pecuniary transactions, no more immaculate than himself. For it is a fact, that several among those, who claimed the praise of patriotism by their opposition to the court, were accustomed to sell their services for money. It seemed as if the votes of the members of parliament were exposed

³ Dalrymple, ii. 99, 102.

CHAP. for sale to all the powers of Europe. Some
 V.
 1676. received bribes from the lord treasurer on account
 ——— of the king ; some from the Dutch, Spanish, and
 Imperial ambassadors in favour of the confederates ; some even from Louis at the very time when they loudly declaimed against Louis as the great enemy of their religion and liberties. For that prince, notwithstanding the recent treaty, did not implicitly rely on the faith of Charles : he sought in addition to secure the good will of those who, by their influence in parliament, might have it in their power to withdraw him from his promise of neutrality. Ruvigni was instructed to seek adherents among them, to offer them presents on condition that they should refuse supplies to the king, and to co-operate with them in their attempts to ruin Danby, whom *they* considered as their political enemy, and Louis knew to be the staunch friend of the prince of Orange. His efforts were successful, and, though we have not the means of tracing the progress of the intrigue, we know that he was made acquainted with the counsels and projects of the party. But Ruvigni was recalled : Courtin succeeded him, and the accounts of Courtin will reveal the names of the patriots who sold themselves to France, and of the price at which their services were valued⁴.

A season
 of tran-
 quillity.

During the long prorogation, and with the aid of his foreign pension, the necessitous monarch

⁴ Brisbane in Danby's Letters, 309, 312, 314, 324. Dalrymple, ii. 110, 111, 129.

enjoyed a seasonable relief from the cares and agitation in which he had lived for several years. Age and satiety had blunted his appetite for pleasure, and the enjoyment of ease was become the chief object of his wishes. He retired to Windsor, where he spent his time in the superintendance of improvements, the amusement of fishing, and the company and conversation of his friends. His neutrality in the great contest, which divided the powers of the continent, whatever might be its real motive, found a sufficient justification in the numerous benefits which it conferred on the country. While almost every other nation in Europe complained of the privations and charges of war, England enjoyed the blessings of peace. She was free from the pressure of additional taxation; and knew nothing of those evils which necessarily accompany the operations of armies. Her mariners monopolized the carrying trade of Europe; new channels of commerce were daily opened by the enterprise of her merchants; and their increasing prosperity gave a fresh stimulus to the industry of her inhabitants⁵. It was, however, the care of the popular leaders to keep alive, as far as they were able, the spirit of discontent. Political clubs were established; pam-

⁵ "The king," says Brisbane in a letter to the earl of Danby, "hath succeeded in the improvement of trade and navigation beyond the hopes of those who talked of it seventeen years ago . . . and now the trade of England is at such a height, that it is as hard to think it can continue so, as it was hard to believe once it would ever rise to it." 25 June, 1677. Danby's Letters, 315.

CHAP. phlets, renewing the old charges against the
 V. government, were published; the ears of men
 1676. — were perpetually assailed with complaints of the
 growth of popery, and of the progress of arbitrary
 power; their eyes were directed to the theatre of
 the war on the continent, as the great arena on
 which the fate of their liberty and religion was to
 be decided; and the preservation of these was
 described as depending on the humiliation of
 France, though France was aided in the contest
 by the protestant state of Sweden, and opposed
 by the two great catholic powers, Austria and
 Spain.

Proclama-
 tion
 against
 coffee-
 houses.

The members of the council were not slow to
 oppose these arts of their adversaries. They had
 recourse to the press in vindication of their con-
 duct; they warned the people in the king's name
 against the authors and retailers of false and dis-
 loyal reports; and they resolved to put down
 the coffee-houses, as seminaries of sedition, and
 the constant resort of agents employed to spread
 among the company libels against the sovereign
 and the government. Though the owners of
 these establishments had taken out licences in
 conformity with the law, it was discovered that
 the statute made no mention of the time during
 which the licence should remain in force; and
 from this omission a conclusion was drawn, that
 it must be considered revocable at pleasure. The
 judges, who did not agree, would give no opinion:
 but the question was argued before the council,

and the attorney-general received instructions to prepare a proclamation, ordering all coffee-houses to be shut up; "because in such houses, and by the meeting of disaffected persons in them, divers false, malicious, and scandalous reports were devised and spread abroad, to the defamation of his majesty's government, and the disturbance of the quiet and peace of the realm." The remedy, however, was productive of more mischief than the evil which it sought to abate. It gave a real foundation to charges which before rested merely on conjecture. It was with reason described as an unjust and cruel proceeding towards the occupiers of the houses; as a violation of the right of Englishmen to meet and discuss political subjects; and as an unanswerable proof of the arbitrary projects secretly cherished by the court. Its authors, repenting of their precipitancy, had the prudence to retrace their steps; and on the presentation of a petition to that effect, a general licence was granted to re-open the coffee-houses, but with this condition, that the keepers of such establishments should prevent in them the reading and publication of libels against the king and his government⁶.

CHAP.
V.
1676.

Another subject of complaint was furnished by the alleged depredations of the French cruizers on the English commerce. In the course of seven months fifty-three sail had been captured and carried into the French ports under the pretence

French
depreda-
tions.
May 31.

⁶ Kemet, 307. North, 138. Ralph, 297.

CHAP. that the ships or their cargo were Dutch property,
 V. which it had been fraudulently attempted to
 1676. — cover with the English flag. Charles, though he looked on this as an unavoidable evil during a maritime war, ordered the most energetic remonstrances to be made at the French court; and Louis, whose interest it was to avoid a quarrel with England, gave orders that justice should be done between the captors and the claimants. Some ships were restored, many were condemned. The sufferers complained; their complaints were echoed by the writers of the popular party; and it was insinuated that the members of government derived advantage from the losses of the merchants. These charges directed the attention of the council to the conduct of sir Ellis Leighton, the secretary to the embassy in Paris, to whose care the interests of the petitioners had been intrusted. He was once the confidant of Buckingham, and is described as “the most corrupt man of the age.” A warrant was signed for his committal to the Tower; but he escaped from the officers, and the charges against him were never submitted to judicial investigation⁷.

Dispute respecting the legality of the parliament.

Preparatory to the opening of the next session, Shaftesbury and his friends arranged a new plan of opposition. It was discovered that what they

⁷ State Tracts, i. Marvell, 325. Kennet, 309. North, 487. Gazette, 1124, 1141, 1150. Correspondence of Clarendon and Rochester, i. 2. I shall for brevity refer to this collection by the title of Clarendon Correspondence.

had so fruitlessly laboured to effect by their own efforts, had been unwittingly accomplished for them by the ignorance or imprudence of the court. CHAP. V. 1676.

The king, it was maintained, by the long prorogation, had in fact dissolved the parliament. If that assembly did not sit, its existence could be continued only by adjournment or prorogation: now the late parliament had not been adjourned, but prorogued, and that for fifteen months: but such a prorogation was contrary to law, because it was incompatible with two statutes of Edward III., which ordained that a parliament should be held "once a year, or oftener, if need be:" whence they inferred, that, as a prorogation contrary to law was of no effect, the parliament had in fact ceased to exist; it had been suffered to die a natural death. This novel and extraordinary opinion they laboured, by all the artifices in their power, to impress on the minds of the people: it was made the subject of discourse in every company: it was discussed in public and private in clubs and in drawing-rooms; and men looked forward with intense interest to the debate which it was expected to provoke, at the opening of the approaching session.

On the appointed day, the 5th of February, multitudes of people were observed at an early hour, hastening to the parliament house; and in a short time Westminster Hall, the painted chamber, the court of requests, the lobbies and avenues, were crowded with strangers. These

Opening
of the ses-
sion 1677.
Feb. 5.

CHAP. men, if we may believe one party, had been led
 V. there by curiosity to witness the result; but, ac-
 1677. cording to the other, had been brought there
 ——— from Southwark and Wapping, to intimidate the
 adherents of the court ⁸. Charles addressed the
 two houses in a speech which elicited the applause
 even of his adversaries. If, he said, any addi-
 tional securities were wanted for the church, for
 liberty or property, he came prepared on his part
 to assent to every reasonable request: and there-
 fore he called on *them* also to do their duty by
 avoiding the causes of dissension between the
 houses, by making provision for the increase of
 the navy, by continuing the additional excise, and
 by granting a moderate supply towards the extinc-
 tion of the public debt. Thus they would pro-
 mote the peace, the safety, and the prosperity of
 the kingdom; and, if any of these ends were dis-
 appointed, he called on God and man to witness
 that he at least was free from the blame ⁹.

Debate in
 the com-
 mons.

In both houses the first question introduced
 was the effect of the long prorogation. In the
 commons the popular leaders proceeded with cau-
 tion. Aware how unpalatable their new doctrine
 must be to the majority of the members, they
 contented themselves with suggesting an address
 for a dissolution, as the most eligible means of

⁸ North, 66. L. Journ. xiii. 44. James adds that many of
 them were old officers from the army of the commonwealth.
 Macpher. i. 81.

⁹ L. Journ. xiii. 36.

setting at rest the doubts which had arisen respecting the legality of their existence as an estate of parliament: but the house, after a long conversation, read a bill the first time according to custom, and postponed the consideration of the question to the following day¹⁰. In the lords the opponents of the court assumed a bolder tone. They promised themselves the support of the duke of York, of the catholic peers, and of all who, at the conclusion of the last session, had voted in favour of a dissolution. Buckingham rose, and in a speech of considerable ingenuity and eloquence contended that the parliament had ceased to exist. As soon as he sate down, lord Frescheville moved that he should be called to the bar for the insult which he had offered to the house. The earl of Salisbury answered Frescheville with warmth and asperity, and was answered in his turn by lord Arundel of Trerice. Shaftesbury and Wharton supported the motion of Buckingham, and Finch who had lately been raised to the higher dignity of chancellor, opposed it in a long and laboured harangue. His assertion that the qualification, "if need be," referred to both parts of the act of Edward III. savoured of special pleading: but he had certainly the advantage over his opponents, when he contended, that by the triennial act of the 16th of Charles I., the vacations of parliament had been extended to three years;

CHAP.
V.
1677.

In the
house of
lords.

¹⁰ Parl. Hist. iv. 825—831. Marvell, i. 278.

CHAP. and that, if that act had been repealed, another
 V. of similar import had been substituted for it, and
 1677. — was at that very moment the law of the land. The debate continued five hours: but, as soon as the proceedings in the house of commons were known, the ministerial lords called for the question; the motion of Buckingham was negatived; and he, with Salisbury, Shaftesbury, and Whar-
 ton, were ordered to retract their opinion, to acknowledge that their conduct was “ill-advised,” and to beg pardon of the king and the house. On their refusal all four were committed to the Tower, to remain there till they should be discharged by the order of those whom they had offended. This decision had a considerable influence on the debate of the following day in the house of commons, where the popular party found themselves in a minority of 142 to 193¹¹.

The four lords committed.

Views of parties.

The arbitrary imprisonment of the four peers spread dismay through the ranks of the opposition, while it freed the lord treasurer from the most formidable of his opponents in the upper house. He knew that it was their object to remove him from office, and to force on the king a new administration formed out of their own party: and he therefore made it his policy to defeat their intrigues, by seeking to retain the

¹¹ Parl. Hist. iv. 814—821. Hatsell, ii. App. 5. Life of James, i. 504—507. North, 65. Macpherson, 84. Burnet, ii. 105—109. Marvell, i. 280, 530—532. Buckingham slipped out of the house, but surrendered himself the next day.

favour of the sovereign, and to acquire that of the people. For the first he had only to relieve the royal indigence by competent supplies of money: with a view to the second he had all along displayed an ardent zeal for the suppression of popery, and now obtained permission to bring forward a plan for the security of the established church. His adversaries on the contrary resolved to embarrass all his measures by the obstinacy of their opposition, to cast doubts and ridicule on his zeal against popery, and to urge the popular cry for a war with France, at the same time refusing the necessary supplies, as long as they would have to pass through the hands of a minister, who possessed not the confidence of parliament. These remarks will enable the reader to understand the manœuvres of the two parties during this session¹².

CHAP.
V.
1677.

1. The securities for the church, which had been devised in a meeting with the bishops at Lambeth, were embodied in two bills, of which the first applied to the succession of a catholic prince, and proposed to enact that on the demise of a king regnant the bishops should tender a

Bills for
security
of the
church.

¹² Charles in a conversation with Temple acknowledged that among his opponents there were many that meant honestly, but said that "the heats and distempers of late had been raised by some factious leaders, who thought more of themselves than of any thing else, and had a mind to engage him in a war, and then leave him in it, unless they might have their terms in removing and filling of places." Temple, ii. 411.

CHAP. V.
1677. declaration against transubstantiation to the new sovereign, and at the end of fourteen days should certify into chancery, whether he had subscribed it or not. If he had not, 1. They were empowered, on every vacancy of a bishopric, to name three persons, of whom, unless the king should select one within thirty days, the first on the list should take possession of course: 2. The two archbishops were authorized to present to all benefices in the gift of the crown lying within their respective provinces: 3. The children of the king from the age of seven to fourteen were to be placed under the guardianship of the two primates, and of the bishops of London, Durham, and Winchester, and after that age to be attended only by persons approved by the major part of the same prelates. The other bill, under the title of an act for the more effectual conviction and prosecution of popish recusants, provided that all catholics who should enrol themselves as recusants should pay a yearly fine of the twentieth part of their incomes, to form a fund for the support of poor converts to the protestant faith; and should, on that condition, be exempt from all other penalties except the incapacity of executing any office civil or military, of being guardians or executors, or of entering the court without licence; that laymen, the perverters of protestants, should have the option of abjuring the realm; that clergymen, convicted of having received orders in the church of Rome, might at

his majesty's pleasure be imprisoned for life, instead of suffering the punishment of treason; and that the children of catholic parents deceased should be educated in the reformed faith¹³.

When these bills were transmitted to the lower house, they met with an indignant reception. The first, by admitting the possibility of a catholic successor, tended to subvert the projects of those, who sought the exclusion of the duke of York. They suddenly became supporters of the rights of the crown. The bill, they maintained, despoiled the sovereign of his ecclesiastical supremacy, and vested it in the bishops; their objections were echoed by the friends of the duke; and the house, having honoured the bill with two readings, allowed it to sleep unnoticed during the remainder of the session. The second was treated with less ceremony. Fortunately for the catholics, it had alarmed the prejudices of the zealots, who could not be persuaded that by mitigating the severity, they might ensure the execution of the penal laws. They insisted that the catholic clergyman should continue to be subject to the penalty of death, and the catholic layman to the forfeiture of two-thirds of his property: these were barriers to restrain the diffusion of popery erected by the wisdom of

CHAP.
V.
1677.

Rejected
by the
commons.

March 27.

April 4.

¹³ L. Journ. xiii. 48, *et seq.* Macpherson, 83. Marvell, i. 313, 554—569. Against the first of these bills James and twelve other peers entered their protests, and lord Stafford his against the second. Journ. 75, 92.

CHAP. their ancestors, and to remove them would be to
 V. concur in the toleration of a false and idolatrous
 1677. ——— worship. “Is there a man in this house,”
 exclaimed a voice, “that dares to open his mouth
 in support of such a measure?” A pause ensued ;
 the advocates of the bill were silent : it was
 accordingly rejected ; and as an additional stigma,
 the cause of rejection, contrary to all parliamen-
 tary precedent, was entered on the journals, that
 the title of the bill meant one thing, and the
 body another. At the same time they passed
 and sent to the house of lords a bill devised by
 themselves, “to prevent the growth of popery,”
 enacting that the refusal to subscribe the test
 against transubstantiation should be taken for a
 conviction of recusancy. But the lords resented
 the manner in which they had been treated ; and
 April 13. though the commons sent two messages to call
 May 26. their attention to the bill, declined to give it so
 much as a single reading¹⁴.

Grants of 2. When the king received in January a por-
 money. tion of his annual pension from France, the
 whole sum was immediately devoted to the pur-
 chase of votes in the house of commons. The
 consequence was that, on questions of finance,
 the minister commanded a majority of about
 thirty voices. The additional excise, which

¹⁴ C. Journ. March 27, April 4. L. Journ. xiii. 114, 126. Parl.
 Hist. iv. 853, 861. Marvell, i. 285, 314. Both houses, however,
 concurred in one point respecting religion, which was the abolition
 of the writ *de hæretico comburendo*. L. Journ. 120.

Charles had mentioned in his speech, was voted to continue for three years, and the sum of 600,000*l.* was granted towards the support of the navy. The French ministers received the intelligence with some uneasiness; for they were aware of Danby's engagements to the prince of Orange, and feared that, with so large a sum of money at his disposal, he might induce the king to join the allies. But they were undeceived by Ruvigni; and the event justified his predictions. Before the bill passed the house, the whole was appropriated to particular purposes, the receivers were instructed to pay the money to certain officers, and these were ordered to render an account of its disposal to parliament. No portion of it was suffered to pass through the hands of the treasurer¹⁵.

3. In February the king of France at the head of a numerous army burst into the Spanish Netherlands, confounded his enemies by the rapidity

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V.
1677.

Addresses
for war.
Feb. 22.

¹⁵ Dalrymple, ii. 110. C. Journ. Feb. 21; March 2, 9, 11. Marvell, i. 282, 286, 291, 296, 310, 315. Danby's Letters, 309. The commons had made the officers accountable to their house for the money; the lords added an amendment that they should be accountable also to the house of lords. This the commons refused to admit, and the lords after several conferences yielded, but at the same time presented an address to the king stating, that they had done so, not meaning to give up their right, but waiving it for the moment, that the public service might not be injured by the loss of the bill. L. Journ. xiii. 118, 119. Marvell, i. 318, 322. According to Burnet (ii. 109,) the clause was introduced by the country party for the express purpose of provoking a dispute between the houses.

- CHAP. V. and complexity of his movements, sate down suddenly before Valenciennes, and in a few days carried that fortress by assault. Every eye was now turned towards Flanders. The novelty of a winter campaign, the success of its commencement, and its probable consequences, created a general alarm: Solinas and Fonseca, the Spanish agents, spared neither pains nor expense to arouse the passions of the people, and to acquire friends in the parliament¹⁶; and an address was voted by the commons, praying the king to take such measures as might be necessary to preserve the Spanish Netherlands from the rapacious grasp of the French monarch. Under the influence of Danby the lords proposed the addition to the address of a promise of support from the parliament: but the lower house rejected the promise as superfluous, and Charles marked his sense of the rejection by this laconic reply, that he held on that subject the same opinion as the two houses. The French army continued its victorious career. Cambray surrendered; the prince of Orange was defeated at Cassel, and the city of St. Omer opened its gates to the conquerors. The cry for war now resounded from all parts of the king-

¹⁶ The king was alarmed at the activity of these men. They informed some members of the house of commons that he had said, "only a set of rogues could have voted such an address as that of the 16th of March." This caused much anger in the house, and Charles seized the opportunity to arrest them, and send them out of the kingdom. Temple, ii. 401. Marvell, i. 304. Macph. i. 83.

dom; a second address was voted; and to this, after a long debate and a division, in which the minister obtained a majority of nine voices, was appended the promise of support, which had been formerly negatived. The king answered that he expected something more specific, a grant of at least 600,000*l.* to enable him to take part in the war with any prospect of success: but the demand was eluded under the pretence that many of the members had left town on account of the Easter holidays, and Charles having passed the money bills, adjourned the parliament for the space of five weeks¹⁷.

During the recess the imperial ambassador received the sum of ten thousand, the Spanish ambassador that of twelve thousand pounds, to purchase votes in the lower house; and at the same time Courtin, the French envoy, negotiated with the enemies of the lord treasurer to oppose any grant of money to the king. The effect of all these intrigues appeared at the next meeting. Charles, adverting to the assertion of his opponents, that he sought to obtain a supply for purposes of his own, solemnly pledged his word that "they should never repent any trust which they might repose in him for the safety of his kingdom¹⁸." This speech provoked a second address,

Adjourn-
ment.

May 23.

May 25.

¹⁷ C. Journ. Mar. 6, 15, 17, 29, Ap. 13, 16. Marvell. i. 297, 299, 304, 316, 321, 571—596.

¹⁸ This pledge has been pronounced "one of the most dishonourable and scandalous acts, that ever proceeded from a throne,"

CHAP. of which the first part accorded with the policy
 V. of the French court, by the positive refusal of a
 1677. supply before the declaration of war: and the
 second gratified the wishes of the allies, by pray-
 ing the king to enter into treaties with the United
 States and other powers for the preservation of the
 Netherlands. Charles felt, or affected to feel, this
 May 28. address as an insult. On the first part he made
 no comment: in relation to the second he charged
 the house with an invasion of his prerogative: they had presumed to dictate to him when, how, and with whom he was to make war: if he were to submit to such an encroachment, he should soon become a mere cipher in the government; and on that account he commanded both houses to adjourn to the month of July. When the commons returned to their own house, several members rose to contend, that for a compulsory adjournment a special commission under the great seal was necessary: but the speaker exclaimed: “by the king’s command this house is adjourned till July 16th.” He immediately quitted the chair, and the members separated¹⁹.

In this parliamentary contest Charles had certainly the advantage over his adversaries. He had professed himself ready to concur with the

because he was then negotiating for money with the French ambassador. Now Charles made this speech on May 23, but there is no proof of the existence of such negotiation till after he had been provoked to adjourn the parliament.

¹⁹ Dalrymple, ii. 111. Macph. i. 83. Com. Journ. May 25, 28. Marvell, i. 336, 599—638.

general wish of the nation: *they* by their obstinacy had prevented that concurrence, and thus provoked many to suspect the purity of their patriotism²⁰. If we consider the avowed enmity of Danby to the interests of France, we shall see little reason to doubt that the king, if he had received a supply, would have taken this year the same decisive measures which he took the next. It is indeed true that he made to Courtin assurances of his attachment to France, and communications of interesting intelligence: but this might be merely an artifice to procure the quarterly remittance of his pension; and so it was interpreted by the French ministers, who, instead of relying on the royal professions, instructed their envoy in England to keep the king dependent on France for money, by obstructing through the leaders in parliament every proposed grant or supply from his own subjects²¹.

The adjournment, however, though it relieved, did not remove their apprehensions. Courtin

CHAP.
V.
1677.

Pension
from
France.

²⁰ "To speak my thoughts concerning that address, I think it hard to believe that the fear of the greatness of France could be the leading motive to it." Brisbane in Danby's Letters, 315. At that time the pointing out the particular alliances to be made was thought by many an encroachment on the prerogative: at the present no man denies that the commons may offer their advice on any such subject.

²¹ One of Courtin's accounts, dated May 5 of this year, is preserved, stating the distribution of something more than 3,000*l*. Dalrymple, ii. 314. It is remarkable that of this sum 300 guineas were given to Coleman, who laboured to bring about a dissolution, and 500 guineas to Dr. Carey, a dependent on Shaftesbury,

CHAP. urged a dissolution or a prorogation till April
 V. 1678. Charles demanded an augmentation of his
 1677. yearly pension to the amount of 200,000*l.* A long
 negotiation followed. The envoy, though he had
 been instructed to consent, if he found it neces-
 sary, perpetually pleaded the poverty of the
 French treasury; and the king, though Montague,
 June 11. his ambassador in Paris, assured him of success,
 July 26. at length condescended to accept the smaller sum
 of two millions of livres, between one hundred
 and fifty and one hundred and sixty thousand
 pounds. Montague remonstrated: Charles re-
 Sept. 21. pented of his facility, revoked his word, declared
 to Barillon, the successor of Courtin, that he had
 not been aware of the difference in the value of
 the two sums, and, when that minister objected,
 conducted him to the door, saying, “ I am ashamed
 of the blunder; you must go and settle the mat-
 Oct. ter with the lord treasurer.” In conclusion he
 obtained his demand, with this addition, that the
 augmented pension should be reckoned from the
 commencement of the current year²².

Lords dis- In July the parliament had been adjourned till
 charged December, and a promise was given to Courtin
 from the that, on the payment of the French pension it
 Tower.

who was under prosecution by the house of lords. A pamphlet, voted to be seditious, and supposed to have been written by Shaftesbury, was traced to Dr. Carey. He refused to give up the author, and was adjudged to pay a fine of 1,000*l.*, and to be imprisoned till it was paid. Marvell, i. 286, 288, 546.

²² Courtin had received his authority for 200,000*l.* on the 11th of June: and it is probable that Montague discovered it; for on

should be again adjourned till April. The four lords in the Tower had consoled themselves with the knowledge that they must be discharged at the close of the session. To their disappointment the session by these adjournments was continued. The prospect of a long and indefinite confinement humbled the spirit of Buckingham, Salisbury, and Wharton, who, having in a petition to the king, revoked their opinion, and stated their repentance, obtained their liberty; but the obstinacy of Shaftesbury disdained to submit: he appealed for protection to the law, was brought by writ of *habeas corpus* before the court of King's Bench, and with the aid of four barristers pleaded his own cause. The judges replied that they could not admit him to bail, because he had been sent to the Tower, not for safe custody, but in execution of judgment: neither could they grant him a discharge, because, that judgment having been pronounced by the house of lords, the case came not within the jurisdiction of the court, pending the session. Seven months later, when the parliament met, the other three lords, having previously asked pardon, resumed their seats: but Shaftesbury had sinned more deeply; to the ori-

CHAP.
V.
1677.

June 27.

June 29.

1678.

Feb. 4.

Feb. 7.

that very day he wrote to the king that, if he had authority to ask, he would engage to procure, an augmentation of the pension to that amount. This letter is important, as it shows how early, and how anxiously this ardent patriot laboured to indulge the king in his pecuniary dealings with the French monarch. Compare Dauby's Letters, 1—37, with the despatches in Dalrymple, ii. 111—116.

CHAP. V. 1677. ginal offence he had added that of appealing from the judgment of his peers to an inferior tribunal, the court of King's Bench, and on that account he was compelled not only to make the same submission with his companions, but also to crave on his knees forgiveness for this breach of the privileges of the house. No man can doubt that the punishment thus inflicted on the four lords originated in a wish to humble the leaders of an opposite and formidable party. Danby had then a majority at his nod, and could expound the law of parliament as he pleased: but in the course of two years Shaftesbury rose to the high pre-eminence before possessed by his adversary; and one of his first cares was to procure a vote pronouncing all these proceedings irregular, and ordering every trace of them to be expunged from the journals of the house²³.

1680.
Nov. 13.

Arrival of
the prince
of Orange.

The reader is aware that in the year 1674 the prince of Orange had very unceremoniously refused the hand of the princess Mary. Succeeding events had taught him to lament his imprudence. All the flattering predictions of his advisers were falsified; and he discovered that he had given offence to the only prince, who could enable him

²³ Marvell, i. 348, 355, 359. St. Trials, vi. 1269. North, 71, 73. Harl. MSS. 2202. Correspondence of Clarendon and Rochester, i. 6, 7. Bulstrode, 272. He acknowledged that "the bringing of the *habeas corpus* was a high violation of their lordships' privileges, and a great aggravation of his former offence." See Hatsell, ii. App. 395—415.

either to conclude an honourable peace, or to continue the war with any prospect of success. Convinced that it was his interest to seek a reconciliation, he began in the first place by cultivating the friendship of the favourite minister, the lord treasurer; in the next he condescended to solicit that union, which he had previously rejected; and, alarmed at the coldness with which the proposal was received, requested permission to come to England, that he might apologize for his past conduct, and explain his views for the future. Charles, partly through a feeling of resentment, partly through jealousy of his connexion with the popular leaders, affected to hesitate; and, when he gave his consent, made it an express condition that William should leave England before the meeting of parliament. At the close of the campaign he joined his two uncles at Newmarket: the lord treasurer, and Temple who was returned from his embassy, were devoted to his interest; and their united efforts extorted from the easy monarch his consent to the immediate solemnization of the marriage, though he had previously arranged with James that it should only follow the acquiescence of the prince in their views with respect to the peace of the continent. The duke was surprised and mortified: but, deeming it his duty to submit to the will of the sovereign, he accompanied his brother to the council chamber. Charles announced to the lords that he had concluded a marriage between his nephew the prince

CHAP.

V.
1677.

May 31.

June 11.

Oct. 9.

His marriage with the princess Mary

Oct. 24.

CHAP. of Orange, and his niece the princess Mary, for
 V.
 1677. the purpose of uniting the different branches of
 ——— his family, and of proving to his people the interest
 which he took in the security of their religion.
 “ And I,” added the duke, “ as father of the bride,
 have given my consent,—a consent which will
 prove the falsehood of the charges so often made
 against me, that I meditate changes in the church
 and state. The only change which I seek, is to
 secure men from molestation in civil concerns on
 account of their opinion on religious matters²⁴.”

Confer-
 ences re-
 specting
 peace.

Nov. 4.

This marriage gave universal satisfaction ; and
 during the festivities with which it was celebrated
 at court, close and frequent consultations were
 held respecting the conditions which ought to
 form the basis of a general peace. But on these
 occasions the uncle and the nephew met with
 secret feelings of jealousy and resentment, the
 prince attributing the preponderance of France to
 the apathy of the king, the king to the obstinacy
 of the prince : the one insisting with vehemence
 that Franche-compté should be restored to Spain ;
 and the other as warmly contending that such a
 demand would oppose an insuperable obstacle to
 the attainment of peace. At length William re-
 lented : the interests of his ally were sacrificed to
 the acquisition of a sufficient barrier between
 France and the United Provinces ; and both
 parties agreed to propose the following project

²⁴ Danby, Letters, 130—150, 285. Temple, ii. 419, 421.
 James, i. 508—510. Dalrymple, ii. 126.

of a treaty to the powers at war ; that Holland and France should mutually restore the conquests which they had made ; that the empire of France should remain *in statu quo* ; that the duchy of Lorrain should be restored to the duke, the rightful sovereign ; and that Louis should keep possession of the places and countries which he had won from Spain, with the exception of Ath, Charleroi, Oudenarde, Courtrai, Tournai, Condé, and Valenciennes, which towns should be restored, to form a chain of fortresses separating the new acquisitions of France from the ancient boundary of the republic. Charles acknowledged that the ambition of Louis ought to be satisfied with these terms : he even undertook to propose them to the acceptance of that monarch, and to require an immediate and positive answer : but no arts of the prince could draw from his uncle an engagement to join his forces with those of the confederates in the event of a refusal ²⁵.

The king felt the awkwardness of the new character which he had assumed. Hitherto he pretended to no other office than that of mediator,

Charles
proposes
terms to
Louis.

²⁵ James, i. 510. Danby, 152—156. Temple, ii. 422. Temple, indeed, affirms that the king pledged himself to make war in case of a refusal on the part of Louis (p. 426). It is, however, evident from the letter of Danby to the prince of Dec. 4th, that up to that day no such pledge had been given (p. 162). It may be, that Temple writing from memory has occasionally confounded dates and circumstances. Danby writing at the time, and to the prince, respecting a negotiation in which they were both engaged, could not be in error.

CHAP. now he took upon himself to arbitrate between
 V. the contending powers. He was bound by secret
 1677. — treaty to Louis; he received from him a yearly
 pension; he had been in the habit of making to
 him protestations of gratitude and friendship:
 and yet he was about to dictate conditions of
 peace which would arrest that monarch in his
 career of victory, and tear from him a valuable
 Nov. 10. portion of his conquests. Having selected lord
 Feversham for the mission, he gave him instruc-
 tions to deliver his message in the least offensive
 manner; to state that the restoration of the seven
 towns was a condition from which nothing could
 induce the prince of Orange to recede; that it
 was considered necessary for the preservation of
 Flanders, to which Louis himself had given up all
 pretensions; that the people of England were so
 deeply interested in the fate of that country, that
 the king should “never live at ease with them,” if
 he were to suffer it to be annexed to France either
 by war or treaty; that, as the parliament had al-
 ready compelled him to withdraw from his alliance
 with Louis, so it was to be feared that it might
 at last force him into a war against that
 monarch; and that, should the project of peace
 be accepted, the acquiescence of the French king
 in that point “would remove all accidents that
 might obstruct the existing friendship between
 the two crowns.” Feversham proceeded to
 Paris; and, as he had nothing more in command
 than “to desire the most Christian king’s judg-

ment on the proposal," it was expected that he would not be detained above two days: but a fortnight passed without any tidings of his return, and the prince of Orange was compelled by despatches from the continent to hasten back to the theatre of war ²⁶.

In the French cabinet Colbert argued warmly in favour of the project; Louvois, who spoke the sentiments of his sovereign, contended for the prosecution of the war. After several delays Feversham received this answer, that Louis had read the proposal with surprise; that to call on him to surrender the seven fortresses was as unreasonable as to amputate a man's feet, and then bid him walk; but that, in proof of his moderation, he would consent to a truce for all the towns, whether they belonged to Spain or Holland, which were situated between the Meuse and the sea, according to the demarcation of 1668 ²⁷. The envoy returned; and the next post brought advice that in defiance of the season the French army had taken the field, and had invested Guisain, which was expected to fall in a few days.

²⁶ The instructions for lord Feversham have been published by lord John Russell, in his life of William lord Russell, ii. 218—224. They show how incorrect Temple is in his statement of the terms to be proposed by Feversham to Louis.

²⁷ Danby, i. 161. By the treaty of April 5, 1668, an imaginary line was drawn from Ostend through Ghent, Rupelmond, and Meehlin to Argenteau, and it was agreed in the event of a refusal to make peace on the part of Spain, that England and Holland should make conquests on the north, and France on the south, of that line. See Dumont, viii. 89.

CHAP.

V.
1677.

Nov. 28.

Answer of
Louis.

Nov. 30.

CHAP. V. Such conduct irritated the pride of Charles ; he
 1677. ordered the adjournment of parliament to be
 shortened from April the 4th to January the
 Dec. 3. 15th²⁸ ; and compelled Montague, the ambassa-
 dor, who had obtained leave of absence, to return
 Dec. 4. in all haste to Paris. He was instructed to
 express the surprise of the king, that the epithet
 “ unreasonable ” should be applied to an arrange-
 ment, which was necessary for the preservation
 of Flanders ; his apprehension that the rejection
 of the project would compel him to adopt mea-
 sures which it was his most anxious wish to
 avoid ; his persuasion that the sacrifice demanded
 of Louis was trifling in comparison with the risk
 which he himself must encounter from the discon-
 tent of his subjects ; and his intention of meeting
 his parliament before the French army could have
 time to extend its conquests in Flanders²⁹. On

²⁸ That this was the real cause is plain from the instructions to Hyde and Montague. Danby, 161, 327. Life of Lord Russell, ii. App. 225. The shortening of the adjournment could not have proceeded, as Dalrymple asserts, (p. 128,) from resentment on account of the stoppage of the French pension ; for the first took place on Dec. 3, the latter on Dec. 17. Neither is Dalrymple more correct in his account of the manner of adjournment. The king announced by proclamation that the attendance of distant members on the 3rd of December would be unnecessary, as the house would meet only to adjourn to the 4th of April : on account, however, of the change of circumstances, when they did meet, they adjourned at the king's request only to the 15th of Jan. Journals, Dec. 3, 1677.

²⁹ See Life of William lord Russell, ii. App. 224—227. Montague's message was taken by Louis and Louvois as conveying a threat of hostilities to follow. Danby, 41, 42.

the same day Charles sent directions to Hyde, the ambassador at the Hague, to propose to the States a new treaty after the model of the triple alliance, by which the two powers should be bound to each other, not only to defend themselves against all aggressors, but also to declare war, England against France, the States against Spain, if either France or Spain should reject the proposed treaty of peace. The prince of Orange received this intelligence with feelings of astonishment and triumph. He had not expected such a demonstration of vigour from the indolence of his uncle: his influence soon obtained the consent of the States-General; and in a few days the new treaty was concluded, with the full but unavowed sanction of the Spanish government at Brussels ³⁰.

CHAP.
V.
1677.

Dec. 11.

Dec. 31.

Anxious as Louis had always been to prevent the union of Charles with his enemies, yet he did not suffer the apparent hostility of the English king to withdraw him from his purpose.

Who seeks to bribe the king and his ministers.

1. A long time must necessarily elapse before the British troops could take the field. They were not yet levied, nor had any vote of credit been passed for their support. But a fleet might soon be formed of the ships in actual service;

³⁰ Danby's Letters, 161, 162, 166, 326. Dumout, vii. 341. C. Journ. May 2, 1678. In the treaty both powers agreed to compel jointly France and Spain to consent: but in article ix. the States assert that they have sufficient assurance of the consent of Spain (*satis certi sunt*), so that the treaty was in reality directed against France alone. Yet this important point is concealed in the abstract of the treaty entered on the journals.

CHAP. and therefore, as a measure of precaution, he de-
 V. spatched secret orders for the evacuation of Sicily,
 1677. and the immediate return to France both of his
 army in that island, and of his naval force in the
 Dec. 17. Mediterranean³¹. At the same time he sought to
 damp the military ardour of his English brother,
 first, by suspending, though with many apologies
 and expressions of personal esteem, the payment of
 the yearly pension, of which 50,000*l.* was actually
 Dec. 19. due; and then by proposing a general truce
 for twelve months, during which expedients
 might be devised to satisfy every interest. He
 assured Montague that no consideration would
 ever induce him to part with Condé, Valenciennes,
 and Tournai; and left it to his minister to
 add that, if Charles could prevail on the prince
 to consent to the cession of those places, their full
 value should be paid to the English king in bars
 of gold concealed within bales of silk, and any
 sum which the lord treasurer might name as the
 reward of his services should be remitted to him
 in the shape of diamonds and pearls. As another
 inducement a hint was thrown out of a marriage
 between the dauphin and Mademoiselle d'Orleans,
 the niece of Charles, with the remark, that the
 interests of that young lady ought to be as dear
 to her uncle as those of his nephew William.

³¹ J'envoyai le maréchal de la Feuillade avec ordre de ramener les troupes, et je lui ordonnai de s'y préparer avec tant de secret et de diligence, que l'union de l'Angleterre avec mes ennemis ne rendit pas leur retour impossible. Œuvres de Louis, iv. 143.

Montague (if he had not already tasted of the bounty of the French king, he had at least received a promise of remuneration) was careful in the letter which conveyed these proposals, to paint them in the most inviting colours³². But the king proved himself superior to temptation. On the one hand he was kept steady to his purpose by the representations of Danby, who ardently wished to provoke a war with France, on the other by the Duke of York, who warmly espoused the quarrel of his son-in-law, and flattered his own ambition with the hope of reaping an ample harvest of military glory. At the duke's suggestion instructions were sent for the return of the English troops serving in the pay of France; a strong squadron sailed to the Mediterranean to reinforce the fleet under sir John Narborough, commissions were issued for the completion of the old and the raising of new regiments, and possession of the port of Ostend was demanded from the Spanish government as a depot for the use of the English army in Flanders³³.

2. But besides the sovereign there existed another power, with which Louis did not think it beneath his dignity to negotiate. The marriage of the princess Mary had convinced the popular leaders that the prince of Orange had abandoned their party. Some of them without delay sought the ear of the French ambassador; a new plan of

CHAP.
V.
1677.

And n-
trigues
with the
popular
party.

Nov 3.

³² Dalrymple, ii. 128. Danby, 40, 45, 48, 61.

³³ Danby, 58, 171, 174, 176, 190. Dalrymple, 145.

CHAP. V. opposition was devised ; and at his suggestion it
 1677. was resolved to attribute the recal of the English
 ——— troops from the French service (a measure which
 they themselves had repeatedly recommended in
 parliament) to an intention on the part of the
 king of rendering himself absolute with the aid
 of a standing army. With these men Barillon
 1678. was ordered to continue his connexion : but sever-
 Jan. 1. ral, and those the most influential, stood aloof ;
 and to them the younger Ruvigni was despatched
 from Paris, as a more acceptable instrument, on
 account of his relationship to lady Vaughan, and
 his intimate acquaintance with the family of Rus-
 Jan. 16. sell³⁴. On his arrival he waited on the king and
 the lord treasurer, to acquaint them that an equi-
 valent might perhaps be accepted for Condé and
 Valenciennes, but never, in any circumstances,
 for Tournai. In a private audience with Charles,
 he made to him the most liberal offers of pecu-
 niary assistance, and begged him to be on his
 guard against the pernicious counsels of Danby,
 who sacrificed the interests of his sovereign to his
 own desire of popularity. To Danby himself he
 repeated assurances of the high esteem in which
 he was held by the French monarch, and ex-

³⁴ Ruvigni was instructed to apply first to the king, and then, if he failed of success, to lord Russell. He came about the middle of January, returned to Paris on the 8th of February, and came back before the end of the month. Whether he explained himself to Hollis and Russell in his first visit is uncertain. The interviews mentioned in the text are detailed in a memoir of Barillon of the 4th of March.

pressed a hope that the minister would employ the influence which he so deservedly possessed both with the king and the prince, to extinguish rather than foment animosities and resentments. Finding, however, that his arguments and eloquence made no impression, he sought and obtained several interviews with lord Hollis and lord William Russell. The latter he found open and communicative ; the former was cautious and reserved, but a most bitter enemy of the court. Both seemed to apprehend that there might exist a secret and collusive understanding between the two monarchs ; that the present appearance of dissension was assumed merely as a feint to furnish Charles with the pretext of demanding a supply, and that the articles of peace were already settled, and would be made public as soon as the money bill should be passed. But when this cause of jealousy was removed, *they* agreed to append to the supply conditions which should render it unacceptable to the king ; to bring forward charges against the lord treasurer and his friends ; to harass the duke of York and the catholics with the proposal of new disqualifications ; and to employ every means in their power to provoke the king to adjourn or prorogue the parliament ; and Ruvigni, on the part of his sovereign, promised, that, if by their opposition Charles were compelled to renew his connection with France, Louis should employ all his influence to procure a dissolution of parliament, and

CHAP. V. 1678. the ruin of the lord treasurer, two objects equally desired, as equally conducive to their interests, both by the popular party and the French monarch. There is no reason to suppose that Hollis and Russell were betrayed into this dangerous and illegal intrigue by pecuniary considerations. It was with them the effect of party zeal and political resentment; and when Russell was asked by Ruvigni to point out the persons among whom he should distribute the large sum which he had brought with him from France, that nobleman indignantly replied, that he should be sorry to have communication with men, who were to be bought with money. His friends, however, were less scrupulous, and it will subsequently appear that several of them accepted valuable presents from the French monarch³⁵.

And with
the Dutch.

3. From England Louis turned his attention to the Hague. In the united provinces there was scarcely a man who did not wish for a separate peace. Even those who opposed it in the States were not restrained by principles of honour, but by the ascendancy possessed by William, who still refused to hear of any proposal, by which his allies should be abandoned to the resentment of their enemy. But, since his marriage into the royal family of England, his influence had been on the wane; and his countrymen began to suspect the object of his connexion with a monarch,

³⁵ Dalrymple, 129—136. Danby, Letters, 50, 53, 56, 59.

whom of all men they considered as their most bitter enemy. To strengthen this impression the French ambassador was plentifully supplied with money, and his agents were instructed to throw out insinuations against the patriotism of the prince, to attribute his obstinacy in opposing a separate peace to his love of military command, and his frequent intercourse with the English court to a joint design of establishing arbitrary power, both in England, and in the Netherlands. The advocates of peace rapidly multiplied: their numbers encouraged them to speak in a bolder tone, and the prince saw that without some very important change in affairs, he should be no longer able to control the general wish of his countrymen³⁶.

CHAP.
V.
1678.

When the parliament met, Charles informed the two houses that he had made an alliance defensive and offensive with the States for the protection of Flanders; that having failed in his efforts to procure peace by fair means, he would endeavour to procure it by force; that for this purpose it would be necessary to put ninety sail of ships in commission, and to raise thirty or forty thousand men, and that he therefore expected from his faithful subjects a prompt and plentiful supply, which they were at liberty to appropriate to particular purposes in the most rigorous manner that could be devised. The po-

Opposi-
tion in
parlia-
ment.
Jan. 28.

³⁶ Danby's Letters, 206, 254, 329, 351. Temple, ii. 427.

CHAP. V. 1678. popular leaders dared not directly oppose this demand:—for they had been the most clamorous among the advocates of war³⁷—but to the address of thanks for the royal speech they artfully appended two very popular but unpalatable requests, that the king would never consent, and would bind his allies never to consent, to any peace, which did not confine France within the limits formerly settled by the treaty of the Pyrenees; and that he would make it a condition of the confederacy, that all commercial intercourse with France should be prohibited, and all articles of French growth or manufacture should be destroyed wherever, either by land or sea, they might be found. Charles commented on this address with great severity of language. He had complied with their request of the 20th of May by making an alliance with Holland; but they seemed to have forgotten their promise of supplying him with money to accomplish the object of such alliance; and had again invaded his prerogative by prescribing to him the conditions to be inserted in treaties; but they should know that he held the reins of government in his hand, and would continue to hold them for the safety of

Jan. 31.

Feb. 4.

³⁷ Ils disent qu'ils n'ont jamais prétendu s'opposer ouvertement à donner de l'argent au Roi; que ce seroit le moyen de s'attirer la haine du peuple, et le reproche de tout ce qui pourroit arriver dans la suite. Dalrym. 134. James, in a letter of Feb. 5, observes to the prince, that "those who seemed to be most zealous for a war with France last session, are those who obstruct most the giving a supply." Ibid. 147.

his people and himself. In addition they presumed to interfere with the commercial regulations of foreign and independent governments, which must be provoked by such interference, and to dictate the terms of a future peace, as if they possessed a knowledge of the future contingencies of war; and this too at a time when not a ship, a regiment, a single penny had been voted to enable him to support the language which they wished him to assume. In the debate which followed, the country party maintained that they dared not grant money for the support of an alliance, the conditions of which had not been communicated to the house: but the minister obtained a majority of forty-two voices, and a supply was voted in general terms for the maintenance of a fleet of ninety sail, and an army of thirty thousand men³⁸.

CHAP.
V.
1678.

Feb. 5.

The extraordinary conduct of the house of commons induced the king to reflect seriously, before he suffered himself to be irrevocably drawn into the war. The French troops were already in motion: it was plain that his opponents, if they could not prevent, would at least retard the supply, till it should be too late for him to influence the events of the campaign: the States not only talked of a separate peace, they refused to furnish their quota of ships to the combined

Charles
makes a
new pro-
posal.

³⁸ C. Journ. Jan. 28, 31; Feb. 4, 5. Parl. Hist. iv. 896, 915—925.

CHAP. fleet, and Villa Hermosa declared that a pacifica-
 V. tion on any conditions was better to Spain than
 1678. the continuance of the war³⁹. Charles began to
 hesitate : new expedients suggested themselves to
 his mind ; and he resolved to make another effort
 to procure a peace. As France had expressed a
 willingness to restore Condé and Valenciennes,
 the single town of Tournai constituted the prin-
 cipal subject of dispute ; and the king persuaded
 himself that Louis might be brought to accept,
 Feb. 8. William to yield, Charlemont in its place. With
 this proposal he despatched Ruvigni to Paris,
 Godolphin to Holland ; but with the intimation
 that the suggestion proceeded from himself, that
 he still intended to abide by the determination of
 his nephew, and that he should consider the
 investment by the French of any Spanish town
 before he received an answer, as a declaration of
 war against England. The reply of Louis was
 probably evasive, that of the prince of Orange,
 who had been privately instructed by Danby, a
 direct refusal⁴⁰.

³⁹ See the instructions to Godolphin, Danby's Letters, 346.

⁴⁰ *Ibid.* ; also p. 197, 204. Dalrymple, ii. 147, 148. Clarend. Corresp. i. 5. On Feb. 8th, Danby wrote to the prince that "there was no cause to fear any alteration in the king : but that, if his highness did not approve the having such conditions offered to France, he might be confident he should hear no more of them." Dalrymple, ii. 156. It is probable that this letter was written by the king's order : for the next day, Danby writes a second letter, which he desires may be burnt, exhorting the prince to refuse the proposal, and instructing him to return two answers, one private

While the projects of Charles were paralyzed by doubts and jealousies, Louis displayed a spirit of enterprize, which astonished, and ultimately subdued his enemies. About the end of January he proceeded from Paris to Metz, and every eye was directed to the armies on the Rhine: in a few days Namur, and then Mons, were invested, and the prince of Orange and the Spanish generals hastened to the protection of these fortresses: next Louvois approached Ipres, and its numerous garrison was confined within its walls: at last the marshal d'Humières with a large division sat down before the important city of Ghent, the real object of all these movements: in three days the king arrived in the camp; the trenches were opened, and the inhabitants capitulated. Soon afterwards Ipres fell, and Louis, satisfied with these conquests, engaged to undertake no military operations during two months. He had opened a road into Holland; he had placed himself in a situation to insult at any hour Brussels, the seat of the Spanish government, and he paused to ascertain what impression

CHAP.
V.
1678.

—————
Louis
takes
Ghent and
Ipres.
Jan. 29.
Feb. 14.

Feb. 19.

Feb. 22.

Feb. 27.

March 15.

for the minister himself, and another fit to be shown to the king. Danby, 197—199. In this second letter he says, that in parliament “all doubt whether his majesty will go freely into war, and *not without cause* :” words whence some writers have not hesitated to infer that Danby thought the king insincere in his present professions. To me, however, it appears from the whole context of his despatches that he does not charge him with insincerity, but fears that the offers and persuasion of the French envoy may induce him to have recourse again to negotiation. See also p. 363.

CHAP. this change of circumstances might make on the
 V. confederates⁴¹.
 1678.

Proceed- In England the reduction of Ghent provoked
 ings in a general cry for war. The house of commons
 parlia- hastened to pass a bill, imposing a poll-tax as
 ment. part of the supply; but the popular leaders were
 March 8. careful to encumber it with provisoes thought to
 trench on the lawful authority of the crown, and
 to take from its value by the introduction of a
 clause, which prohibited the importation of French
 commodities, and consequently lopped off one of
 the most productive branches of revenue. It
 was expected that Charles would resent this
 artifice⁴²: but, guided by the counsels of his
 brother and the lord treasurer, he silently ac-
 cepted the bill, despatched three thousand men to
 Ostend, and issued levy-money to twenty colonels,
 each of whom bound himself to raise a regiment
 of one thousand men in the space of six weeks.
 His adversaries in parliament were surprised at
 his vigour, but did not relax from their efforts to
 March 14. embarrass his proceedings. Lord Russell in-
 veighed with warmth against popery, and a
 standing army; Sir Gilbert Gerard hinted a sus-
 picion that, if the new regiments were raised,

⁴¹ Louis, iv. 123—162.

⁴² Charles adverted to this artifice in the next session, and declared that, if such innovation were continued of "tacking together" matters of a different nature in the same bill, "that bill should certainly be lost, let the importance of it be never so great." C. Journ. May 23, 1678.

they would be employed, not against the enemy, but the liberties of the country; a committee was appointed to inquire into the dangers with which the established church was threatened by the growth of popery; and an address was voted, praying the king to declare war without a moment's delay, to dismiss the French envoys, and to recal his own commissioners from the congress at Nimeguen. The object of the supply, and the tone of this address, provoked Ruvigni and Barrillon to expostulate with their friends, the former with the lords Russell and Hollis, the latter with Buckingham and Shaftesbury. They all returned the same answer, that they had violated no pledge: that to oppose the grant of money would have been dangerous, but they had clogged it with conditions most offensive to the king; and that in moving the address they had sought to draw from him the disclosure of his real intentions, an object not more beneficial to themselves than to the French monarch: for, were he once with the aid of an army to secure the persons of his political opponents, he would be able to obtain from a servile parliament whatever aid he might demand for the prosecution of the war. Lord Russell carried up the address to the house of lords for their concurrence: but they contended that it would be folly to plunge the nation into hostilities without some previous knowledge of the intentions of the allies. A conference followed: neither house was convinced by the

C H A P.

V.
1678.

March 15.

March 27.

CHAP. other; and the lords in conclusion returned a
 V. direct refusal⁴³.
 1678.

————— The fact was that the success of Louis had
 New pro- subdued the obstinacy of the confederates. The
 ject of emperor, the queen of Spain, the prince of Orange
 peace. acquainted the king by their ambassadors that
 March 17. they no longer objected to the cession of Tournai,
 and in addition of Valenciennes, if France would
 restore the other five towns, and with them her
 recent conquests⁴⁴. Charles received the inform-
 ation with joy: of the acquiescence of Louis he
 entertained not a doubt, and instantly devised a
 plan of providing for his own interests, while he
 March 25. seemed to consult only those of the allies. Calling
 for Danby, he compelled him to write to the am-
 bassador at Paris the celebrated letter, which at a
 subsequent period led to the disgrace and ruin of
 that minister. By it Montague was told that in
 the official despatch he would find instructions to
 do nothing more than sound the disposition of
 Louis in respect of these terms; because it was
 necessary to keep secret the real object of the
 king. He was, however, to make the proposal,
 and to pledge the word of his sovereign for the

⁴³ C. Journ. Feb. 18; March 8, 15, 22. L. Journ. xiii. 186, 192, 196. Parl. Hist. iv. 940—956. Barillon, 134, 137.

⁴⁴ M. le duc de Villa Hermosa a répondu qu'il acceptera les conditions. . . . Pour nous, nous ferons de même, et ainsy voilà la paix faite, si la France continue à la vouloir sur ce pied; de quoi je doute fort. The prince to Danby, March 17, p. 214. See also Danby's Letters (Ibid. 210); and Hyde's from the Hague, Ibid. 329.

consent of Spain and the States. If it were re-
 jected, he was to add nothing more; but if ac-
 cepted, to demand for Charles, as the reward for
 his good service, a pension of 600,000 livres dur-
 ing the three following years. A postscript was
 added in the hand of the king: "this letter is
 writ by my order, C. R."⁴⁵ By Louis the offer
 was refused without hesitation: it came, he said,
 too late: his recent successes entitled him to
 greater advantages; he might, indeed, restore
 Guislain and Ghent, but he would retain Ipres;
 and he had given instructions to his envoys at
 Nimeguen to make an almost similar proposal to
 the confederates, by which, however, he should
 not hold himself bound unless it was accepted by

CHAP.
 V.
 1678.

April 1.

⁴⁵ Danby, 70—76. The facts that the bill for the poll-tax re-
 ceived the royal assent on the 20th, and that the king proposed
 terms of peace to Louis on the 25th, have induced most writers
 to charge him with deceit, with pretending hostility to France
 till the money was voted, and then seeking a peace, that he might
 put the money in his pocket. But attention to dates and events
 will not justify the inference. It was not before the 14th of
 March that the bill passed the lords, when it was known that a
 strong inclination to make peace existed in the Dutch and Spa-
 nish councils. On the 15th the two houses informed the king
 that they had provided money, and wished him to declare war
 without delay. He waited four days before he returned an
 answer, expecting probably certain intelligence from the conti-
 nent. It did not, however, arrive, and on the 19th he promised
 to pass the bill, which he did the next day. The prince of Orange
 wrote his answer, stating that all parties would accept the con-
 ditions formerly proposed, on the 17th, which would reach London
 between the 20th and 25th, and on the receipt of this answer, the
 king ordered the proposals to be sent to Montague.

- CHAP. a certain day. Charles was disappointed and of-
 V.
 1678. fended: his warlike spirit revived, and he sug-
 ——— gested to the foreign ministers at his court the
 conclusion of a quadripartite alliance, which he
 would follow up with a declaration of war. The
 Spanish ambassador and the Imperial envoy as-
 sented with joy, but the Dutch hesitated: he had
 neither powers nor instructions, and dared not
 act without them⁴⁶. That he might have time to
 consult the States, the parliament, which had met
 April 15. after the Easter recess, was adjourned for a fort-
 night, and in that interval Van Beuningen re-
 ceived the necessary powers, but without any
 instructions for his guidance. It was before sus-
 pected, it now became manifest, that the States
 would enter into no engagement, which might
 throw obstacles in the way of a separate peace.
 April 29. Before a few days were passed, they voted a re-
 solution to accept the terms offered by France.
 Refusal of On the meeting of parliament, the lord chan-
 a supply. cellor, by order of the king, explained to the two
 April 29. houses the past course and the present state of
 these negociations, and in conclusion solicited
 their advice, with a promise that it should be
 faithfully followed. But the popular leaders had
 not forgotten their engagement to the French

⁴⁶ Dalrymple, 155. C. Journ. App. 29. The next day Danby complains to the prince—"I do from my soul believe that our parliament and your States contribute more to the service of the French king, than the best army he has could do." P. 219.

ambassador⁴⁷. They induced the house to listen to a long and tedious report from the committee for religion, which had discovered that a dozen catholic priests resided in the counties of Hereford and Monmouth, and that the laws which gave two-third parts of the estates of catholic recusants to the crown, were often evaded by means of secret trusts and conveyances. This was sufficient; the alarming intelligence awakened the fears of the godly and the credulous; and a resolution was passed, that the house could not, consistently with its duty, lay any additional charge on the people, till the kingdom was "secured, and the dangers were prevented, which might arise from the prevalence and the countenance given to the popish party⁴⁸." When the king heard of this vote, so unfounded in fact, and so insulting to his government, he burst into expressions of astonishment and indignation; he saw that the object of its authors was to fortify themselves with the passions of the people, and to connect the refusal of supplies with the security of religion; and he openly charged with deception those among his counsellors, who had urged him to enter into war on the ground that he

CHAP.
V.
1678.

⁴⁷ See p. 38.

⁴⁸ The evidence, on which this vote was founded, occupies five folio pages in the printed journals, under the date of April 29, and deserves attention, as it shows what trifles may serve to raise the fiercest ebullitions of religious animosity under the management of bold and artful leaders.

CHAP. would meet with the co-operation of parliament.

V.
1678.

There remained, he said, but one resource for himself. The confederates were willing to accept the terms offered by France: they should have his assistance; and he would demand money for concurring in the accomplishment of a pacification, which would equally be accomplished without his concurrence.

- May 1. With this view he wrote a conciliatory letter to Louis, and ordered the lord treasurer to commence a negociation with the French ambassador. The subsequent proceedings of parliament served to confirm him in his determination. The commons voted an address for the removal of the Duke of Lauderdale, pronounced the alliances lately concluded by the king inconsistent with the good and safety of the kingdom, advised him to comply with their previous addresses, and prayed him to banish from his presence the counsellors who had induced him to reject their first advice. Charles on the other hand informed them that without a prompt supply a portion of the fleet must be laid up, and a considerable reduction be made in the army. After some debate they refused to consider the subject; and the king sending for them to the house of lords prorogued the parliament, but only for the short space of ten days⁴⁹.

⁴⁹ Temple, ii. 434. Louis, iv. 163. Dalrymple, 172. C. Journ. App. 29; May 4, 7, 8, 10, 11, 13. The parties were so equally balanced, that the fate of every question seemed doubtful. The

Louis, in the mean time, aware of the impression which his victories and his emissaries had made on the public mind in Holland, despatched a letter of the most pacific tendency to the States, and awaited their reply in his camp at Wetteren, on the right bank of the Scheldt. They immediately consulted the English, Spanish, and Imperial ambassadors, who, by the secret advice of the prince, returned for answer that they ought to abide by their engagements, and refused to negotiate unless it were in company with their allies. But Louis had already won a separate peace by the capture of Ghent⁵⁰. The desire to remove the French army to a distance from the frontier, aided by the distribution of French gold, bore down all opposition; and the prince himself, warned of the unpopularity of his resistance, and driven to despair by the recent conduct of the English parliament, gave a tardy and reluctant assent. Van Beverning proceeded to the camp, and an armistice was concluded to allow time for the discussion of the articles of peace⁵¹.

CHAP.
V.
1678.

The States
agree with
France.

May 6.

May 11.

May 13.

May 22.

vote for an address against Lauderdale was carried by a majority of 45. On the next day the address itself was rejected by a majority of six, and on the following it was inserted as an amendment in another address by a majority of eight.

⁵⁰ Sa prise a forcé mes ennemis à la paix, les mettant hors d'état de soutenir la guerre. Louis, iv. 146. Some of his council thought it beneath the king to solicit peace: mais, he adds with great complacency, le bien public, se joignant à la gloire de me vaincre moi même, l'importa. Ibid. 163.

⁵¹ Ibid. 165, 166. Temple, ii. 437. Clar. Corresp. i. 17.

C H A P.

V.

1678.

Charles
concludes
a secret
treaty.

May 17.

That he might not be disappointed of his object by the interference of England, Louis commissioned Barillon to make a new offer to Charles. Danby no longer advised hostilities—he was deterred by the visible reluctance of the confederates, and the violence of his political enemies—the duke of York sacrificed his ambition of military glory to his fear that a war would enable the popular party to make new inroads on what he deemed the legitimate authority of the crown⁵²; and Charles readily subscribed a secret treaty, by which it was stipulated, that, unless the States signified their formal acceptance of the terms offered at Nineguen within the space of two months, the English king should withdraw his forces from the continent with the exception of three thousand men, to form the garrison of Ostend, and should receive from Louis in return the sum of 6,000,000 livres (450,000*l.*) by four quarterly instalments. Barillon, however, was not forgetful of his engagement with the popular leaders, and therefore made the first payment depend on two important conditions, the prorogation of parliament for four months, preparatory

Danby's Letters, 254, 338, 341, 358. "The prince said to me alone, that finding the distractions and divisions increase every day in parliament, was that which did most of all discourage him from struggling any longer against the inclinations of this whole country to the peace." Godolphin to Danby, May 14. *Ibid.* p. 361.

⁵² See his letters to the prince, Dalrymple, 172—175.

to a dissolution, and the reduction of the English army to the small force of six thousand men⁵³. CHAP.
V.
1678.

The moment the parliament met, the altercation between the king and the commons was revived. The latter proposed in an address to the throne, that war should be declared, or the army be disbanded, without delay. Charles replied that in one case he might be left to fight without allies, and in the other his allies might be compelled to fight without his assistance. *They* resolved that all the forces levied during the last seven months "ought to be paid off and disbanded *forthwith*," and voted the sum of 200,000*l.* for that purpose, on the condition that the disbanding should be effected in the short space of three weeks. *He* begged to learn whether it was their intention that the English garrisons in the towns of Flanders should be withdrawn before they could be relieved by Spanish troops; and his opponents, ashamed of their precipitancy, extended the three weeks to sixty days for the regiments serving beyond the sea, but passed a resolution that after three days no additional motion for a supply should be made during the session. *The* king then called them before him, reminded them of the public debt, which had been contracted some years before, and of the anticipations on the actual revenue, occasioned by his preparations for war, and condescended to request that, if they

Second refusal of a supply.

May 23.

May 27.

May 28.

May 30.

June 4.

June 7.

June 13.

June 15.

June 18.

⁵³ Dalrymple, 159—168.

CHAP. meant him to pursue hostilities with the petty
 V. state of Algiers, or to take that part in continental
 1678. politics which became the dignity of the crown, or
 ————— to lead the remaining portion of his life in ease
 and quiet, they would add to his annual income
 the sum of 300,000*l.* But this appeal to their
 feelings was useless; the house passed contemp-
 tuously to the order of the day⁵⁴.

Treaty
 against
 France.

June 19.

In the meanwhile the negotiation between Louis
 and the States was transferred from the French
 camp to the congress at Nimeguen. Every ques-
 tion respecting the personal interests of the two
 parties was speedily and amicably arranged; a
 day for the signature of the treaty was appointed;
 and an armistice for six weeks allowed time for
 the Spanish government to signify its acceptance
 of the terms previously offered by Louis. It
 chanced, however, that a question put by Doria,
 the Spanish ambassador, drew from the French
 commissioners an avowal, that, though it was the
 intention of their master to restore the six towns
 to Spain, he would continue to hold them as secu-
 rities for his ally, the king of Sweden, till the

⁵⁴ C. Journ. May 27, 28; June 4, 7, 13, 15, 18. Parl. Hist. iv. 977, 983, 986, 994. On the last day a test was proposed for the discovery of such members in that house as had received bribes or any other consideration for their votes, either from the English government or foreign powers. The popular leaders spoke warmly in its favour, but before the last division took place, about 100 members slipped out of the house, and the motion was lost by a majority of 14. C. Journ. June 18. Parl. Hist. iv. 1000.

emperor should have restored the conquests which he had made from that prince. This declaration put an end to the treaty. The States forbade their commissioners to sign without new instructions; Charles expressed his conviction that Louis sought only to divide, and by dividing to oppress, the confederates; and the council unanimously adopted the advice of the duke of York, to enter immediately into the war. The period for disbanding the army was in consequence prolonged⁵⁵, four thousand men led by the earl of Ossory joined the English regiments in Flanders; another corps of equal force held itself in readiness

CHAP.
V.
1678.

June 21.

⁵⁵ This prolongation revived a question of privilege between the houses. In the bill granting 200,000*l.* for the disbanding of the army, the lords introduced an amendment prolonging the time from three weeks to the end of July, even for the forces in England. The commons acknowledged the propriety of the delay, but denied the right of the lords to make any alterations in a money bill, and therefore rejecting the amendment substituted a proviso to the same purpose. The lords rejected the proviso in return; and the commons passed a resolution that "all aids in parliament are the sole gift of the commons; that all bills for that purpose ought to begin with the commons; and that it is the undoubted and sole right of the commons to direct, limit, and appoint in such bills the ends, considerations, conditions, and qualifications of such grants, which ought not to be altered by the house of lords." (C. Journ. July 3.) This doctrine was, however, denied by the lords. It was, they replied, founded solely on the act of Henry IV. entitled "Indemnity des seigneurs et communes," which took, indeed, from the lords their former right of originating such bills, but left all other legislative rights as full and free to one house as to the other. The commons might keep it a *vexata questio*, as long as they pleased; but the lords would never surrender the exercise of their hereditary privileges.

CHAP. to embark under the command of the duke; and
 V. Temple hastened to the Hague, where, in defiance
 1678. of French influence, he concluded a treaty stipu-
 June 27. lating that, unless France should recede from its
 July 16. new pretensions in favour of Sweden within four-
 teen days, the two powers should unite their
 forces to compel the acceptance of the proposals
 formerly made by the king of England, or such
 other conditions as the success of the confederates
 might entitle them to demand⁵⁶.

Peace at
 Nime-
 guen.

Though Louis was disconcerted by this display
 of spirit, so unexpected on the part of the English
 king, he did not despair of subduing the obstinacy
 of the States. With this view his commissioners
 at Nimeguen employed for thirteen days every
 art which diplomatic finesse could devise. They
 declared that the resolution of their master was
 irrevocably taken; they suggested forms of com-
 promise, the substitution of an equivalent in
 favour of Sweden, the discussion of the subject at
 Ghent or St. Quintin in the presence of Louis;
 July 31. but on the fourteenth, when every man looked
 forward to the renewal of hostilities, they an-

Charles feared that he should lose the bill, and with it the sum of 200,000*l.*, no trifling consideration to the indigent monarch: but the lords left the bill at the conference, and refused to take any further notice of it: and the commons yielded so far as to introduce a new bill, of which the rejected amendment formed a part. In this state it passed both houses.

⁵⁶ Temple, ii. 438—443. Jenkins, ii. 389. Dumout, vii. 348. Clarend. Corresp. 1—21. Dalrymple, ii. 181—188. Danby, 226, 228, 253, 291.

nounced their willingness to yield, on condition that the peace were signed before midnight. Van Haren, one of the Dutch commissioners, hesitated, because he had understood that not only the peace with the States but also that with Spain was to be signed at the same time; his scruples, however, were removed by the authority of his colleague Van Beverning, and both in conjunction with Odyck, the third commissioner, subscribed the same evening two treaties, one of peace, and another of commerce, between France and the United Provinces, without any particular stipulation in favour of Spain. The intelligence excited surprise at the Hague; but it was believed that Beverning acted in pursuance of private instructions from the city of Amsterdam, and peace was so welcome to almost every class among his countrymen that he had little to fear from the resentment of those who sought a continuance of the war⁵⁷.

To this event, so unexpected by the other powers of Europe, succeeded another which ex-

⁵⁷ Temple, ii. 444—455. Jenkins, ii. 418—420. Dumont, vii. 350. It was proposed that Charles should guarantee the places in question to Sweden. He was even induced to order Temple to go from the Hague to Nimeguen for that purpose. Thus the French party at the Hague was freed from the presence of a man whose influence they feared, and with the aid of De Crosse, the Swedish agent who brought the order, circulated a report that a secret understanding still existed between Charles and Louis. This, it was believed, led to the clandestine mission of Boreel from the city of Amsterdam to Van Beverning. Temple, ii. 445—449. Dalrymple, ii. 178. Danby, 256, 289.

CHAP. cited equal surprise. On the fourth day after the
 V. conclusion of peace, the prince of Orange fought
 1678. the fierce and sanguinary battle of St. Denis. Of
 Battle of the few fortresses, which still remained in the
 St. Denis. possession of the Spaniards, Mons was the first
 in strength and importance; but on the east of
 Mons lay the hostile garrison of Binche, on the
 west that of St. Guislain; the country to the
 south was in the hands of the enemy; and early
 in the spring a strong corps, passing the river
 Haine, had formed an entrenched camp to the
 north, and intercepted the communication with
 Brussels. The blockade had already produced a
 scarcity within the walls; and in the councils
 of the confederates it was resolved to make the
 relief of Mons their first object after the con-
 clusion of the armistice. With this view the
 prince, anticipating nothing less than the signa-
 ture of the treaty, ordered his forces to assemble
 Aug. 4. on the 30th of July, and on the 4th of August
 led them against the enemy, who were com-
 manded by the duke of Luxembourg. In the val-
 ley in front of their camp the French held two
 fortified positions, the abbey of St. Denis, and the
 ruins of a fortress called Casteau: the first after
 an obstinate struggle was carried by the prince of
 Orange, the second by the duke of Villa Hermosa;
 but the enemy recovered the latter towards the
 evening, pursued the Spaniards into the plain, and
 would have cut off the retreat of the Dutch from
 St.-Denis, had they not been kept at bay by the

desperate resistance of the English auxiliaries under the earl of Ossory. During the night the two armies resumed their former positions⁵⁸.

CHAP.
V.
1678.

By many, this action, in which the lives of five thousand men were sacrificed, has been deemed a foul blot on the character of William⁵⁹. That he was ignorant of the conclusion of peace no man could believe. The proceedings at Nineguen, which were already known in London⁶⁰, could not be unknown in the neighbourhood of Brussels; and his haste to commence the battle, though a British force of eight thousand men was on its march to his assistance, proved his anxiety to anticipate the arrival, if it had not already taken place, of contrary orders from the States.

Mons is
relieved.

But even ignorance in his circumstances could not form a valid excuse: to justify the renewal of hostilities, he ought to have *known* that the French had suffered the term of fourteen days to elapse without accepting the conditions of peace. It is not, however, difficult to discover the motives by which he was actuated. On the one hand, it was of the first importance to Holland that Mons should not fall into the possession of the French, and yet, though the garrison was reduced to extremity by famine, no provision had been

⁵⁸ For this battle see the memoirs of lord Castlehaven, who held a command in the Spanish army, App. 52—56.

⁵⁹ See Louis, iv. 171, 172. James, i. 511.

⁶⁰ See the Duke of York's letter of Aug. 4, in Dalrymple, ii. 189, and Danby's of Aug. 5, Letters, 293.

CHAP. made for its relief in the treaty : on the other a
 V.
 1678. victory, obtained over the blockading army, would
 ——— probably prevent the ratification of the peace, and
 give to William himself the undisputed ascen-
 dancy over his political opponents⁶¹. The attempt
 was therefore made ; and, though he gained no
 Aug. 5. victory, the fortress at least was saved. The next
 morning the duke of Luxembourg announced to
 Aug. 9. him the conclusion of peace ; the armies, after
 several conferences, separated, that of the allies
 retiring towards Nivelles, that of France towards
 Ath, and the communication between Mons and
 the capital was once more restored⁶².

All the
 powers
 consent to
 peace.

In England the duration of the session and the
 expectation of peace, had drawn from parliament
 several grants of money for the purpose of dis-
 charging the extraordinary expenses incurred by
 the preparations for war. A prorogation fol-
 lowed : Charles found himself at the head of a
 numerous army, with 800,000*l.* at his command ;
 and he resolved to keep his word to the prince of
 Orange, and to teach his brother of France the
 value of his friendship. Fresh bodies of troops
 were successively sent to Flanders ; the Spaniards
 received assurances of the king's readiness to pro-
 cure for them the conditions formerly offered at

⁶¹ Louis, iv. 167. Dalrymple, ii. 189, 190. Danby's Letters, 232. " If God bless the prince in this one enterprise of Mons, he will be greater here than ever his ancestors were." Temple, in Danby's Letters, 254.

⁶² Dumout, vii. 364.

Nineguen ; and the States were summoned, in pursuance of their late treaty, to unite with England for the purpose of compelling the French king to stand to his promise⁶³. But it was too late to kindle again the dying embers of war. His interference, indeed, encouraged the Spaniards to demand more favourable conditions ; and it gave so much confidence to the Antigallican party in the States, that the prince still cherished a hope of recovering the ascendancy ; but Louis knew how to yield when it was for his interest. He had already ratified the peace on his part : his ambassadors were instructed to assume a tone of unusual moderation ; they receded from several of their demands ; and every subject of dispute with the Spanish ambassadors was referred to the decision of the Dutch. This policy succeeded, and the confederacy was broken. Before the expiration

CHAP.
V.
1678.

Aug. 8.

Sept. 1.

Sept. 9.

⁶³ Temple professes himself ignorant why Charles acted with so much vigour on this occasion ; but says that he was advised afterwards that the king's object was to please the parliament on account of the discovery which was then made of the plot. That, however, is impossible. For Hyde was despatched to Holland on the 12th of August (Danby, 232. Dalrymple, 11, 190), and it is certain that the first intimation of the plot was given to the king on the following day. From the letters of Danby and the Duke of York, it appears that the king could not learn the articles of the treaty signed by the Dutch, but knew that worse terms had been offered to the Spaniards than before ; that he believed Louis did not intend to make a general peace ; and that the account of the battle of St. Denis sent by the prince taught him to expect a second battle, and a continuation of the war. Danby's Letters, 232, 233, 256, 296.

CHAP. of the six weeks the Spanish ambassadors reluc-
 V.
 1678. ———— tantly submitted to the terms dictated by their pow-
 erful enemy ; in a few months the emperor and the
 empire followed their example ; and an end was
 put to the war, which had raged for six years from
 the shores of the Baltic to those of the Mediter-
 ranean⁶⁴. That the result, so glorious to Louis,
 so alarming to the other princes of Europe, was
 in a great measure owing to the indecisive, vacil-
 lating, and contradictory conduct of the English
 cabinet, cannot be denied. But the blame must
 not be laid exclusively on the king ; it ought to
 be shared with him by the leaders of the country
 party. If his poverty, his love of ease, his fear of
 the opposition in parliament, taught him to shrink
 from the cares and embarrassments consequent
 on a declaration of war, *their* desire of popularity,
 combined with party spirit, perhaps with more
 mercenary motives, led them to act in opposition
 to their professions, to urge the king to take part
 in the quarrel, and at the same time to prevent
 him from following their advice by denying him
 the necessary supplies. In truth, the jealousy of
 the two parties was so deeply rooted, their
 strength in the house of commons so nearly
 balanced, that the powers of government became
 paralyzed, and the crown of England lost its legi-
 timate influence in the councils of Europe.

Titus
 Oates.

From continental politics the reader must now

⁶⁴ Dumont, vii. 352, 363, 365.

divert his attention to one of the most extraordinary occurrences in our domestic history, the imposture generally known by the appellation of Oates's plot; an imposture which, brought forward in a time of popular discontent, and supported by the arts and declamations of a numerous party, goaded the passions of men to a state of madness, and seemed for a while to extinguish the native good sense and humanity of the English character.

Its author and hero was Titus Oates, alias Ambrose, the son of a ribbon-weaver, who, exchanging the loom for the bible, distinguished himself as an anabaptist minister during the government of Cromwell, and became an orthodox clergyman on the restoration of the ancient dynasty. Titus was sent to Cambridge, took orders, and officiated as curate in several parishes, and as chaplain on board of a man-of-war; but all these situations he successively forfeited in consequence of his misconduct, of reports attributing to him unnatural propensities, and of the odium incurred by two malicious prosecutions, in each of which his testimony upon oath was disproved to the satisfaction of the jury. Houseless and penniless Oates applied for relief to the compassion of Dr. Tonge, rector of St. Michael's in Wood-street, a man in whom weakness and credulity were combined with a disposition singularly mischievous and astute. Tonge had proclaimed himself an alarmist: his imagination was

CHAP.

V.
1678.His confederacy
with
Tonge.

CHAP. V. 1678. haunted with visions of plots and conspiracies ; and he deemed it a duty to warn his countrymen by quarterly publications against the pernicious designs of the Jesuits ⁶⁵. In Oates he found an apt instrument for his purpose ; and, as the example of Luzancy held out a powerful invitation to informers against the catholics, it was arranged between them, that the indigent clergyman should feign himself a convert to the catholic faith, and under that cover should seek to worm himself into the more secret councils of his instructors. He was reconciled by a priest of the name of Berry ⁶⁶, who obtained for the neophyte a place in the college under the administration of the English jesuits at Valladolid in Spain. But the habits of Oates accorded not with the discipline of a college, and after a trial of five months he was disgracefully expelled. By the advice of Tonge he made a second application ; his tears and promises subdued the reluctance of the provincial ; and the repentant sinner was received into the college at St. Omer. But Oates was still unable to govern his unruly disposition ; again he suffered his real cha-

1677.
Oct. 30.

Dec. 10.

⁶⁵ “As all a man of my rank could do, I resolved to oppose yearly and quarterly, if possible, some small treatises in print to alarm and awaken his majesty and these houses.” Tonge’s information to the house of commons, in L’Estrange, *Brief History*, ii. 53.

⁶⁶ Berry, alias Hutchinson, was first a clergyman of the established church, then a jesuit, next a secular priest, afterwards a protestant and curate of Berking, and last of all a second time a catholic. It was generally understood that he was deranged.

racter to pierce the flimsy cover which his hypo- CHAP.
 crisy had thrown over it; and his petition to be V.
 admitted into the novitiate was answered by a 1678. —————
 peremptory order for his expulsion. From St. June 23.
 Omer he repaired a second time to his patron: but They
 the information which he had been able to glean forge a
 from the reports current among his fellow students plot.
 was scanty and uncertain: and the only thing of
 seeming importance which he could communicate
 was the bare fact, that several jesuits had in the
 month of April held a private meeting in London.
 On this foundation however, frail and slender as
 it was, the two projectors contrived to build a
 huge superstructure of malice and fiction. The
 meeting was in reality the usual triennial congrega-
 tion of the order: *they* represented it as an ex-
 traordinary consult for a particular purpose: it
 was composed of the provincial and the thirty-
 nine eldest members: *they* introduced into it al-
 most every jesuit with whose name Oates was
 acquainted: it had been held, with much secrecy
 but imprudently enough, in the duke of York's
 palace at St. James's ⁶⁷; *they* fixed it at an inn in
 the Strand, the former inmates of which were
 no longer to be discovered; it had for its object
 the nomination of the procurator, and the ar-
 rangement of the internal concerns of the society;
they described it as a consultation on the most
 eligible means of assassinating the king, and of

⁶⁷ Reresby, 195.

CHAP. V. subverting by force the protestant religion. In support of this fable they subsequently invented an immense mass of confirmatory evidence, detailing the conveyance of treasonable letters, the subscription of monies, the distribution of offices, and the preparation of a military force: and when the narrative (so it was afterwards termed) had assumed the proper shape, it was written in Greek characters by Oates, then copied in English characters by Tonge, and lastly communicated under a promise of secrecy to one Kirkby, who, having been occasionally employed in the royal laboratory, was personally known to the king⁶⁸.

On the 13th of August, at the moment when Charles was preparing to walk in the park, Kirkby stepped forward, and in an under tone begged him not to separate from the company, because his life was in danger. The alarming intelligence made no sensible alteration in the royal manner; but it led to a private interview in the evening, when Tonge attended with a copy of "the narrative," divided into forty-three articles, and was immediately referred by the king to the lord treasurer; to whose inquiries he re-

⁶⁸ L'Estrange, *Brief History*, ii. 81, 91, 101, 102. The *Shammer Shamm'd*, p. 8. Preface to *Tonge's Royal Martyr*. *Castlemaine's Apology*, 57—63. "Vindication of the English Catholiks from the pretended conspiracy against the life & government of his sacred majesty, discovering the cheife lyes and contradictions contained in the narrative of Titus Oates, M.DC.LXXX." with an Appendix of twenty attestations or affidavits, and *Florus Anglo-Bavaricus*, Leodii, 1685, p. 93, 200.

plied that the original narrative had been thrust under the door of his chamber ; that he knew not the author, but was possessed of a clue, which might lead to the discovery ; and that he would endeavour to learn the residence of Pickering and honest William, who had undertaken to assassinate the king, or would point out their persons when they were walking, according to their custom, in the Park. The coldness with which the discovery was received goaded the projectors to new exertions : additional articles were sent in ; the days when the assassins might be apprehended at Windsor were named ; and excuses, to account for their non-appearance, were successively framed. By this time Charles had become incredulous ; he laughed at the simplicity of Danby ; and when that minister solicited permission to lay the narrative before the privy council, hastily exclaimed : “ no not even before my brother. It would only create alarm, and may perhaps put the design of murdering me into the head of some individual, who otherwise would never have entertained such a thought ⁶⁹.”

Danby had insisted on the inspection of some of the numerous papers mentioned in the information. After repeated evasions he was told that a packet, containing treasonable letters, would on

CHAP.
V.
1678.

Aug. 17.

Aug. 20.

Aug. 23.

Five
forged
letters.

⁶⁹ Brief Hist. 104. Echard, 947. Vindication, 20. Kirkby's "compleat and true narrative," with Danby's impartial state of his case, and his plea in the journals of the house of lords, xiii. 538.

CHAP. a certain day arrive at the post-office, addressed
 V. to Bedingfield, the confessor to the duke of York.
 1678. ——— To intercept it, the lord treasurer hastened to
 Aug. 31. Windsor; but found the letters already in possession of the king: for Bedingfield had previously received them, and under the persuasion that they were forgeries, had delivered them to the duke. A rigorous examination took place. One was evidently written by the same person who had penned the information presented to the king by Tonge: the similarity of the other four, though in a feigned hand, plainly showed that they must have been the work of one individual. In addition they all presented the same absence of punctuation, the same peculiarities of spelling and language, and the same ignorance of the real names of the supposed writers and their friends, though they purported to come from five different persons of good education, writing some from London, and others from St. Omer. It was impossible to doubt of the imposture, or of the office in which the letters had been forged ⁷⁰.

⁷⁰ See the letters in L'Estrange (*Observator*, ii. 150, 151, 152, 153, and *Brief Hist.* ii. 7): also James (*Memoirs*), i. 517—519. The fraud was so manifest, that the crown lawyers thought it proper to suppress the letters at the trials which followed. On October 16th the letters, together with the other documents, were laid before Sir William Jones, the attorney-general, with an order for him to make "a state of the evidence." His remark on the letters is singular. "If they can be so proved as to be believed to be the hands of the several persons by whom they are said to be written, they do fully make out the guilt of the writers, and do much confirm all the rest that hath been deposed

Soon after the transmission of these letters, Oates and Tonge, under the pretence of concealment and security, repaired to the lodgings of Kirkby at Vauxhall. That dupe repeatedly attended at court, and presented himself before the king; but Charles, who had already formed his opinion of the plot, invariably passed him by without notice. It was not, however, the intention of the projectors to suffer the discovery to be buried in silence. Distrusting the intention of the council, Oates made affidavit to the truth, first of the original narrative of forty-three, and then to the improved edition, of eighty-one articles, in the presence of Sir Edmondbury Godfrey. That magistrate, surprised to discover in the list of conspirators the name of his friend Coleman, revealed the secret to him, and Coleman immediately communicated it to the duke of York ⁷¹.

CHAP. V.
1678.

Oates makes an affidavit.

Sept. 2.

Sept. 6.

Sept. 27.

James had already persuaded himself that this pretended plot, if not originally devised, would

He is called before the council.

by Mr. Otes....but against the truth of the said letters there are many objections, some from the prisoners, others from the letters themselves, and the way of their coming to light: the particulars thereof, as they are many, and some resulting from the inspection of the letters themselves, so I doubt not but the same are fully remembered by your majesty." Brief Hist. ii. 5, 6. Yet the man, who came to this lame and impotent conclusion, not only did not allow the prisoners the benefit of such objections, but repeatedly asserted to the court that, whoever doubted of the existence of the plot, must be an enemy to the king, and the religion of his country!

⁷¹ Kirkby's "compleat and true narrative," Sept. 2, 5, 7, 8, 9, 27.

CHAP. subsequently be employed for the purpose of
 V.
 1678. excluding him from the succession ; and on that
 account had repeatedly conjured his brother to
 bring the informer before the council, and to
 institute a strict inquiry into the truth or false-
 hood of his testimony. Hitherto Charles, through
 his love of ease, and apprehension of the conse-
 quences, had refused his consent : and (which
 seemed more surprising), Danby himself concurred
 in praising the resolution of the sovereign. But
 the duke entertained no doubt that the real object
 of the treasurer was to suppress all knowledge of
 the plot till the meeting of parliament, and then
 to call for an inquiry into its existence, that he
 might divert the attention of the two houses
 from the impeachment which was still hanging
 over his head. The affidavits of Oates confirmed
 his suspicions : he renewed his arguments and
 entreaties, and Charles with much reluctance
 ordered Tonge to produce the former before the
 privy council.

His narra-
 tive.
 Sept. 28.

At the appointed hour Oates appeared in a
 clerical gown and a new suit of clothes procured
 for the occasion. The assurance with which he
 delivered his narrative imposed on many of his
 hearers. He stated 1. that the order of the
 jesuits had undertaken to re-establish the catholic
 religion in the British dominions by rebellion and
 bloodshed : 2. that their plan of operation com-
 prised Ireland, where some of them were em-
 ployed in organizing an insurrection and massacre,
 Scotland, where others, under the disguise of

Cameronian ministers, opposed the establishment of episcopacy, Holland, where a third party sought to raise the adherents of France against the prince of Orange, and England, where a fourth was plotting the assassination of the king, and not of the king only, but also of his brother, if the duke should prove unwilling to join in the attempt; 3. that they were in no want of pecuniary sources. They had 100,000*l.* in bank, were in the yearly receipt of 60,000*l.* in rents, and had obtained from Leshee (La Chaise), the confessor to the French king, a donation of 10,000*l.*, and from de Corduba, the provincial of New Castile, the promise of an equal sum towards the accomplishment of this holy undertaking; 4. that in March last a man named honest William and Pickering, a lay brother, were repeatedly commissioned to shoot the king at Windsor; and that, the failure being attributed to negligence, the first had received a severe reprimand, the second twenty lashes on the bare back; 5. that on the 24th of April a grand consult of jesuits from all parts met at the White Horse tavern in the Strand, to determine on the most eligible method of taking the king's life; that three sets of assassins were provided, the two persons already mentioned, two Benedictine monks, Coniers and Anderton, and four Irishmen of unknown names, procured and instructed by Fogarty; and that in addition the reward of 10,000*l.*, and subsequently of 15,000*l.*, had been offered to Wakeman, the queen's physician, if he

CHAP. would poison the king. Of Wakeman's answer
 V.
 1678. he was ignorant; but had heard that he gave his
 ——— assent, and had frequently seen him since that
 period in the company of jesuits; 6. that he had
 arrived at the knowledge of the conspiracy by
 the following contrivance. His feigned conver-
 sion had so far won for him the confidence of the
 superiors of the order that they sent him in the
 first place with letters to the jesuits at Valladolid,
 which letters he had the curiosity to open and
 peruse at Burgos. From Valladolid he pro-
 ceeded on a similar mission to Madrid, returned
 thence through Valladolid to England, was
 sent back to St. Omer, accompanied the fathers
 from St. Omer to the grand consult, went with
 them again to St. Omer, and returned with
 new instructions to England: on all which oc-
 casions, so great was the trust reposed in
 his faith and honesty, that the contents of the
 papers which he carried were communicated to
 him by his employers; 7. that since his return
 he had learned, that the jesuits were the pro-
 jectors of the fire of London in 1666, and had
 spent seven hundred fire-balls in nourishing the
 conflagration; but, to indemnify themselves, had
 carried off one thousand carats of diamonds, and
 made a clear profit of 14,000*l.*: that this success
 had encouraged them to set fire to Southwark in
 1676, by which they had gained 2,000*l.* above
 their expenses, and that they had now under con-
 sideration a plan for the burning of Westminster,
 Wapping, and the ships in the river; 8. that the

pope by a very recent bull had already appointed certain individuals, whom he named, to all the bishoprics and dignities in the church of England, under the persuasion that by the murder of the king the catholic religion would rise to its former ascendancy: and lastly that he had already made oath to the truth of this information "in the whole and every particular thereof" before sir Edmondbury Godfrey⁷².

CHAP.
 V.
 1678.

While Oates was reading this long and alarming narrative, the members of the council gazed in astonishment on each other. The facts, which it detailed, appeared so incredible, the means, by which they had come to the knowledge of the informer, were so devoid of probability, and the character, which he gave of himself, exhibited such traits of baseness and dishonesty, that his hearers were bewildered and amazed. The duke of York hesitated not to pronounce it a most impudent imposture: but others contended that no man in his senses would come forward with a tale so startling and portentous, unless he could support it by proof; that, although it were embellished with fiction, it might have a foundation in reality; and that it was the duty of the royal advisers, in a matter of such concernment, to sift out the truth from the falsehood, with which it had been mixed and confounded. Oates was asked to produce documentary evidence in con-

And subsequent
 examination.

⁷² True Narrative of the Horrid Plot and Conspiracy, &c. London, 1679. L. Journ. xiii. 313. State Trials, vi. 1434.

CHAP. V. 1678. firmation of his testimony. He had been trusted with a multitude of treasonable letters at different times: his only object was to detect and defeat the conspiracy: undoubtedly then he must have secured some of these papers as evidence against the traitors. He confessed, however, that he stood there without a single document; but promised to produce evidence in abundance if he might be furnished with warrants and officers to arrest the persons, and seize the papers of the individuals whom he had accused. To this proposal the council gave its assent.

The next morning the inquiry was resumed in presence of the king. To the objections, urged against the authenticity of the Windsor letters, Oates ingeniously replied, that such was the practice of the jesuits; they wrote in feigned hands, and with orthographical errors. Their accomplices were acquainted with the artifice, and it supplied the writers with a pretence of forgery, if the letters were intercepted or discovered. Charles desired that he might be told to describe Don Juan, to whom, according to his narrative, he had been introduced at Madrid; and Oates without hesitation replied, that he was a tall, spare, and swarthy man. The king turned to his brother, and smiled; for both knew from personal acquaintance that Don Juan was low of stature, and fair of complexion. "And where," said Charles, "did you see La Chaise pay down the 10,000/?" He replied with equal readiness,

in the house of the jesuits close to the Louvre. CHAP. V. 1678. "Man," exclaimed the monarch, provoked at his effrontery, "the jesuits have no house within a mile of the Louvre" ⁷³.

The credit of the informer was now gone, unless he could support it by the discoveries to be made from the papers which he had seized. Much was expected from those of Harcourt, the provincial of the jesuits. They consisted of a cipher, of an immense collection of letters, of books of account, and of the acts of the very congregation which Oates had denounced; but among them all no trace of the plot could be discovered; not so much as a passage to which the ingenuity of the lawyers could give the semblance of an allusion to the treason in question ⁷⁴. Fortunately for the informer, it was otherwise with the papers of Coleman, the son of a clergyman in Suffolk, who had embraced the catholic

⁷³ James (Memoirs), i. 520. Macpher. i. 57. "The king told me, that he took it to be some artifice, and that he did not believe one word of the whole story." Reresby, 67. Where the compiler of the Memoirs of James refers to the writings of that monarch, I shall, as I have done above, add the word (Memoirs), because such passages are of higher authority than the other parts of that work.

⁷⁴ Florus Anglo-Bavaricus, p. 100. Two of the letters were, however, selected, and are to be found in the journals of the house of commons (Nov. 2). In one occurs the word "design," in the other "patents." It was explained, (and the explanation is confirmed by the context,) that the first referred to the design of holding the congregation, the other to the patents of appointment to offices in the order.

CHAP. V. faith, and was appointed secretary to the duchess
1678. of York. The man was vain of his abilities,
expensive in his habits, and solicitous to acquire
the reputation of a person of consequence. To
extricate himself from his pecuniary embarrass-
ments, he sought to procure money from
Louis XIV. in 1675 by offering his services in
favour of the catholic religion to father La Chaise,
the confessor of that monarch, and in 1677, by
another offer to father St. Germain to prevent a
rupture between the two crowns, which he repre-
sented as a natural consequence of the marriage
of the princess Mary. In both these attempts he
failed: but he was more successful with the
bankers, whose money had been shut up in the
exchequer, from whom he drew 3,500*l.* under
pretence of procuring for them some parliamen-
tary security; with three successive ambassadors
from France, whom he supplied at a stipulated
price with daily information of the proceedings in
parliament; and in particular during the last
session with Barillon, from whom he procured
2,500*l.* for the purpose of strengthening the
French interest in the two houses. Though
James frequently reprimanded him for his busy
intriguing disposition, he persisted in his course:
his table was frequented by many of the Whig
members while the parliament was sitting; and
the "fanatics" at a distance received from him
weekly "news-letters," reflecting so severely on
the ambition of Louis, and the measures of the

English government, that Charles ordered the duke to dismiss him from the service of the duchess. Luzancy had formerly accused him before the council ; but he faced and silenced the informer ; and it was perhaps this success which induced him also to despise the deposition of Oates. But on the seizure of his papers he asked the advice of the duke of York, who replied, that if he had written any thing illegal, or even suspicious, he had better conceal himself ; otherwise his spontaneous appearance before the council would be taken as a proof of his innocence. He chose the latter, and became the first victim sacrificed to the perjuries of the informer and the prejudices of the nation ⁷⁵.

CHAP.
V.
1678.

The fact was that among several loose papers in a neglected drawer had been found copies of Coleman's foreign correspondence in the years 1675 and 1676. There was in it much to prove the restless and intriguing spirit of the man : but that which chiefly attracted the notice of the council was a proposal from him to La Chaise that Louis should furnish Coleman and his friends with the sum of 20,000*l.* to be employed by them for certain purposes equally conducive to the interest of France and of the catholic church. There was indeed no visible connection between

And of
Coleman's
corres-
pondence.

⁷⁵ For this account of Coleman, see James (Memoirs), i. 533. C. Journ. 1678, Oct. 31, Nov. 7. Dalrymple, ii. 199, 201, 314. Macpher. i. 82. Brief Hist. i. 144. Burnet, ii. 94.

CHAP. this proposal and the plot brought forward by
V.
1678. Oates; for the purposes specified in the letter
— were the restoration of the duke to his place of
lord high admiral, and the establishment of liberty
of conscience. But this was accompanied with
expressions calculated to awaken suspicion.
“Success,” he maintained, “would give the
greatest blow to the protestant religion that it
had received since its birth.”... “They had a
mighty work on their hands, no less than the
conversion of three kingdoms, and by that per-
haps the utter subduing of a pestilent heresy,
which had so long domineered over great part of
the northern world.” To a cool and dispassionate
inquirer, acquainted with the state of parties at
the time, this language would probably have
appeared a mere rhetorical flourish employed by
the intriguer to interest in favour of his project
the zeal of the old priest whom he addressed:
but jealousy had been provoked by the disclosures
of Oates; more, it was suspected, might lurk
under the words than immediately struck the
eye: the great work mentioned by Coleman
might be the commencement of the conspiracy
which had been denounced; the two ends of the
chain were already in sight, and it was possible
that the discovery of more of the correspondence
might supply the link by which they were con-
nected. Under this impression Coleman was
committed to prison, where he found for his

companions in captivity most of the individuals named in the deposition of the informer ⁷⁶.

CHAP.
V.
1678.

It was obviously the interest of the king to bring the inquiry to a speedy termination, that of his minister to protract it till the meeting of parliament: because, if it were then pending, it would infallibly be taken up by the country party. Charles foresaw that they would employ it as an additional weapon of offence against his brother, while Danby hoped to convert it into a shield of defence for himself against the impeachment with which he was threatened. At the beginning of October, when the king was accustomed to spend a fortnight at Newmarket, the dukes of York and Lauderdale conjured him to remain at Whitehall, and to prefer his duty to his pleasures: but the opposite advice of the lord treasurer was most palatable to the indolent monarch; and he departed with the court to Newmarket, leaving strict orders with Danby to prosecute the investigation with the utmost expedition, orders which that minister was careful to disobey ⁷⁷.

The king goes to Newmarket.

Oct. 2.

⁷⁶ C. Journ. Oct. 31.

⁷⁷ James (Memoirs), i. 545, 546. Temple, ii. 478. "He fancied by the help of his pretended conspiracie, and crying out against popery, he should pass for a pillar of the church, and ward the blow which he foresaw was falling on his shoulders; but my lord Shaftsbury, who soon found out his drift, sayd, let the treasurer cry as lowd as he pleases against popery, and think to put himself at the head of the plot, I will cry a note lower, and soone take his place; which he failed not to make good." James (Memoirs), i. 546.

CHAP. Hitherto nothing had transpired to connect the
 V. informers with any party in the state ; but sub-
 1678. sequent events induced many to look upon them
 as mere puppets, whose motions were regulated
 by the invisible hand of some master artist. That
 artist was supposed to be the earl of Shaftesbury ;
 of whom, whether he were or were not the real
 parent of the imposture, this at least is certain,
 that he took it under his protection from its birth,
 and nursed it with solicitude till it arrived at
 maturity. In conjunction with his political asso-
 ciates, he watched the progress of the alarm
 excited by the frequent meetings of the council,
 and the numerous arrests of the supposed conspi-
 rators ; converted with consummate art every
 succeeding event^d into a confirmation of the plot,
 and gradually contrived, by inflaming the pas-
 sions, to assume the most extraordinary control
 over the judgment of the people.

Death of
 sir Ed-
 mondbury
 Godfrey.

It chanced that during the absence of the court,
 Godfrey, before whom Oates had made affidavit,
 was missing from his family. From his father,
 who died by his own hands, Godfrey had inherited
 a melancholy temperament ; and after the appre-
 hension of his friend Coleman, was observed to
 labour under great depression of spirits. On the
 12th of October, having settled his accounts, and
 burnt a large mass of papers, he left his home at
 an early hour, and was met in different parts of
 the town during the day, walking with a hurried
 pace, and apparently inattentive to any thing that

Oct. 12.

passed around him⁷⁸. That very evening it was rumoured that he had been murdered by the papists; and five days later his dead body was discovered among some stunted bushes in a dry ditch on Primrose-hill. It rested on the knees, breast, and left side of the face: a short sword had been thrust with such violence through the heart, that the point protruded a few inches beyond the back: his cane was fixed upright on the bank, his gloves lay near it on the grass, and his rings remained on his fingers, his money in his purse. The extraction of the sword was followed by a copious discharge of blood from the wound; and, when the body was undressed, a deep purple crease appeared round the neck⁷⁹. In these circumstances the question to be determined was, whether Godfrey had fallen by his own hand, in which case the tightness of the collar would satisfactorily account for discoloration of the neck, or had been first strangled, and afterwards stabbed by the murderers, to induce a belief that he was the author of his own death. After an inquiry of two days before the coroner the latter opinion was adopted by the jury, but chiefly on the authority of two surgeons, whose testimony betrays their profound ignorance of the phenomena consequent on sudden and violent

CHAP.
V.
1678.

Oct. 17.
Oct. 19.

⁷⁸ See the affidavits in Brief History, iii. 176—183, 299—310.

⁷⁹ Ibid. 97—99, 212, 226, 264—271. Compare these with State Trials, vii. 184.

CHAP. death. Even at the time the verdict was deemed
 V.
 1678. so unsatisfactory, that other medical practitioners
 solicited permission to open the body: but to
 this the brothers of the deceased made the most
 determined opposition. They were aware that a
 return of *felo de se* would deprive them of the
 succession to his estate, and on that account had
 laboured during the whole investigation to im-
 press a contrary persuasion on the minds of the
 jurors⁸⁰.

Excite-
 ment of
 the peo-
 ple.

Oct. 20.

The result of the inquest imparted the stamp
 of authority to the reports previously in circula-
 tion. It was no longer safe to deny that Godfrey
 had been murdered, and murdered by the papists.
 He had indeed always shown himself their stead-
 fast friend, and had recently given to the accused
 the first notice of their danger. But the absence
 of any sufficient motive for the crime was consi-
 dered of little moment; and no man ventured to
 argue the question, when the least intimation of
 dissent was taken as a proof of conscious guilt.
 The body, instead of being speedily deposited in
 the grave, was carried in public procession to
 the former habitation of the deceased; the doors
 were thrown open during two days; and the
 populace were invited to gaze on the mangled
 remains of the protestant martyr. The sight in-
 flamed their passions, and prepared their minds

⁸⁰ Ibid. 235—237, 242—250, 257.

to believe in the bloody designs attributed to the papists; individual murders, a general massacre, the burning of the city, and the blowing up of Whitehall were hourly expected; and the precautions employed by the magistrates, the multiplication of the guards, the frequent consultations at the Guildhall, served to nourish the excitement and delusion⁸¹.

It was at this moment, when the public phrenzy had reached its height, that Charles met his parliament after the prorogation. The presence of his forces in Flanders had procured for Spain more favourable conditions, but had entailed at the same time an enormous expense on the English government. The supply so lately voted was exhausted; the ordinary revenue of the next year had been already anticipated; and it was become equally impracticable without additional pecuniary aid to disband the army or to keep it on foot. This was the chief subject which the king in his speech sought to impress on the attention of the two houses. To the plot he made only an incidental allusion, stating it to be his intention to leave the guilt or innocence of the accused to the investigation of the ordinary courts of law. Such, however, was not the plan either of the popular leaders, or of his own minister. Under their guidance both houses forgetting the king's recommendation, listened with astonish-

CHAP.
V.
1678.

Ferment
at the
meeting
of parlia-
ment.
Oct. 21.

⁸¹ Burnet, ii. 154.

CHAP. ment to the narratives of Oates and Tonge; and
 V. as if their own existence, that of the sovereign,
 1678. and of the nation were at stake, they placed
 guards in the cellars under the house of parliament, extorted from Charles a proclamation that all catholics, not householders, should quit London, prevailed on him to remove a Scottish regiment to the distance of forty miles from the capital, petitioned for the dismissal of every papist from his domestic service, conjured him to be careful that his meals were prepared by none but orthodox cooks, and appointed committees to pursue the pretended conspiracy through all its secret and numerous ramifications⁸². By these proceedings the inquiry was taken out of the hands of the government, and in a great measure transferred to those of Shaftesbury, and the committee appointed by the lords. Shaftesbury was always at his post, receiving informations, granting warrants for searches and arrests, examining and committing prisoners, and issuing instructions to the officers, informers, and jailors. But his zeal proved too industrious to escape suspicion. By many he was said to be actuated by a very questionable motive, the desire, not of discovering the truth, but of establishing the credit, of the plot. The popular delirium had given to his party an ascendancy in the two houses, which they could

⁸² L. Journ. 297, 301, 303, 304, 305, 306, 307, 308, 309, 312, 331, 335, 354. C. Journ. Oct. 23, 24, 25, 26, 28, 30; Nov. 1, 2.

not otherwise have acquired ; and, that he might keep this alive, and direct it in accordance with his own views, he cared little to what perjuries he might give occasion, or what blood he might cause to be shed.

CHAP.
V.
1678.

Oates, at his examination before the commons made a most important addition to his previous testimony. He informed the house that Oliva, general of the jesuits, had, by authority from the pope, already appointed to all the great offices of state, and to the chief commands in the army, both in England and Ireland ; that many of the patents of appointment had been seen by him, or passed through his hands ; that the office of lord chancellor had been conferred on lord Arundel, of lord treasurer on the earl of Powis, of commander-in-chief on lord Belasyse, of lieutenant general on lord Petre, of lord privy seal on sir Wm. Godolphin, of secretary of state on Coleman, of major general on sir Francis Radcliffe, and of adjutant general on Lambert, who had formerly distinguished himself in the service of the commonwealth. These constituted the new government for England. In Ireland the chancellorship was given to Peter Talbot, the chief command of the forces to Richard Talbot, the rank of lieutenant general to the viscount Mountgarret, and the inferior offices were parcelled out among their friends and dependents. In this selection there was much to shake the confidence of those who possessed any knowledge of the parties, because

Additional disclosures of Oates.

CHAP. several of the latter, from age, or infirmity, or
 V. character, were incapable of executing the differ-
 1678. ent employments to which they had been ap-
 pointed. But such objections weighed not with
 the commons : they sent for the lord chief justice,
 and instructed him to issue warrants for the
 apprehension of all the individuals named in the
 information. In other circumstances the lords
 would have interfered in defence of their privi-
 leges ; now every minor consideration was sacri-
 ficed to the safety of the state ; and the earl of
 Powis, the viscount Stafford, the lords Petre,
 Arundel, and Belasyse were committed to the
 Tower ⁵³.

The bill
 for ex-
 cluding of
 catholics.
 Oct. 23.

The first bill introduced in the house of com-
 mons was the favourite measure of the popular
 party, the test for the exclusion of all catholics,
 and consequently of the duke of York, both from
 parliament and from the presence of the sovereign.
 It proposed to enact, 1. that no person should
 presume to sit or vote in either house of parlia-
 ment, or name a proxy to vote for him in the
 house of lords, unless he had previously, in pre-
 sence of the house, taken the oaths of allegiance
 and supremacy, and subscribed the declaration of

⁵³ L. Journ. 299, 308, 309, 311, 327. C. Journ. Oct. 23, 24, 25, 28. The next day Oates accused the earl of Castlemaine, that having obtained a divorce from his wife on account of adultery with the king, he was now a jesuit in priest's orders, and had, in the hearing of Oates, wished success to the plot that he might gratify his revenge. Castlemaine was sent to the Tower, but acquitted on his trial. See his Manifesto, 7, 10, 46.

idolatry in the worship of the church of Rome, under the penalty of a fine of 500*l.*, and of disability to sue in any court of law or equity, to receive any legacy or deed of gift, or to act in any manner as guardian, executor, or administrator; 2. that every unqualified peer and commoner and popish recusant, coming into the house or presence of the king, should be liable to the same penalty, unless in the next term he should take the same oaths, and subscribe the same declaration in the court of chancery. In former sessions this bill had repeatedly miscarried: but now, under the auspices of Titus Oates, it could not fail of success. Day after day that informer was called in to inflame the passions of the members by new disclosures; every speaker sought to give proof of his loyalty and orthodoxy by the display of hostility to the papists; and the bill passed through the house without opposition, when opposition could lead only to the forfeiture of character, perhaps of liberty and life ⁸¹.

The moment the test was transmitted to the lords, care was taken to add new fuel to the flame by the communication to the house of Coleman's letters. The offensive expressions and the objec-

CHAP.
V.
1678.

Oct. 28.

Vote of
both
houses.

⁸¹ C. Journ. Oct. 23, 24, 25, 26, 28. It is remarkable that this bill omitted the obligation of receiving the sacrament in the established church, which was required as a qualification for taking office. The reason is evident. It would have removed the dissenters from parliament, and without the aid of the dissenters the country party had no prospect of accomplishing their purpose.

CHAP. tionable aims of that busy intriguer were taken for
 V. those of the whole body to which he had joined
 1678. himself; and his constant use of the duke's name
 provoked a general belief, that he had acted by
 the instructions or at least with the connivance of
 that prince. James, indeed, positively denied,
 and commissioned his friends to deny by his au-
 thority, all connection between him and Coleman:
 and Coleman himself at his examination faintly
 acquitted the duke: but the conduct of each was
 attributed to the necessity of his situation, and
 Oct. 31. both houses voted a resolution that "there had
 been and still was a damnable and hellish plot
 contrived and carried on by the popish recusants
 for the assassinating and murdering the king, and
 for subverting the government, and rooting out
 and destroying the protestant religion ⁸⁵."

Funeral of
 Godfrey.

To add to the impression made by the publica-
 tion of this vote, it was accompanied with the
 funeral of the first supposed victim of the conspi-
 racy. Godfrey perished on the 12th of October:
 on the 31st his corpse was borne in procession to
 the grave. As it passed from Bridewell to St.
 Martin's-in-the-fields, it was preceded by seventy-
 two clergymen in their gowns, and followed by
 more than a thousand gentlemen in mourning,
 many of them members of parliament. In the
 pulpit appeared Dr. Lloyd, the rector of the
 parish, between two men of powerful limbs and

⁸⁵ C. Journ. Oct. 28, 30, 31. L. Journ. xiii. 333. Reresby, 67.

determined aspect, habited as clergymen, and stationed for his protection against the designs of the papists. He took for his text the passage, "As a man falleth before the wicked, so fellest thou;"—and undertook to prove that Godfrey had been the victim of his attachment to protestantism, and must have been murdered on that account by its enemies. From this mournful but exciting spectacle the crowd returned to their homes, breathing vengeance against the assassins, and extolling Oates as "the saviour of his country;" his fictions, absurd and incredible as they must appear to the thinking reader, were received without hesitation; and men of every class suffered themselves to be agitated with the apprehension of dangers, the more alarming to the imagination, because they were wrapt in mystery, and expected from unknown and invisible foes⁸⁶.

Neither was the panic thus created local or momentary. The measures, adopted by the government, in consequence of the addresses of parliament, served to give to it both diffusion and duration. In a short time the prisons in the metropolis contained two thousand suspected traitors; the houses of the catholics (even that of the earl marshal could not obtain exemption) had been searched for arms; and all papists who refused the oaths of allegiance and supremacy, amounting almost to thirty thousand individuals, were com-

Precautions.

⁸⁶ Echard, 950. North, 204. Reresby, 67, 68.

CHAP. V. 1678. pelled to withdraw ten miles from Whitehall. For the security of the capital posts were fixed in the streets that chains might be thrown across on the first alarm: the military, the trained bands, the volunteers, to the number of forty or fifty thousand, were occasionally kept all night under arms; strong detachments occupied the most eligible posts; numerous patrols paraded the streets; the guards were doubled at the palace; batteries of field pieces were planted for its protection; and the great gates were kept constantly closed, so that admission could be obtained only through the wicket. From the metropolis the alarm spread into the remotest parts of the country: the order for disarming the catholics was universally enforced; lists containing their names, ages, and occupations were delivered by the officers of each parish to the magistrates, and all were compelled either to take the oaths, or to give security for their good behaviour. Precautions so general and extraordinary were sufficient to conjure up terror in every breast: Charles alone preserved his tranquillity in the midst of excitement: he hesitated not to declare in every company his disbelief of the plot, and to lament that his subjects should suffer themselves to be made the dupes of a bold and brazened impostor⁸⁷.

⁸⁷ See "Les Conspirations d'Angleterre, à Cologne, 1680," p. 338, *et seq.* The account in that work is written by a foreigner, who resided in London, and appears to have kept a diary. Also *Florus Anglo-Bavaricus*, 115, 118; and *Reresby*, 67, 72.

Observing the state of the public mind, the popular leaders determined to throw off the mask, and to commence a direct attack on the duke of York. An address to exclude him from the presence and the councils of the sovereign was moved by lord Shaftesbury in the house of lords, by lord Russell in the house of commons. It was not, that they charged him with any participation in the plot: from that ground they had already been driven by Oates, who had declared at the bar of the house of lords that he believed the duke to be entirely ignorant of the design; and when he was ordered to denounce every individual cognizant of the conspiracy, whatever the rank or station of that individual might be, had replied upon oath "that he could name no other person than those whom he had named already⁸⁸." The charge of treason was therefore abandoned; but they relied on the prejudice excited against him by the publication of the letters of Coleman, and contended that his presence at court encouraged the papists to persevere, and proved an obstacle to the adoption of those measures which were requisite for the security of the protestant worship. Charles openly expressed his indignation at this motion, and ordered his friends to oppose it with all their influence. In the house of lords their efforts were successful: in the commons the debate was adjourned, resumed, and again adjourned. But the

CHAP.
V.
1678.

Address
against
the duke
of York.
Nov. 2.
Nov. 4.

⁸⁸ L. Journ. 309. 311, 389.

CHAP. V. 1678. pertinacity of the party subdued the resolution of the monarch; he sought to escape from the contest; he advised his brother to submit to a compromise, and to withdraw from the council while he remained at court: such a concession would mollify his enemies, and aid his friends in the support of his undoubted rights. It cost James a violent struggle before he would yield; but he deemed it a duty to obey the will of the sovereign, and announced from his seat in the house of lords that he was no longer a member of the council.

Nov. 9. Charles then called the two houses before him, and assured them that he was as ready as their hearts could desire to establish the security of the protestant religion, and to assent to any reasonable laws for that purpose, provided that they did not intrench on the rightful descent of the crown, or on his own authority, or on the just rights of his protestant successors. This speech was received with expressions of gratitude; and lord Russell immediately withdrew his motion. One part of it, the removal of the duke from the council, had been obtained; the other part, his removal from the court, was included in the bill against popish recusants now pending in the house of lords ⁸⁹.

The test bill passed.

That bill, however, made but little progress. The lords in general looked with jealousy on a

⁸⁹ C. Journ. Nov. 9. James (Memoirs), i. 524. Reresby, 70. Burnet, ii. 157. Parl. Hist. iv. 1026.

measure which invaded the constitutional rights of the peerage⁹⁰, and would create a precedent, which on subsequent occasions might be employed against other than catholic peers. To stimulate their indolence the commons by repeated messages reminded them that on the adoption of the bill depended the safety of the king, and kingdom, and of the protestant religion; and Charles, weary of contending with clamour and intimidation, consented to sacrifice the rights of the other lords, provided those of his brother were maintained. To the surprise of all men, on the third reading, when the rejection of the bill was generally anticipated, it passed without opposition, but with a proviso that its operation should not extend to his royal highness the duke of York. James, however, immediately entered his protest against it; and was followed by the earls of Berkshire and Cardigan, and the lords Audley, Stourton, Hunsdon, and Teynham⁹¹.

To the popular leaders the exclusion of the catholic peers was a matter of minor interest: their paramount object, the exclusion of the duke of York, had been defeated by the proviso. They

⁹⁰ See the standing order in the Lords' Journals, xii. 673.

⁹¹ L. Journ. xiii. 365. C. Journ. Nov. 11, 16. Reresby, 71. Monmouth, to escape from the necessity of voting in favour of his uncle, left the house before the division, which gave James a fair opportunity of complaining to the king of his son's conduct, and of observing that he was not only intimately connected with the leaders of the opposition, but suffered his flatterers to drink to him by the title of prince of Wales. James (Memoirs), i. 526.

CHAP.
V.
1678.

Nov. 11.
Nov. 16.

Nov. 20.

CHAP. resolved, as a last resource, to throw it out in the
 V.
 1678. house of commons, and to mark their sense of the
 ———— conduct of the lords by the manner of the rejection.
 Nov. 21. Speaker after speaker rose in favour of the duke,
 but no answer was given from the benches of his
 opponents; the latter were called upon to state
 their objections, but exclaimed in return “ Ques-
 tion, question—Coleman’s letters, remember Cole-
 man’s letters.” At length, when fifteen members
 had been successively heard on the same side, lord
 Cavendish replied; the question was put, and, to
 the deep and bitter disappointment of the party,
 the proviso was carried by a majority of two
 Nov. 30. voices. Charles gave his assent to the bill, but at
 the same time remarked that he did it with reluct-
 ance, and merely through deference to those, who
 were alarmed at the extraordinary excitement of
 the people⁹².

By this statute, which owed its enactment to
 the perjuries of an impostor, and the delusion of
 a nation, the catholic peers found themselves,
 without any fault of theirs, deprived of the most

⁹² C. Journ. Nov. 21. L. Journ. xiii. 394. Parl. Hist. iv. 1039
 —1945. Soon afterwards the lords made an order that John
 Huddleston, Charles Giffard, Francis Yates and his wife, the five
 brothers of the name of Penderel, Mr. Whitgrave of Moseley,
 colonel Carlos, and Francis Reynold of Carleton in Bedfordshire,
 who had been instrumental in the preservation of the king after
 the battle of Worcester, should live as freely as any of his ma-
 jesty’s protestant subjects without being liable to the penalties
 against popish recusants, and that a bill be prepared for that pur-
 pose. L. Journ. 408.

valuable privilege of the peerage, the right which they derived from their birth, of sitting and voting in the higher house of parliament. Nor were they the only victims: the unjust proscription attached to their descendants during the long lapse of one hundred and fifty years. It was reserved for the beneficent sovereign, who lately swayed the sceptre of these realms, and an enlightened and liberal parliament, to erase the foul blot from the statute book, and by an act of tardy but praiseworthy justice to restore the sufferers to the exercise of their ancient and hereditary rights⁹³.

There was one circumstance, which greatly embarrassed the patrons of the plot. Its credit still depended on the sole unsupported testimony of Oates. Though the prisoners had been successively interrogated at the bar, or before the committee of the house of lords, all had uniformly protested their innocence: the offer of pardon and reward had been made in vain: each persisted in declaring his ignorance not only of the facts and designs charged on himself, but also of those

CHAP.
V.
1678.

A new
witness
comes
forward.

⁹³ The peers, whom this act deprived of their seats in the house, were the duke of Norfolk, the earls of Shrewsbury, Berkshire, Portland, Cardigan, and Powis, the viscounts Montague and Stafford, the lords Mowbray, Audley, Stourton, Petre, Arundel, Hunsdon, Belasyse, Langdale, Teynham, Carrington, Widdrington, Gerard of Bromley, and Clifford. We are told that three preferred their seats to their religion (Reresby, 73). Of these the marquis of Worcester was one: the other two, as far as I can ascertain, did not take the oaths till the next session, in 1679, viz. the lord Mowbray, son to the duke of Norfolk, and the earl of Berkshire on his coming to the title after the death of his brother.

CHAP. charged upon the others. Thus eleven weeks
 V. passed away, and no prosecution was instituted,
 1678. because to establish the guilt of the accused, the
 law required the concurrent testimony of two wit-
 nesses. At last the difficulty was surmounted.
 The king by proclamation had promised to the
 discoverer of the assassins of sir Edmondbury
 Godfrey, reward, protection, and a full pardon,
 Nov. 1. even if he were an accomplice ; and in a few days
 the secretary of state received an enigmatical let-
 ter, dated from the town of Newbury, containing
 the singular request that the writer, William
 Bedloe, might be taken into custody in the city of
 Bristol, and be brought back a prisoner to the
 Nov. 2. metropolis. By order of the council a warrant
 for his apprehension was sent to Bedloe himself,
 with directions to deliver it to the mayor of Bris-
 tol, when and in what manner he might think fit :
 Nov. 5. the arrest accordingly took place in the open
 street, and in the presence of a numerous crowd ;
 and report was circulated both there and in Lon-
 don that the prisoner had it in his power to devel-
 op the whole mystery in which the death of
 Godfrey was still involved ⁹⁴.

Deposi-
 tion of
 Bedloe.

The character of Bedloe was not less open to
 objection than that of Oates. He had originally
 been employed in the stables, and afterwards in
 the household of lord Belasyse. Subsequently he
 travelled on the continent as a courier in the ser-

⁹⁴ See the official papers in Brief History, iii. 67.

vice of different gentlemen; in which capacity he became acquainted with the names and residence of many persons of distinction, and availed himself of that knowledge to raise money by artifice and fraud. His swindling transactions had repeatedly been visited with imprisonment and various punishments in different countries: judgment of death had been passed on him for a robbery in Normandy; and he had just obtained his discharge from confinement in Newgate when the proclamation induced him to offer himself a candidate for the reward of 500*l*.⁹⁵ In his first deposition, taken before the king and the two secretaries of state, he declared he knew nothing of the plot, but had seen the dead body of Godfrey at Somerset-house; that according to his informant Le Fevre a jesuit, Godfrey was stifled between two pillows by Le Fevre himself, with the aid of Walsh another jesuit, of lord Belasyse's gentleman, and of a waiter in the queen's chapel; that he had been offered two thousand guineas to help in removing the corpse, and that it was at last carried away on the Monday night at nine of the clock by three persons, unknown to him, but retainers at Somerset-house. The next morning he related the same in substance before the house of lords. To a question respecting Oates he answered by denying all knowledge of that informer: but added, contrary to his testimony the day be-

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V.
1678.

Nov. 7.

Nov. 8.

⁹⁵ Burnet, ii. 158. Echard, 951. Florus Anglo-Bavaricus, 127.

CHAP. fore, that he had been told by Walsh and Le
 V. Fevre of the commissions received by the earl of
 1678. Powis and lord Belasyse, and of authority to ap-
 point other officers given to lord Arundel. This
 provoked the king to exclaim: "surely the man
 has received a new lesson during the last twenty-
 four hours⁹⁶."

The memory of the informer continued to im-
 prove. In another deposition, made also upon
 oath, he recollected that in the beginning of Octo-
 ber he had been solicited to commit a murder for
 Nov. 11. a reward of 4000*l.*; that Godfrey was inveigled
 into the court of Somerset-house about five in the
 evening; that he was not stifled with pillows
 (that story contradicted the finding of the coroner's
 inquest), but strangled with a linen cravat; that
 the body was deposited in a room which Bedloe
 pointed out to the duke of Monmouth; that he
 saw standing round it the four murderers and
 Atkins clerk to Mr. Pepys of the Admiralty; and
 that it was removed about eleven of the clock on
 the Monday night⁹⁷. In two parts of this deposi-
 tion he was unfortunate; he had selected for the
 time of the murder the very hour when Charles
 was at Somerset-house on a visit to the queen;
 an hour when such a transaction must have been
 instantly discovered, because a company of foot-
 guards had been drawn out, and a centinel sta-

⁹⁶ Burnet, ii. 157. L. Journ. xiii. 343.

⁹⁷ L. Journ. 348, 350.

tioned at every door: and he had pointed out as the place of concealment of the body the room which was appropriated to the use of the queen's footmen, who were there in waiting at every hour of the day⁹⁸.

CHAP.
V.
1678.

But his succeeding reminiscences were of much greater importance. At first he knew nothing of the plot: now he remembered that during his travels he had become acquainted with English monks, friars, jesuits, clergymen, and nuns, all of whom were anxious to acquaint him with the particulars of the great design for the re-establishment of catholicity in England. From them he learned that at first it was proposed to confine the king in a monastery, but afterwards to kill him; that another person, unless he would consent to hold the crown of the pope, would be also set aside, and the government be administered by commission with the lord Arundel at its head; that the duke of Norfolk, the marquess of Worcester, and the earl of Shrewsbury were too loyal to be trusted with any knowledge of the plot; that ten thousand men were to land at Bridlington in Yorkshire, and put themselves under the command of lord Belasyse; that an army of twenty or thirty thousand friars and pilgrims was to sail from Corunna to Milford-haven, and to join

⁹⁸ James (Memoirs), i. 527. "The king told me," says Reresby, "that Bedloe was a rogue, and he was satisfied that he had given some false evidence concerning the death of sir Edmond-bury Godfrey." Reresby, 72.

CHAP. the catholics of Wales under the earl of Powis
 V.
 1678. and lord Petre: that the king, the dukes of Mon-
 mouth, Ormond, and Buckingham, the earl of
 Shaftesbury and the lord Ossory were to be mur-
 dered by persons whose names he stated, the
 military in London by assassins stationed at the
 door of every alehouse, and the citizens by a force
 of forty thousand men secretly organized, and
 consisting of papists or protestants in the pay of
 the papists; that all who refused to conform to
 the catholic worship were to be “utterly extin-
 guished;” and that there was not a catholic in
 England of quality or credit, who had not re-
 ceived information of the plot, and been sworn on
 the sacrament to lend to it his aid, and to keep it
 secret⁹⁹.

⁹⁹ L. Journ. 351—353. At this time Luzancy appeared again upon the stage; but his residence for the last three years at Oxford disabled him, however he had been disposed, from acting an important part among the informers. He had already expelled from England St. Germain, almoner to the duchess of York: he now expelled La Colombière, successor to St. Germain. Having composed a memorial for Du Vicquier, a Frenchman, he introduced him first to the bishop of London, and then to the lord chancellor. La Colombière was immediately arrested, and committed on the 16th of November. The former accused him at the bar of the house of lords of having said that the king was a catholic at heart, and that the power of the parliament would not last for ever, of having perverted protestants, and sent missionaries to Virginia. The lords voted that these were matters of dangerous consequence, and on the 21st addressed the king to send Colombière out of the kingdom. Four weeks later the zeal of Luzancy was rewarded with the vicarage of Dover-court. L. Journ. xiii. 367, 368. Conspirations d'Angleterre, 1680, p. 360, 370.

It will excite surprize that in the three kingdoms there could be found an individual so simple or so prejudiced as to believe in this marvellous tale of bloodshed and treason. But in times of general panic nothing is too absurd for the credulity of the public. The deposition of Bedloe was hailed as a confirmation of that of Oates; it served to fan the flame, to add to the national delirium; new addresses were made to the king, and new proclamations and arrests followed. Yet the champions of the plot, those who sought to bring home to the accused the charges against them, saw with uneasiness that there was nothing in these additional informations to constitute Bedloe a second witness in conjunction with Oates. The reader, however, will soon discover how the difficulty was removed by the effrontery of the new informer, who on the trials of the prisoners found it convenient to forget much of his previous testimony, and to substitute other particulars, which, though entirely new, harmonized better with the fictions of his brother impostor.

These discoveries by Bedloe had served to occupy the public attention during the debates on the bill for the exclusion of catholics from parliament: the moment the duke of York was excepted by the clause in his favour, a new and most extraordinary intrigue was set on foot. The reader will recollect that Shaftesbury, in his zeal to prevent the succession of that prince, had ventured to propose to the king a divorce for the

CHAP.
V.
1678.

Their absurdity.

A divorce proposed to the king.

CHAP. purpose of having issue by another wife ; and
 V. now with the same view a Mrs. Lloyd, at the
 1678. suggestion of Dr. Tonge, waited on Charles, and
 Nov. 23. solicited a private audience for Titus Oates, who
 wished to confide to his majesty some secret and
 important information tending to criminate the
 queen. He heard her with tokens of incredulity
 and impatience ; and, when she hinted the pos-
 sibility of a divorce, sternly replied, that he
 would never suffer an innocent woman to be
 oppressed ¹⁰⁰.

Oates ac- Oates, however, was admitted to tell his tale
 cuses the to the king, then made his deposition on oath
 queen. before secretary Coventry, and afterwards was
 Nov. 24. twice examined by the privy council. He stated
 Nov. 25. that in July he saw a letter in which it was
 affirmed by Wakeman that the queen had been
 brought to give her assent to the murder of the
 king ; and that one day in August he accompanied
 several jesuits to Somerset-house, and was left in
 the antichamber, when they were admitted to the
 queen. The door stood at jar ; he had the cu-
 riosity to listen, and heard a female voice exclaim,
 “ I will no longer suffer such indignities to my
 bed ; I am content to join in procuring his death,
 and the propagation of the catholic faith :” soon
 afterwards the jesuits retired ; he looked into the

¹⁰⁰ L. Journ. xiii. 389. James (Memoirs), i. 529. “ He said to me” (Dr. Burnet) “ that considering his faultiness towards her in other things, he thought it a horrid thing to abandon her.” Burnet, ii. 169.

room, and saw no other woman than the queen. CHAP. V. 1678.
 There was much to throw discredit on this story. Oates had never given any intimation of it before: he had not mentioned the traitorous letter, when he made the charge against Wake-
 man; and he had solemnly declared upon oath that he knew of no other persons implicated in the crime besides those whom he had already named. Charles ordered the earls of Ossory and Nov. 26.
 Bridgewater to conduct the informer to Somerset-house, and oblige him to point out the room and antichamber which he had described. He was led into every part, he repeatedly visited every chamber, and was at length compelled to acknowledge his inability to discover the place. The king, convinced that the story had been suggested to him by some enemy of the duke, ordered the guards, who had been assigned for his security, to keep always in his company, and to allow no person to see him, or to speak to him in private¹.

Bedloe followed, as a second witness, to sup- Bedloe also accuses her.
 port the testimony of Oates. He too, if we may believe him, had been at Somerset-house: he had witnessed a conference between Catherine and two French clergymen, in the presence of lord Nov. 27.
 Belasyse, Coleman, and some jesuits; and was subsequently told by Coleman that at the first proposal of the king's murder the queen burst

¹ L. Journ. 388—391. James (Memoirs), i. 529. Clar. Corres. i. 52—56.

CHAP. into tears, but that her objections had been re-
 V. moved by the Frenchmen, and that she had re-
 1678. ———— luctantly signified her consent. Bedloe, however,
 was more cautious than Oates. His former diffi-
 culty in finding the chamber, in which he had
 seen the body of Godfrey, proved to him a useful
 lesson : and he assigned for the scene of his con-
 sultation a place in which he could not be liable
 to error, the gallery of the chapel, while he, as
 he pretended, remained on the floor below. But
 why had he hitherto concealed this important
 evidence? To the question he replied : that it
 had escaped his memory. If he recollected it
 now, it was owing to the impudent denial of
 Coleman, that he had ever been in company with
 Bedloe ².

The lords
 refuse to
 join with
 the com-
 mons.

Nov. 28.

But, whatever might be the conviction of the
 king, it was not the intention of the party to
 lose the benefit of this additional testimony.
 Bedloe, having previously obtained a pardon for
 all offences committed up to that hour, delivered
 his deposition in writing to the house of com-
 mons ; and then Oates appearing at the bar,
 raised his voice and exclaimed, “ I, Titus Oates,
 accuse Catherine, queen of England, of high
 treason.” The members, not in the secret, were
 struck dumb with astonishment ; an address was
 hastily voted for the removal of the queen and
 her household from Whitehall ; and a message

² Ibid. 391, 392.

was sent to the house of lords to solicit their immediate concurrence. They, however, previously required to be put in possession of the depositions made before the council ; then severely examined the two witnesses in person, and, dissatisfied with their answers, resolved to refuse their concurrence, and appointed a committee to state the reasons of their refusal. Shaftesbury with two others protested against this vote : but the majority of the party deemed it prudent to acquiesce : a dissension between the houses might break all their measures, and, by bringing into question the credit of the witnesses, overturn the whole fabric of the plot. The charge against the queen was therefore buried in silence : but an address for the apprehension of all papists within the realm was voted, and impeachments of high treason against the five catholic peers in the Tower were carried to the house of lords³.

I shall not detain the reader with a narrative of the partial trials, and judicial murders of the unfortunate men, whose names had been inserted by Oates in his pretended discoveries. So violent was the excitement, so general the delusion created by the perjuries of the informer, that the

CHAP.
V.
1678.
Nov. 29.
Trials on
account of
the plot.

³ C. Journ. Nov. 28, 29, Dec. 5. L. Journ. 392, 403. The commons also addressed the king to restore Oates to his former freedom. He gave orders that any member or clerk of either house might have unrestrained access to him, but not all persons without exception. *They* remonstrated, and *he* yielded. C. Journ. Dec. 6, 7.

CHAP. voice of reason and the claims of justice were
V.
1678. equally disregarded : both judge and jury seemed
————— to have no other object than to inflict vengeance
on the supposed traitors ; to speak in support of
their innocence, or to question the veracity of the
accusers, or to hint the improbability of the in-
formations, required a strength of mind, a reck-
lessness of consequences, which falls to the lot of
few individuals : even the king himself, convinced
as he was of the imposture, and contemptuously
as he spoke of it in private, dared not exercise
his prerogative of mercy to save the lives of the
innocent. These unfortunate men were put on
their trials under every disadvantage. 1. They
possessed not the means of rebutting the charges
against them. Kept in solitary confinement,
debarred from all communication with their
friends, without legal advisers, and with no other
knowledge than what they could collect from
their previous examination, they received notice
of trial on the evening, and were placed at the
bar the next morning. 2. The point on which
the imposture hinged was the traitorous consult
supposed to have been held at the White Horse
tavern on the 25th of April, at which Oates
deposed that he was present. Now, to prove
that no such consult was held, they could not
appeal to the testimony of the landlord, who was
dead, nor of his widow or former servants still
living ; for, though the house of lords ordered

the inquiry to be made, not one of these individuals could then be found⁴: neither dared they show that the real consult took place on that day at St. James's, because that would have been to expose the duke of York to the capital punishment enacted against the harbourers of priests and jesuits. 3. They were condemned before their trial by the prepossessions of the court, the jury, and the spectators. The chief justice, Scroggs, a lawyer of profligate habits and inferior acquirements, acted the part of prosecutor rather than of judge. To the informers he behaved with kindness, even with deference, suggesting to them explanations, excusing their contradictions, and repelling the imputations on their characters; but the prisoners were repeatedly interrupted and insulted; their witnesses were brow-beaten from the bench, and ill-treated by the spectators; and their condemnation was generally hailed with acclamations which the court rather encouraged than repressed⁵.

These trials were introduced with the prosecution of Stayley, the catholic banker, at the instance of Carstairs, a Scottish adventurer. Stayley was sitting in a tavern, and conversing in French on the topics of the day with Firmin, a native of Marseilles, when Carstairs entered with a companion, and pretended to listen to their discourse. The next morning he waited on

CHAP.
V.
1678.

Trial of
Stayley.

Nov. 14.

⁴ L. Journ. xiii. 335.

⁵ See in particular the evidence of Fallas, State Trials, x. 1275.

CHAP. V. Stayley, and accused him of treason, but offered
 1678. to suppress the charge in consideration of a sum
 of 200*l.* The banker laughed at the insolence of
 the man : but in a few minutes he was arrested,
 and at the end of five days tried for his life.
 Burnet, when he heard the name of the informer,
 hastened to assure the lord chancellor that Car-
 stairs was a man of infamous character and un-
 worthy of credit even on his oath : but Jones,
 the attorney-general, being present, asked Bur-
 net, who had authorized him to defame the king's
 witness, and the timid divine shrunk from the
 frown of the barrister, and left the unfortunate
 man to his fate. The conversation in the tavern
 turned on the catholics, who had been charged
 Nov. 20. with the design of murdering the king, and the
 question in dispute at the trial between the in-
 former and the accused was, whether Stayley had
 said that he was ready to kill *him* or *them*, whe-
 ther he used the French article *le* or *les*. It is
 plain that Firmin might have decided the contro-
 versy ; but care had been taken to confine him in
 close custody, from which he was not discharged
 Nov. 26. till four months after the trial. The jury be-
 lieved the informer, and Stayley suffered death at
 Tyburn ⁶.

Of Cole-
 man.
 Nov. 2.

The first victim sacrificed to the perjury of
 Oates and his coadjutor Bedloe, was Coleman. In
 consequence of an address from the house of com-

⁶ State Trials, vi. 1501. Burnet, ii. 160. Conspirations d'An-
 gleterre, 378.

mons Charles had promised that, if Coleman CHAP.
 would make a satisfactory confession, he should V.
 have a full pardon, if he did not, the law should 1678.
 have its course. With this information the com- Nov. 4.
 mittee visited him in Newgate. He gave them Nov. 7.
 the cipher to his correspondence, and explained
 to them his pecuniary transactions, but strongly
 denied that he possessed any knowledge of the
 alleged plot⁷. At his trial he maintained that his Nov. 27.
 object in his letters (that they were imprudent
 and unwarrantable he did not deny) was to pro-
 cure money and the toleration of the catholic
 worship; that he had never seen either of his
 accusers before his apprehension; and that both
 had perjured themselves in their testimony, Bed-
 loe by swearing that he had taken a letter from
 Coleman to La Chaise in April, 1675, whereas it
 was plain from the documents on the table that

⁷ C. Journ. Nov. 2, 4, 7. According to the report of the com-
 mittee, Coleman said that he had received 2,500*l.* from Barillon,
 "to distribute to members of the house of commons, to prevent a
 rupture between the two crowns," but "had applied the money
 to his own use, because he thought he was as much out of purse
 upon the French account in his way of living: though he told Ba-
 rillon that he had given to some members according to his pro-
 mise." Journ. p. 534. I suspect some inaccuracy in this state-
 ment. After Coleman's death his widow presented through
 Barillon a petition to Louis stating that 65,000 livres, or 5,000*l.*
 had been promised to her husband for his services in preventing
 the declaration of war, that only one half, 2,500*l.*, had been paid
 to him, and that Barillon objected to pay to her the remaining half
 without an express order from the king. Dalrymple, 201. On
 what ground could she claim the money, if her husband were
 only an agent to distribute it to others?

CHAP. there had been no correspondence between them
 V. before September in that year, and Oates by de-
 1678. posing to numerous transactions with him, though
 ————— in presence of the council the informer was unacquainted with his person, and appeared to be ignorant of these very transactions. Bedloe probably made no answer: Oates replied with some embarrassment, that his eyes were at the time so dazzled by the lights on the table that he could not see distinctly, and his mind so overpowered by fatigue, that he was incapable of recollection. Dec. 3. Coleman was found guilty, and perished on the scaffold protesting his innocence with his last breath⁸.

Of the
 five je-
 suits.

Dec. 17.

1679.
 Jan. 24.

Whitbread, Fenwick, Ireland, Grove, and Pickering were soon after brought to the bar. The evidence of Oates was positive against the whole five; that of Bedloe, by some unaccountable mischance, affected only the three last. In these circumstances Whitbread and Fenwick were by law entitled to an acquittal; but the chief justice ordered them to be removed, and called on Ireland, Grove, and Pickering to proceed with their defence. The jury returned a verdict of guilty, and the three unfortunate men died like Coleman, asserting on the scaffold, as they had asserted at the bar, that before their apprehension they had never heard, never so much as thought of the treason, for which they suffered⁹.

⁸ State Trials, vii. 1—78. Florus Anglo-Bavaricus, 135.

⁹ State Trials, vii. 79—143.

In these prosecutions Bedloe acted only a secondary part as the auxiliary of Oates: with respect to the death of Godfrey he claimed the merit and reward of an original informer, but was compelled to spend two months in search of a second witness to confirm his sole and unsupported testimony. The deficiency was supplied by the apprehension on some trifling charge of Prance, a silversmith, who had occasionally been employed by the queen. Bedloe, the moment he saw Prance, exclaimed "that man is one of the murderers:" and the unfortunate silversmith was hurried to Newgate, where, under the influence of threats and promises, he was induced to confess himself guilty, and to accuse as accomplices, Hill, Green, and Berry, three servants at Somerset-house¹⁰. But his mind was not hardened against the sting of remorse; he requested to be placed a second time before the king and the council, and on his knees, with the strongest protestations of horror and repentance, declared that the whole of his confession was false, and that he knew nothing of the murder or the murderers. The managers attributed this retraction to the arts of the jesuits. Prance was remanded to Newgate and chained to the floor in the condemned cell: his terrors and his sufferings bereaved him occasionally of his reason; and Dr.

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V.
1678.

1678.

Informa-
tion of
Prance.

Dec. 21.

Dec. 23.

Dec. 24.

Dec. 29.

¹⁰ Like Oates and Bedloe, he had the folly to mention a room in Somerset-house where the body lay, and being sent there, like them was unable to find it. L. Journ. 438.

- CHAP. Lloyd, now dean of Bangor, and Boyce, the
 V. keeper, urged him to confess, the one with
 1678. spiritual, the other with worldly motives. At
 1679. last he consented: but his disclosures were now
 Jan. 11. so numerous and portentous, that the credulity of
 the dean was startled; he declined any further
 interference¹¹, and left the unhappy man to the
 management of Boyce, with whose assistance a
 narrative was composed, professing to detail "the
 manner and circumstances of the murder, the
 conspiracy to assassinate the earl of Shrewsbury,
 and the vile practices of several popish priests¹²."
- Feb. 10. The prisoners Hill, Green, and Berry were now
 brought to trial: ignorant and unassisted, they
 were unable to detect and expose the glaring in-
 consistencies between the depositions of the two
 informers; and all three received judgment of
 death. Hill and Green, who were catholics,

¹¹ See *L. Journ.* xiii. 431, 436, 438. James (*Memoir*), i. 535. Extracts from the journal of the committee, and the letters of Prance and Lloyd in *Brief Hist.* iii. 64—86. "From the time of taking off my irons and changing my lodging, which was upon my yielding basely to forswear myself against those innocent persons who dy'd on my wicked evidence, Mr. Boyce was the man that acted for me, and writ many things which I copy'd after him. I found by his discourse that he had been several times with my lord Shaftesbury and with Bedloe, and he told me that I should be certainly hang'd, if I agreed not with Bedloe's evidence," p. 127. It is plain that little reliance can be placed on the words of Prance: yet, as Dr. Lloyd observes, "he was best able to refute his own fictions concerning the murder, in which his word may be of some credit, but of none in any thing else," p. 85.

¹² "A True Narrative and Discovery, by Mr. Miles Prance, of Covent-garden, Goldsmith." 1679.

having resisted every attempt to draw from them an acknowledgment of guilt, suffered at Tyburn : to Berry a protestant, the respite of a week was granted : but he, like his companions, disappointed the hopes of the committee, and died like them with asseverations of innocence in his mouth¹³.

But from these scenes of horror it is time to divert the reader's attention to a new intrigue of a very different description, which led in its consequences to the dissolution both of the ministry and the parliament. It will be remembered that on the 25th of March the lord treasurer, in opposition to his own judgment, wrote by order of Charles a letter to Montague, the ambassador at Paris, commissioning him in certain circumstances to demand from Louis a pension of 6,000,000 of

CHAP.
V.
1678.

1679.
Feb. 21.
Feb. 27.

1678.
Montague's in-
trigue
against
Danby.

¹³ State Trials, vii. 159—230. Ralph has printed the depositions of Bedloe and Prance in parallel columns, that the reader may see at one glance how they contradict each other in almost every circumstance of time, place, and thing. i. 419. Perhaps I should mention that great endeavours were made to implicate in the plot Pepys, secretary of the admiralty to the duke of York, and that with that view Atkins, his clerk, was charged and tried as an accomplice in the murder of Godfrey. Bedloe, before the lords, swore that one of the accomplices, "who called himself Atkins, was in all things very like the prisoner, but because he never saw him before that time, he could not positively swear it, but he verily believed him to be the man." L. Journ. 351. Before the trial, however, it was known that Atkins that very evening was drinking till he was intoxicated on board one of the king's ships in the river : and Bedloe then swore that the accomplice "was not such a man as the prisoner. He had a more manly face and beard." State Trials, vi. 1473—1492 ; vii. 242. Atkins of course was acquitted.

CHAP. livres in return for the king's services in disposing the allies to consent to the conditions of peace.
 V.
 1678.

The demand was never made—not because it shocked the patriotism of Montague, for it had been suggested and recommended by him¹⁴—but because the terms proposed were rejected by the French cabinet. What secret overtures were afterwards made to the ambassador by Louis, we know not: but he felt or pretended to feel as an injury the king's refusal of his request to purchase the office of secretary from sir Henry Coventry, and suddenly abandoning his situation in Paris, he returned without permission or notice to England. Danby, apprehensive of his enmity, watched his steps with solicitude: it was discovered that he not only associated with the popular leaders but held secret and nightly conferences with Barillon; and his attempts to procure a seat in the house of commons convinced the minister that, if Montague delayed to strike the blow which he meditated, it was only till he could shelter himself from the royal resentment under the privileges of parliament. At the election for Grinstead he was defeated by the foresight of Danby: at that for Northampton he was returned by the mayor, his absent opponent Sir William Temple by the sheriff: but Montague petitioned,

June 24.
 August.
 Oct. 21.
 Nov. 6.

¹⁴ His letters are published among those of Danby, 1, 13, 20, 21, 26, 36, 38, 43, 60, 62, 82.

the popular party espoused his cause, and the house pronounced him duly elected¹⁵.

CHAP.
V.
1678.

Montague's real object was the ruin of the lord treasurer. With the popular leaders he had arranged that *he* should bring forward the secret despatch of March 25th: and *they* should ground on it a vote of impeachment against Danby. With Barillon he had concluded a contract, that 100,000 livres should be spent by the ambassador in purchasing the aid of the most powerful speakers in parliament, and 100,000 crowns should be paid to Montague himself, if through his exertions Danby were removed from office within the course of six months¹⁶. Still he delayed. His timidity was not satisfied with the protection afforded by a seat in parliament, and he waited for the time when the disbandment of the army should render the king less able to violate the privileges of the members. But Danby had already received a hint of his danger: he knew that his despatches had been secretly shown to some of his opponents, and it became to him a matter of the first importance to gain possession of the obnoxious papers. With this view he laid before the council the information given by sir William Temple that Montague had privately visited the papal nuncio at Paris, and might therefore be in some manner or other im-

Nov. 11.
Who
seizes
Monta-
gue's pa-
pers.

Dec. 19.

¹⁵ Ibid. 78, 83, 88, 115, 116. C. Journ. Oct. 21, Nov. 6, 11, 23.

¹⁶ See Barillon's despatch in Dalrymple, 193.

CHAP. V. 1678. plicated in the popish plot¹⁷: it was immediately resolved to pursue the inquiry: messengers were despatched to make the seizure of his papers; and Ernley, chancellor of the exchequer, delivered a royal message, announcing this proceeding, and the information on which it was grounded, to the house of commons.

The matter had been conducted with so much secrecy that Montague and his friends were taken by surprize. The ingenuity of Powle (he afterwards received five hundred guineas from Barillon as a reward for his services¹⁸) relieved them for a while from their embarrassment. The seizure he maintained was a breach of privilege unless the information had been taken upon oath, and at his suggestion lord Cavendish with other members waited on the king, to ascertain the fact as to that particular circumstance. To their mortification Charles drily replied, that he would return an answer after the two houses were risen.

But Danby's despatches are saved.

In the next place Harbord, another of Barillon's pensioners, was deputed to visit Montague's house, with private instructions from that member. Having ascertained that the letters, the only real objects of anxiety to both parties, had

¹⁷ Danby's Letters, 265—267. Dalrymple, 198.

¹⁸ Barillon appears to have made out in December of each year an account of the money which he disbursed for political purposes. The account for the present year up to December has not been discovered; that for the year 1679 will be afterwards noticed.

hitherto escaped the search of the officers, he returned; Montague immediately announced that he had in his keeping papers containing indubitable proofs of the guilty projects of a certain great minister; lord Cavendish moved that documents of such high importance should be placed under the custody of the house; and Harbord, lord Russell, and several others were commissioned to proceed and take possession of the letters in question, in the name of the commons of England. They returned bearing a small casket, which was placed on the table, and Montague selecting from its contents two papers, delivered them to the speaker, protesting at the same time that it had been his intention to have communicated them through secretary Coventry to the king, and that he should not have presumed to make them public even now, were it not in obedience to the express commands of the house. Both bore the signature of the lord treasurer. One, of the date of Jan. 16, stated that the adjournment for thirteen days had been adopted in the hope of discovering in the interval some expedient for a peace, the other proved to be the celebrated despatch of March 25: with which the reader is already acquainted.

The reading of these papers electrified the house. They were described as a continuation of Coleman's intrigue, they proved that the same objects were kept in view, and the same manœuvres employed; that the king's ardour for war

CHAP. had been a mere pretext to wring money from
 V.
 1678. his people, and that, the moment money was
 ——— voted, he had offered to sell the nation to a fo-
 reign sovereign. The debate was long and
 stormy; and no one expressed more virtuous in-
 dignation against pecuniary transactions with
 France, than those who were then in the pay,
 or who had planned the prosecution with the
 advice, of the French ambassador. The house,
 carried away by the impulse of the moment,
 voted by a majority of sixty-three voices that the
 lord treasurer should be impeached of high trea-
 son, and that his letters should be entered on the
 journals¹⁹.

And are
 read to the
 house.

Thus far the cunning of Montague had tri-
 umphed over that of the minister. He was not,
 however, without apprehension. He knew that
 the charge which he had brought, might be re-
 torted with tenfold energy against himself, and
 that the letters, in which he had originally sug-
 gested, and afterwards advised the measure, were
 still in existence: but he gave credit to his adver-
 sary for a more delicate sense of honour than he
 possessed himself, and trusted that Danby would
 be restrained from the publication of those docu-
 ments by the fear of betraying at the same time
 the secret views and negociations of the sovereign.
 In this respect he argued correctly; for out of

¹⁹ Journ. Dec. 19. Reresby, 74—78. Parl. Hist. iv. 1054—
 1067.

the whole correspondence the treasurer could find but two letters, which he might produce in his vindication without compromising the king. Both were forwarded to the house. The first, dated Jan. 1, N. S. gave information that Ruvigni was sent to London to treat through lord Russell with the popular leaders: the other of the 18th contained a proposal from Montague respecting a demand of money on a conclusion of peace, and a request that he might be furnished with instructions on that head. They were publicly read by the speaker, but no attention was paid to them by the house, nor were they entered on the journals. The next day the impeachment was voted, and sir Henry Capel received orders to carry it to the house of lords²⁰.

CHAP.
V.
1678.

Dec. 20.

Dec. 21.

This instrument accused the earl of Danby of high treason and other high crimes, misdemeanors, and offences; and in particular 1. of traitorously "accroching" to himself regal power by acting without communication with the secretaries of state and the other counsellors; 2. of endeavouring to subvert the ancient government by keeping on foot a standing army; 3. of negotiating a peace in favour of France to the pre-
Impeachment of Danby.

²⁰ Danby says that the letters were not read (Danby, 102); but this, it appears from the journals (Dec. 20), is a mistake. They were not, however, entered, and what is still more extraordinary is that the entry of Danby's letters omits the very important postscript in the hand of the king, testifying that the letter was written by his order. Was it intended to keep this circumstance from the knowledge of the house?

CHAP. dice of England, that he might in return obtain
 V. money from France for the support of that army ;
 1678. 4. of being popishly inclined, and of having concealed the popish plot ; 5. of having wasted the royal treasure in secret services and useless pensions ; and lastly of having obtained for himself grants from the crown contrary to the act of parliament²¹.

Montague's baseness.

Of Montague's perfidy and baseness in this proceeding, there can be but one opinion. He had charged the counsels, of which he was himself the author, on one by whom they had always been opposed ; he had betrayed the confidence reposed in him by his sovereign, and had sold his services to that very power, whose intrigues he had been commissioned to watch and unravel. Nor can much be said in favour of the leaders by whom he was supported. They lent their powerful aid to the malice of a disappointed individual and the policy of a foreign court ; they sought to interest the passions of the house by clamour and misrepresentation ; they voted charges which were, on the very face of them, false and absurd ; they affixed the penalties of treason to an offence which, when fully proved, could amount to no more than a misdemeanour, and this sacrifice of honour, truth, and justice, they made for the paltry purpose of ruining the adverse leader of a political party. Their intemperance, however,

²¹ C. Journ. Dec. 21.

had its usefulness. It taught succeeding ministers to recollect that, besides the sovereign whom they served, there existed another power, before which they might be compelled to answer, if, through obsequiousness to the royal will, they should presume to violate the existing laws, or to act in opposition to the acknowledged interests of the country.

In the house of lords Danby defended himself with spirit and eloquence. It was, he owned, a misfortune to lie under an impeachment by the house of commons; yet even with that misfortune upon him he deemed himself more happy than his accuser, abhorred as that accuser must be by every honest man, for his duplicity, his perfidy, and his ingratitude. Of the charges against him he spoke with contempt. He denied them all: he defied his adversaries to the proof: he asked for nothing but an equal and a speedy trial. The commons insisted that he should be committed a prisoner to the Tower; but it was argued that not one of the offences specified in the impeachment amounted in law to high treason; after an adjourned debate the demand was refused, and a day was appointed on which the treasurer should give his answer²².

The parliament had now lasted eighteen years. In its infancy it had been distinguished by a habit

CHAP.
V.
1678.

Danby's
defence.
Dec. 23.

Dec. 27.

Proroga-
tion of
parlia-
ment.

²² L. Journ. xiii. 432—435, 441. Parl. Hist. iv. 1069. Reresby, 78.

CHAP. of blind obsequiousness, in its more mature age
 V. by a system of determined hostility, to the court.
 1678.

———— The duke of York long ago advised a dissolution : but Charles had listened to the contrary suggestions of the minister, who felt little for the personal embarrassments of the king's brother, as long as he hoped by promises and bribes to mould the majority to his own purposes. Now, however, this hope had vanished. An impeachment was hanging over his head : he could have no certain reliance on his innocence at a time, when the jealous and vengeful passions of the people were in the keeping of his adversaries ; and there was reason to fear that the king, however resolute he might profess to be at the moment, would ultimately yield to his habitual love of ease, and his constitutional apprehension of resistance. The treasurer's best chance of safety depended on an immediate termination of the session. It would, indeed, be accompanied with an inconvenience, the loss of a bill of supply for 640,000*l.* for the disbanding of the army : but for this might be substituted the surplus revenue of the year and a loan from the prince of Orange.

Dec. 30. Danby ventured to bring forward the proposal in the council ; and Charles readily prorogued the parliament for the space of five weeks ²³.

²³ L. Journ. 447. Reresby, 78. The savings to the amount of 600,000*l.* had hitherto been applied towards the gradual extinction of the debt incurred by the stoppage of the exchequer in 1672. Reresby, 67. Parl. Hist. iv. 1063, 1071.

CHAP. VI.

CHARLES II.

THE DUKE OF YORK QUITS THE KINGDOM—DANBY PARDONED BY THE KING, BUT IMPRISONED—NEW COUNCIL—DEBATE ON THE BILL OF EXCLUSION—PROROGATION—EXECUTION OF MITCHELL IN SCOTLAND—MURDER OF ARCHBISHOP SHARP—VICTORY AND DEFEAT OF THE COVENANTERS—TRIAL AND EXECUTION OF FIVE JESUITS—OF LANGHORNE—ACQUITTAL OF WAKEMAN—DISSOLUTION OF PARLIAMENT—PETITIONERS AND ABHORRERS—BILL OF EXCLUSION LOST IN THE HOUSE OF LORDS—TRIAL AND EXECUTION OF VISCOUNT STAFFORD.

FROM the prorogation the lord treasurer de- CHAP. VI.
 rived this important benefit; it suspended the 1679.
 proceedings against him, and afforded him a
 breathing time to provide for his own security. A new
 His first care was to break the combination of parlia-
 his enemies by entering into a private treaty with ment.
 some of the leaders; the lord Hollis in one house,
 and Lyttleton in the other, were induced to make
 him, under certain conditions, a promise of neu-
 trality, if not of support, on the question of im-
 peachment; and the king by his advice dissolved Jan. 24.
 the parliament, summoning at the same time

CHAP. another to meet at the expiration of forty days.
 VI.
 1679. Never perhaps did a general election take place
 ————— at a season of more intense excitement. The
 flame kindled in the capital had spread to the
 remotest corners of the country: the minds of
 men were agitated by rumours and jealousies the
 most extraordinary and unfounded: they believed
 at the same time that the king was a party to
 the conspiracy, and that his death was one of the
 great objects of the conspirators; they suffered
 their judgments to be swayed by words instead
 of facts, but by words apparently of tremendous
 import, though without any definite meaning;
 and the candidates in the interest of the court
 were everywhere assailed with cries of the danger
 of protestantism, and the bloody designs of the
 papists. The returns proved that the influence
 of the minister was no match for the phrenzy of
 the people. His adherents were rejected with
 marks of infamy, and their places supplied with
 men breathing vengeance against the catholics,
 and against an administration by which they
 believed that the catholics were secretly sup-
 ported¹.

The duke
 is forced
 to quit
 England.

The unfavourable result of the elections sug-
 gested to Danby the necessity of some expedient
 to propitiate and disarm his opponents. *They*
 had failed to exclude the duke of York from the
 house of lords, *he* undertook to remove him from

¹ Burnet, ii. 177. L. Journ. xiii. 448. North, 504, 505.

the kingdom. To sound the disposition of that prince, certain persons, some his known friends, others considered as neutral, were employed to explain to him the expediency of a voluntary but temporary exile, and, when he refused to purchase impunity for the minister by his own disgrace, Danby advised the king to send him an order to quit England, and to fix his residence at Brussels. But the good nature of Charles recoiled from so harsh and ungracious a proceeding; the suggestion of an attempt to convert his misbelieving brother was adopted as less offensive to his feelings; and the archbishop with some of his brethren received a commission to bring back the strayed sheep to the fold of the established church. These prelates waited on the duke: they represented to him the pain which it gave them to behold the son of a martyred king absenting himself from the national worship; they inveighed in sharp and bitter terms against the principles of the Roman church; and they maintained that she “both taught and practised doctrines destructive of salvation,” an assertion which, with his permission, they were prepared to establish “not by perplexing him with the subtleties and niceties of the schools, but by a plain text or two, and a plain obvious matter of fact.” James replied that he doubted not the uprightness of their motives, though he knew that the suggestion came from an enemy: that it would be presumption in him a layman to enter

CHAP.
VI.
1679.

Feb. 22.

CHAP. the lists against professed theologians; that he
 VI. had not changed his religious creed without a
 1679.

 serious examination of the distinctive doctrines
 of the two churches, or a clear foresight of the
 sacrifices which that change would entail upon
 him; and that to renew the investigation would
 require more leisure than he at that time pos-
 sessed, and more deep and continued attention
 than he could under existing circumstances com-
 mand. The failure of the prelates, and the im-
 portunity of the treasurer subdued the reluctance
 of Charles, who at length mustered sufficient
 courage to hint to James that his expatriation for
 a short time offered the most probable means of
 mitigating the hostility of his enemies. The duke
 professed himself ready to submit to the royal
 will, but at the same time solicited two favours,
 one an order in writing to quit the kingdom, that
 he might not appear to steal like a coward from
 the contest, the other a solemn promise that his
 rights should not be sacrificed in his absence to
 the pretensions of Monmouth, who, it was now
 reported, had provided four witnesses to establish,
 in the event of the king's death, a contract of
 marriage between his father and mother. The
 order was immediately given in the form of a
 most affectionate letter; and Charles, having
 assembled the council, declared "in the presence
 of Almighty God that he had never given or
 made any contract of marriage, nor was ever
 married to any woman whatsoever but his wife,

Feb. 28.

March 3.

queen Catherine, then living." For greater security he subscribed this declaration, commanded the counsellors present to attest its execution with their signatures, and ordered the instrument with their testimony to be enrolled in chancery². James, accompanied by the duchess, departed the next day for Brussels: his daughter Anne was left under the care of her uncle, that it might not be said that her father meant to seduce her from the protestant worship³.

The parliament opened with a violent altercation respecting the choice of a speaker. Seymour, who had discharged the office in the last, was re-elected by the new, house of commons. This, however, accorded not with the designs of the lord treasurer, and it was resolved that when, according to custom, he should beg of the king to be excused, his prayer should be granted: but Seymour, aware of the intention, omitted in his speech the usual disqualifying expressions, and merely stated that he stood there to receive his majesty's approbation. The chancellor was disconcerted: Charles had more self-possession; he

CHAP.
VI.
1679.

March 4.

Dispute
respecting
the choice
of a
speaker.

March 6.

March 7.

² This declaration, as well as another made on the 6th of January, has been published by Mr. Rose from the rolls in chancery. Observations on Fox, App. p. 59.

³ James (Memoirs), i. 530, 536, 537, 541. Dalrymple, ii. 212 Burnet, ii. 194. The discourse of the prelates is in Clar. Corresp. ii. App. 467—471. The duke afterwards wrote to the archbishop an account of his conversion, which did not take place till after the restoration, and in consequence of the fullest conviction. James (Memoirs), i. 539, 540.

CHAP. VI. whispered in the ear of that officer, who answered
 1679. that Seymour was reserved for a different em-
 ———— ployment, and that the commons must proceed to
 a new election.

This affront to the speaker elect has been represented as the consequence of a private quarrel between him and the lady Danby. But it is scarcely credible that the treasurer, with an impeachment hanging over his head, would wantonly plunge into another quarrel with the house of commons merely to gratify the resentment of his wife; and the subsequent proceedings appear to show that the attempt was made in consequence of the secret understanding between him and some of the popular leaders. The person whom he sought to substitute in the place of Seymour was sir Thomas Meres, one of his most active and eloquent opponents in the late parliament; but the commons adhered to their first choice; and to their petition, that the king would
 March 11. not invade their undoubted right, an answer was returned, bidding them not to waste the time but
 March 12. to obey. They requested him to reconsider their
 March 13. petition, and he prorogued the parliament for two days. When the house met again, Seymour was never mentioned: as if no dispute had previously
 March 15. existed, serjeant Gregory, on the motion of lord Russell, seconded by lord Cavendish, was placed in the chair, and the new speaker immediately received the approbation of the king. By this arrangement Charles saved to the crown the right

of refusing the person elected; and the commons took from the privy counsellors, by whom it had hitherto been exercised, the privilege of proposing the name of the speaker, and extended it to any member of the house ⁴.

CHAP.
VI.
1679.

The moment the last parliament was prorogued, Montague, apprehensive of the royal resentment, had endeavoured to escape to the continent in disguise, but had been apprehended on suspicion at Dover, and compelled to give security that he would not quit the kingdom. Again, however, he absconded, till his election for the borough of Huntingdon in the new parliament reinvested him with freedom from arrest, and placed him in a situation to resume the prosecution of Danby ⁵. Fortunately for his purpose the lords had resolved that "the dissolution of the last parliament did not alter the state of the impeachments brought up by the commons in that parliament ⁶," and the majority of the house were so irritated by the late contest respecting the speaker, that they offered themselves to become the willing tools of his policy or malice. Charles saw, and sought to avert, the impending storm. Having compelled the treasurer to resign the staff, he called the two houses

A pardon
granted to
Danby.

⁴ Reresby, 80—82. Parl. Hist. iv. 1093—1113. Burnet, ii. 194.

⁵ Danby, 118.

⁶ L. Journ. xiii. 464, 466. We may infer from the report of the committee that this resolution was not founded on any ancient precedent, because no inquiry into precedents was made.

CHAP. VI. into the royal presence, and informed them that, whatever Danby had done in the writing of the letters, or the inquiry into the plot, had been done by his express order: that they were in reality his own acts, and he was therefore bound to shield his minister from punishment on his account. There existed, indeed, other reasons why he should exclude the earl from his counsels and presence: but as for the offences of which he had been impeached, a full pardon had already been granted him, and that pardon should be renewed a dozen times, if a dozen renewals should be found necessary⁷.

And objected to by the commons.

If Charles assumed on this occasion so decisive a tone in favour of his late minister, it was not that he any longer looked upon him with feelings of friendship and esteem. For some months the chief object of Danby's proceedings had been his own preservation; to his obstinacy in the inquiry into the plot the king attributed all his present embarrassments; and the duchess of Portsmouth, whose industry had been quickened by a threat of impeachment, laboured by her suggestions to strengthen the alienation of the royal mind⁸. But a sense of honour and justice (so it was pretended) forbade the monarch to allow that the servant should suffer the penalty of a transaction, in which he had done nothing more than obey the command of his master; though, if we believe

⁷ Ibid. 466. Reresby, 84. Burnet, ii. 196.

⁸ Temple, ii. 478.

Danby himself, the king was actuated by another and more selfish motive; it was for the royal interest to prevent a trial, because a trial would probably lead to the exposure of the secret treaties between Charles and the king of France. Had it not been for this inconvenience, he would have refused the pardon: he wanted no shield for defence, he was ready to fight his enemies with such arms as innocence supplied⁹. However that may be, by the house the very mention of a pardon in bar of an impeachment was taken as a wrong and an insult. Having searched in vain for a copy of the instrument in the different public offices, they interrogated the lord chancellor; and learned from him that Danby offered the pardon ready drawn to the king, who immediately signed it, and ordered the person, who carried the bag, to affix the great seal in his presence¹⁰. In the debate which followed, Powle (the reader will recollect that he was at the very time the secret pensionary of Barillon) called in bold and indignant language for the punishment of a perfidious minister. Danby, it was said, had brought the nation to the very brink of ruin: it was to his mercenary policy that Louis owed the victories which made him master of Flanders, and to his arbitrary maxims that the last house of commons

CHAP.
VI.
1679.

March 24

⁹ Danby, 109, 111.

¹⁰ Hence the chancellor argued that the seal was not in his possession, but in the possession of the king, and that of course he was not responsible. C. Journ. March 21.

CHAP. VI. 1679. was indebted for the sharp and vituperatory answers which had been returned to its addresses. He had raised a standing army with the intention of defraying the charge for three years with French money; he had drained the treasury to enrich himself, and to bribe others; and he had first concealed the plot, then tampered with Bedloe to prevail on him to abscond, and afterwards had spoken of Oates in terms of obloquy and contempt. The king possessed, it was true, the power of pardoning, when *he* was the prosecutor: but, had he the same power when the prosecution proceeded from the house of commons? He could not deprive an injured individual of his remedy at law; and by parity of reasoning he could not take from the representatives of the nation their remedy against the national enemy. By the courtiers it was replied, that the right of pardoning was vested in the crown: that up to that day the exercise of such right had never been called in question; that, if any inconvenience were experienced, limitations might be imposed by a prospective law, but such limitations could not operate to the prejudice of pardons already passed. After a stormy debate the house resolved to represent to the king the irregularity and illegality of the pardon, with the dangerous consequences of pardons in cases of impeachment by the commons of England; and at the same time to send a message to the lords, demanding that the accused might be seques-

tered from parliament, and committed to safe custody. The representation was not made; but the votes of the house served to alarm both the king, who saw that, by supporting the minister, he had involved himself in a new contest respecting his prerogative, and the lords, who, that they might not seem to act from intimidation, ordered in great haste the usher of the black rod to take the earl of Danby into custody, and then in answer to the message, replied that they had already of their own motion anticipated the wishes of the commons ¹¹.

CHAP.
VI.
1679.

To prevent the trial, now became the chief object of the court. Danby, with the king's connivance, had secretly taken refuge at Whitehall, while the lords passed a bill disabling him from holding office, or sitting in parliament, to which was afterwards added a clause banishing him from the kingdom. By the commons this bill was rejected on the first reading, and one of attainder substituted, unless he should surrender himself for trial against a certain day. This, however, in its progress through the upper house, was by successive amendments converted into a bill of banishment, similar in its provisions to the former. The commons rejected the amendments: conferences followed between the houses, and private meetings

Danby is
sent to the
Tower.

March 26.

March 27.

April 1.

April 4.

April 7.

April 8.

¹¹ C. Journ. March 24. L. Journ. xiii. 475. Parl. Hist. iv. 1115. Burnet, ii. 196. On the 10th of April the lords resolved that the previous refusal to commit Danby should not be drawn into precedent. L. Journ. 510.

CHAP. between the leaders of the parties: the king's
 VI. friends, among whom, for reasons to be presently
 1679. related, Shaftesbury now took a prominent part,
 April 10. offered to consent to additional severities, to the
 April 12. loss of the peerage, to the confiscation of property,
 to any thing except a trial on the charge of high
 treason; but their adversaries were as eager to
 acquire as the king was to conceal the knowledge
 of the secret negotiations with France; the lords
 April 14. found themselves compelled to acquiesce, and, as
 April 15. soon as the bill had passed both houses, Danby
 April 16. surrendered himself to the black rod, and was
 April 25. committed to the Tower. A few days later he put
 in his answer, in which, having complained of the
 generality and uncertainty of the articles, he suc-
 cessively denied them all; and then, reciting at
 large the pardon granted him by the king, pleaded
 it in bar of the impeachment, and in discharge of
 all the offences of which he was accused¹².

Prosecu-
 tion of the
 plot.

The eagerness with which the popular leaders
 hunted down this unfortunate minister, did not
 cause them to relax in their pursuit of the sup-
 posed conspiracy. The two houses still appeared
 to contend against each other in the race of ortho-
 doxy and loyalty. Informers and arrests were
 multiplied; every prison in the metropolis was
 filled with the victims of perjury and suspicion;
 throughout the kingdom all catholics, not merely

¹² L. Journ. 476, 479, 481, 496, 497, 505, 509, 510, 513, 514, 516,
 520, 521, 537. C. Journ. March 27, App. 1, 7, 8, 12, 11. Burnet,
 ii. 197. Reresby, 84—86.

those of rank and influence, but artisans, servants, and labourers, were summoned to take the oaths, or give security for their behaviour; every priest whom the officers could discover was committed to take his trial on the charge of high treason: and the king was harassed with addresses for rewards to informers¹³, for the ejection of papists from the inns of court, and for the removal from employment of all protestants who suffered any of their children to be educated in the catholic faith. Both houses again declared that there had existed, and did exist, a horrid and treasonable conspiracy, contrived by those of the popish religion, for the murdering of the king, the subverting of protestantism, and the ruin of the ancient government of the kingdom; and, the more to inflame the passions of the people, it was ordered that this vote should be prefixed to the public form of prayer appointed to be read on the day of the national fast. So general, indeed, was the infatuation, so violent were the

CHAP.
VI.
1679.

¹³ In consequence of repeated addresses, Oates and Bedloe were not only lodged and boarded at the public charge, they also received large sums of money; Bedloe, in particular, the reward of 500*l.* promised for the discovery of the murderers of Godfrey. In the Appendix, I shall give the bills of expenses delivered in by these men, by Oates on the 11th, by Bedloe on the 15th of February. That by Oates amounted to 678*l.* 12*s.* 6*d.*, that by Bedloe to 213*l.* When the reader has perused them, he will be at a loss which to admire the most, the impudence of these impostors, or the credulity of the men who condescended to be their dupes. Oates charged the nation 50*l.* for a pretended manuscript of the Alexandrine copy of the Septuagint, which he alleged that he had given to the jesuits in order to win their confidence! See note (A).

CHAP. antipathies of those who partook of it, that even
 VI. the few who doubted or disbelieved the existence
 1679. of the plot, concluded "that it must of necessity
 be pursued as if it were true, whether it were so or
 not, and that, without the king's uniting with his
 people on this point, he would never grow into
 ease at home, or consideration abroad¹⁴."

Plea of
 the lords
 in the
 Tower.

April 7.

The articles of impeachment against the catholic
 peers in the Tower were at length forwarded by
 the hands of lord Russell to the house of lords.
 This instrument charged them, that, in union with
 cardinal Howard, the provincial of the jesuits, and
 a number of persons, whose names were mentioned,
 they had conspired to imprison, depose, and murder
 the king, and reduce the kingdom under the
 tyranny of the pope; and that for this purpose they
 had employed persons to take his majesty's life,
 had provided men and arms, had corresponded with
 other conspirators beyond the sea, had accepted
 commissions from the pope, had caused their priests
 to administer oaths of secrecy, and had incited
 their adherents to assassinate sir Edmondbury
 Godfrey. The lord Petre pleaded at once that he
 was not guilty, the others that they could not be
 expected to answer a charge so general and uncer-
 tain, which specified neither the times when, nor
 the places where, the offences were supposed to be
 committed, and which consequently, by keeping
 them in ignorance, disabled them from providing

April 15.

¹⁴ Temple, ii. 491.

witnesses, or preparing their defence. That there was much reason in this objection, can hardly be denied: but the commons pronounced it an evasion, and resolved to demand judgment against the four lords unless they put in a different answer. They deemed it prudent to yield, and, saving to themselves the benefit of exception to the generality, uncertainty, and insufficiency of the articles, severally pleaded not guilty¹⁵.

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VI.
1679.

April 25.

On the preceding day had been tried, under a special commission, and at the request of the house of commons, Nathaniel Reading, a protestant barrister, once secretary to Masianello in the celebrated insurrection at Naples, but now practising the law in London. He was acquainted with Bedloe, had often given him the benefit of his advice, and occasionally supplied him with money. In Trinity term he had been employed in procuring the discharge on bail of several among the prisoners on account of the plot, and after the dissolution had been consulted on the same subject by some of the lords in the Tower. In a private conversation between Reading and Bedloe, it was suggested (but from which of the two the suggestion originated is uncertain) that, in consideration of an adequate reward, the informer might pare down the evidence which he had already given, so as to render it insufficient to convict the accused of treason. For this

Trial and
conviction
of Read-
ing.

April 24.

¹⁵ C. Journ. App. 3, 23. L. Journ. 500, 517, 521, 535, 542.

CHAP. VI. 1679. purpose, Reading, with the concurrence of Bedloe, wrote out an amended form of testimony to be produced on the trial, took it with him to the Tower, and on his return delivered it to his associate. But that associate had previously betrayed him to the committee of inquiry: witnesses had been concealed to overhear their discourse, and the paper in his writing was instantly, but secretly, transferred to the custody of a third person¹⁶. The fact could not be denied: Reading sought to extenuate the offence by protesting that the first proposal came from his accuser, and that he joined in it for no other purpose than to prevent the shedding of innocent blood. He was sentenced to stand in the pillory, to pay a fine of 1000*l.*, and to suffer a year's imprisonment. Much appeared on the trial to expose the profligate character of Bedloe, but the punishment of the pillory disabled Reading from being afterwards produced as a wit-

¹⁶ This account is taken from the evidence at the trial; but Reading, after he had stood in the pillory, presented a petition to the king, stating that he had been employed by Bedloe to draw up his pardons, that by free conversation with him he discovered not only his practices against innocent men, but his design of accusing the queen, and that he had intended to disclose it to the king, when, to prevent him, Bedloe and his accomplices charged him falsely of the crime for which he had been condemned and punished; which punishment he might have escaped if he would have turned informer against the innocent: wherefore he prayed that he might be admitted to prove the said practice of Bedloe and his confederates. June 4, 1679. To this petition no answer was returned. From a copy of the petition in the hand-writing of lord viscount Stafford, now in possession of lord Stafford.

ness to depose to his frauds and perjuries. Fortunately for the three lords, Powis, Stafford, and Petre, they had refused to send money, or to give any written promise to the informer: yet in the public mind the conviction of Reading created a strong presumption against them, accompanied with a persuasion that the attempt must have proceeded from their consciousness of guilt. It must be confessed that in ordinary times, when justice is fairly administered, such an inference is obvious; but it is not warranted in cases where innocence can afford no protection against the perjuries of witnesses and the prejudices of the court and jury. The accused foresaw that, if Bedloe were permitted to give his evidence, their lives would be sacrificed: it is no wonder, then, if they were willing to purchase his silence with money, the only object which he sought by becoming an informer¹⁷.

Ever since the short prorogation, the king had been occupied in devising and arranging a most important change in the administration of the government. The exile of his brother and the

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1679.

Plan of a
new coun-
cil.

¹⁷ State Trials, vii. 259—310. In answer to the questions put by Reading, Bedloe was compelled to acknowledge that he had intended, and even made preparations, to burn the city of Westminster; but that offence, he maintained, was covered by the king's pardon. He confessed also that he had been guilty of perjury on the trial of Whitbread, in swearing that he knew nothing of consequence against that jesuit; but this he attributed to the persuasion of Reading. The fact was, he meant now to appear as a witness at the second trial of Whitbread, and invented this answer as an excuse for the contradiction which would then appear in his testimony. Ibid. 271, 291, 294, 296.

CHAP. VI. 1679. disgrace of Danby had left him without an adviser to whom he dared unbosom himself with freedom and confidence. He had sent for Temple from the Hague to succeed Coventry as secretary of state. But Temple feared the responsibility of such an office in the excited state of the public mind, and suggested to the king to govern for the future without a prime minister, or cabinet council, or committee for foreign affairs; to dissolve the present council of state, consisting of fifty members, as being too numerous for secrecy or dispatch; to establish in its place a new council of thirty individuals, to whom all public affairs should be referred, and by whose opinion the proceedings of government should be regulated; to give a place in this council to fifteen officers of state in virtue of their respective employments; to select the other fifteen from the popular leaders in the two houses; and to take care that the annual income of the thirty counsellors should amount to 300,000*l.*, that it might bear some proportion to that of the house of commons, which was estimated at 400,000*l.* The benefits to be derived from this institution were supposed to be the following: 1. the determined hostility of the popular party would in all probability be neutralized by the infusion of their leaders into the new council; 2. in the event of a rupture between the house of commons and the court, the authority of the first would be balanced by the contrary authority of a body almost equal in point of property:

for it was assumed as a political axiom that influence always accompanies property; 3. and the king would be still secure of the ascendancy in the council, because he might at all times command the votes of the fifteen officers of state who depended on his pleasure for the possession of their respective employments¹⁸.

When this had been determined with Temple, Charles called in the lord chancellor, the earl of Sunderland, who had succeeded Williamson as second secretary of state, and the earl of Essex, who by the interest of Monmouth had been placed at the head of the treasury. The first difficulty in the nomination of the new counsellors arose from the mention of lord Halifax. To him the king expressed the strongest dislike; nor was his consent extorted without repeated and most earnest entreaties. Immediately to their surprise he himself proposed the lord Shaftesbury, alleging as the reason that Shaftesbury had it in his power to be still more mischievous than Halifax; and, when they objected that he would never be content to sit down as one among thirty, replied that he should be president of the council¹⁹. Temple was silenced by the authority of the king and the approbation of his three colleagues, and the new

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Their
names.

¹⁸ Temple, ii. 493—495, 551.

¹⁹ Temple does not attempt to account for this choice on the part of the king; perhaps it may be explained by the remark of James, that "he thought to keep Shaftesbury from doing him hurt by keeping him in his service." James (Memoirs), i. 558.

CHAP. council was instituted, containing besides the
 VI. officers of state the lords Shaftesbury, Winchester,
 1679. Worcester, Salisbury, Bridgewater, Essex, Bath,
 April 21. Falconberg, Halifax, Robartes, and Hollis, from
 the ranks of the opposition in the house of lords,
 and the lords Russell and Cavendish, with Capel
 and Powle, from the house of commons. Charles
 deemed the event of sufficient importance to an-
 nounce it in a set speech to both houses of parlia-
 ment. In the city and the country the intelli-
 gence excited the most tumultuous joy, which
 was testified by bonfires, and the usual manifesta-
 tions of national triumph; and in Holland and
 Flanders it was hailed as the harbinger of a
 reconciliation between the king and his people,
 which would enable England to oppose an
 effectual barrier to the ambitious projects still at-
 tributed to the king of France. There were, how-
 ever, many who looked on it with very different
 feelings. The catholics anticipated the aggrava-
 tion of their present miseries; the most loyal of
 the old cavaliers believed that the king had de-
 livered himself bound and gagged into the hands
 of his enemies, and the duke of York from
 Brussels foretold the downfall of the monarchy
 or the horrors of a second civil war. But, what
 created universal surprise, was the air of sullen
 indifference with which the announcement was
 received by the house of commons. The other
 leaders thought themselves entitled to a seat in
 the new council as much as their colleagues.

They declared that they did not understand the measure: it was probably an artifice of the court to lull them into a fatal security: it would be advisable to suspend their judgment, till time had shown in what manner the new system would work. It soon appeared that Capel, Cavendish, and Powle, by their greater moderation, had forfeited the confidence of the house: lord Russell, who continued to speak with his usual warmth, alone retained his former influence²⁰.

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The alteration had certainly been wrung from the king by the necessity of his situation. But though he was prepared to make the most painful sacrifices for the purpose of appeasing the jealousies of the nation, he had resolved to be, and to show that he would be, the master. One of the first measures recommended by the new counsellors was to weed out of office, and in particular out of the courts of law, and the commissions of lieutenancy and the peace, all persons suspected of a secret leaning to popery. A new board of admiralty was already appointed, four of the twelve judges were displaced, when Charles persuaded himself that the real object was to remove from power all the real friends of the crown. He

The king's
policy.

²⁰ Temple, ii. 497, 556. C. Journ. App. 21. L. Journ. 530. Dalrymple, 216, 217. "Tho' great patriots before in the esteem of both houses, most of them began to lose their credit with both; so true it is, there is no wearing the court and country livery together." Reresby, 89. Sidney's Letters, 16, 50.

CHAP. took his seat at the board, called for the rolls, VI. and, wherever he found the name of a "bad man 1679. to be removed," assigned in his favour some reason so very ludicrous and inappropriate, as to convince the council that he came there not to argue the question, but to be obeyed. This policy succeeded; and after a few meetings the attempt was abandoned²¹.

Plans of
Shaftes-
bury.

The unexpected elevation of Shaftesbury had increased his power without mitigating his hostility. It was supposed by his adherents that he owed his good fortune to the favour of Monmouth, and that the counsels of Monmouth had now that weight with the sovereign, which report had formerly attributed to those of the duke of York. Hence the agitator had little difficulty in persuading the popular party that Charles was not unwilling to concede the exclusion of his brother, but that he would rather have it appear to be extorted from him by the importunity of the house, than to be offered spontaneously by himself²². The plan of proceeding was arranged with Shaftesbury's usual ingenuity. A report from one of the committees informed the house of a recent attempt of the papists to burn the

April 26.

²¹ Temple, 557. North, 77. "He found some jocular reason to let him stand; as that he was a good cocker, understood hunting, kept a good house, had good chines of beef, or kept good fox hounds, or some such indifferent matter that it was ridiculous to contradict or dispute upon." 78.

²² Temple, ii. 498.

capital by setting fire to a press in one of the houses in Fetter-lane²³. It was immediately contended that these eternal enemies of protestantism had not abandoned their flagitious designs, though so many of their agents had been convicted and executed: that the life of the king was daily in the most imminent danger; and that his fall would be inevitably followed by the conflagration of the city, the massacre of the orthodox inhabitants, and the ascendancy of popery and arbitrary power. At the same time information was conveyed to the committee of secrecy, that several bodies of French troops had been ordered to march to the coast, to be placed under the command of the duke of York, for the purpose of making a descent in England; and, when the minds of the members were sufficiently excited by these reports and harangues, votes were moved and carried to provide means for the security of the royal person and of the protestant religion; to address the king for the revocation of all licences granted to papists to

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1679.

²³ A servant maid confessed that she had been induced to set fire to the press by one Stubbs, who had endeavoured to pervert her, and had promised her a reward of 5*l.* Stubbs confessed that he had been hired by Gifford, his confessor, who told him it was no sin, and promised him 100*l.* reward out of the monies belonging to the church; he added that two Irishmen were to feed the conflagration with fire balls, that the English, Irish, and French papists in London would form a large army, and that the king of France had sixty thousand men ready to land to their assistance. C. Journ. App. 26. This absurd tale served its purpose for the moment, and was then suffered to be forgotten.

CHAP. VI. reside in the capital; to order for execution
 1679. Pickering, who had obtained a respite, and all
 ———— priests who had been convicted of having exer-
 cised their functions within the realm; to send by
 April 27. the lord Russell to the house of lords for their
 concurrence a resolution that “the duke of York’s
 being a papist and the hope of his coming to the
 crown had given the greatest countenance and en-
 couragement to the conspiracies and designs of the
 papists;” and to prepare for the information of
 the house an abstract of all the evidence which
 tended in any manner to affect that prince²⁴.
 Charles, aware of the real object of these votes,
 thought it time to interfere, and to moderate by
 concession the violence of the party. He pro-
 posed in the council to enact that, in the event of
 a catholic succeeding to the throne, all presenta-
 tions to church livings should be taken from him
 and vested in protestant trustees; that the parlia-
 ment in existence at the time of the last king’s
 demise should continue to sit, or, if none were
 then sitting, the latest parliament that sate
 should re-assemble; and that no judges, no mem-
 bers of the council, no lord-lieutenants or their
 deputies, and no officers of the navy should be
 appointed or displaced but by authority of par-
 liament. Shaftesbury declared against such ex-
 pedients; they were an attempt to bind Samp-

Expedi-
 ents pro-
 posed by
 the king.

²⁴ James i. 546. Com. Journ. App. 26, 27. Parl. Hist. iv. 1125.

son with withes; they were shackles from which any king might disengage himself without difficulty. But the majority of his colleagues expressed their approbation, and the chancellor in the presence of the king laid the plan before the two houses²⁵. The lords returned an address of thanks; the commons passed to the order of the day, and attended to the report of the committee, appointed to search for evidence against the duke. It stated on the authority of Coleman's letters that he had corresponded with the pope; that his first communication was lost on the way; that the second drew tears of joy from the pontiff; and that in the third he excused the consent which he had given to the marriage of his daughter with the protestant prince of Orange. The lecture provoked an order to prepare a bill for his exclusion from the English throne, and a vote that the members would stand by his majesty with their lives and fortunes, and "if he should come by a violent death, would revenge his death to the utmost upon the papists²⁶."

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April 30.

Rejected
by the
house.

May 11.

The bill of exclusion provided that, whereas the emissaries, priests, and agents of the pope had seduced James duke of York to the communion of

Bill of ex-
clusion.

May 15.

²⁵ Temple, ii. 501. James (Memoirs), 548. L. Journ. 547. C. Journ. App. 30. Temple joined Shaftesbury in the council, but on a different ground: that, if such restraint were imposed on a catholic king, they would never be shaken off by his protestant successors. Temple, 502.

²⁶ C. Journ. May 11. Reresby, 89. Sydney's Letters, 65—68.

CHAP. the church of Rome, and prevailed on him to
 VI.
 1679. enter into negotiations with the pope and his
 nuncios, and to advance the power and greatness
 of the French king, to the end that by the descent
 of the crown upon a papist, and by foreign al-
 liances, they might be able to succeed in their
 wicked designs, the said James should be inca-
 pable of inheriting the crowns of England and
 Ireland; that, on the demise of his majesty
 without heirs of his body, his dominions should
 devolve, as if the duke of York were also dead, on
 that person next in succession, who had always
 professed the protestant religion established by
 law; that, if the duke of York, who was then in
 foreign parts, should ever return into these do-
 minions, he should be, and was thereby attainted
 of high treason; and that if any one, during the
 king's life or afterwards, should aid or counsel
 the said duke, or should correspond with him
 either within or without the realm, or endeavour
 his return, or pronounce him the lawful heir,
 every such person so offending should be adjudged
 guilty of high treason²⁷.

Reasons
 in its fa-
 vour.

In support of this measure it was argued, 1.
 that the legislative power residing in the parlia-
 ment was entire and supreme, extending to all
 matters of policy, and uncontrollable by former
 enactments: whence it followed that the present

²⁷ Narrative of divers remarkable Proceedings in the last Ses-
 sions, p. 20. London, 1679.

parliament was as capable of revising, modifying, repealing laws, and consequently of regulating the succession to the crown, as any preceding parliament by which that succession had been established : 2. that the great end of government was the common welfare, and that it was therefore the duty of parliament to exclude the duke of York, if it could be shown that such exclusion was necessary to the safety of the nation : 3. that the great inducement to the papists to attempt the assassination of the king, the conflagration of the capital, and the destruction of the protestant religion, was the knowledge that the duke was the next heir to the crown : which inducement, and with all the dangers which it threatened, would by that bill be taken away : 4. that the preservation of the protestant religion required the exclusion of a prince who would deem himself bound in conscience to labour for its subversion : 5. that he had in fact disabled himself ; for the king by law was head of the church ; and the duke could not take upon himself to be that head, because he professed to believe that the supremacy resided in the pope.

The duke's advocates replied, 1. that there were certain fundamental laws, such as the law of Magna Charta, and the law of succession, which no parliament was competent to alter : 2. that the houses had no right to commit injustice : the crown was the inheritance of the duke ; it belonged to him as truly as the inheritance of an

CHAP. entailed estate belonged to the next in the entail ;
 VI.
 1679. ——— that to deprive him of it was to punish ; and to
 punish without charge or trial was contrary to
 justice : 3. that the dangers to the protestant
 religion, anticipated from the government of the
 duke, were not necessarily connected with the
 succession, because they might be obviated by the
 adoption of the expedients which the king had
 suggested : 4. that the exclusion itself presented
 dangers of a very formidable nature. The
 Scottish, would not submit to the dictation of the
 English, parliament : James would still succeed
 to the crown of Scotland ; he was a brave and
 persevering prince ; he would undoubtedly claim
 his right by force of arms ; he would find a
 strong party within the realm, and powerful aid
 from without ; and, if he were to obtain the
 crown by conquest, the protestant religion would
 be exposed to greater danger, than if he should
 succeed in the proper course, and under the limi-
 tations which had been recommended from the
 throne²⁸. The great struggle between the parties
 was reserved for the second reading, preparatory
 to which the committee of secrecy made its
 report. Out of the immense mass of papers

May 21.

²⁸ C. Journ. May 15, 21. Burnet, ii. 203. Reresby 90, 91. Parl. Hist. 1131—1136. “ Two days after the committal of the bill,” says Reresby, “ I was at the king’s *couchée*, and wondered to see him quite chearful amidst such an intricacy of troubles, but it was not in his nature to think or perplex himself much about any thing.” 95.

seized in consequence of the plot, sixty-four letters had been selected ; extracts from these, or the substance of certain passages in them, were collected under separate heads ; and this collection was read to the house as satisfactory proof of the dangerous designs attributed to the duke. A division followed, and the bill was passed by a majority of seventy-nine²⁹.

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1679.

This result cast a deep gloom over the cause of the duke of York ; but his adversaries forfeited by their imprudence the benefit of their victory. They pursued too many objects at once ; they were embarrassed and retarded by the necessity of dividing their attention, which was incessantly called from the bill of exclusion to the impeachment of Danby and the catholic lords, and to the angry disputes which speedily grew out of those impeachments. 1. The commons, with the speaker at their head, proceeded in a body to the house of lords, and demanded judgment against the earl of Danby ; but the lords, on his petition, assigned him a day to show with the aid of counsel the validity of his pardon, and the commons, in a moment of irritation, passed a vote,

Right of
bishops to
vote at
trial of
peers.

May 5.

May 6.

May 9.

²⁹ A copy was sent to the lords, and afterwards the collection was published for the information of the people, under the title of "The Popish Damnable Plot against our Religion and Liberties fairly laid open and discovered in the Breviats of Threescore and Four Letters, &c. 1680." To an impartial reader these breviats will not offer a shadow of proof ; though men whose passions were already inflamed saw in them, with the aid of the accompanying comment, much that wore such an appearance.

CHAPTER VI. 1679. that if any commoner, without the permission of their house, should speak in its support, he should be accounted a betrayer of the liberties of Englishmen. 2. It was observed that, in all questions connected with the impeachment of Danby, the crown, with the aid of the prelates, could rely on a majority in the house of lords; and to deprive it of that majority, the new doctrine was set forth, that the bishops had no right to sit and vote on the trials of peers in capital cases. Its advocates maintained that the prelates, though lords of parliament, were not the peers or equals of the temporal lords for the following reasons: 1. they sate in parliament only as the actual possessors of certain ecclesiastical benefices: they did not come there by inheritance; neither could they transmit their seats to their descendants: 2. there was no instance of a bishop since the reformation having been tried by the house of lords: all such trials had been by a jury of commoners: commoners were then their peers, and of course *they* could not be the peers of the temporal lords; 3. it was admitted that they never voted on judgment of death: now the final judgment often depends on the preliminary proceedings, whence it followed that they ought not to vote on such preliminary proceedings. It was answered that in the ancient rolls of parliament the spiritual lords were styled peers of the realm no less than the temporal lords: the only difference admitted between them was, that in one case

the peerage was personal and transmitted by suc- CHAP.
 cession to the benefice, in the other hereditary and VI.
 transmitted to the heirs of the body : and that, if 1679.

they had not voted in cases of blood, it was not
 because they had no right in law, but because in
 conformity with the canons of the church they
 had waived their claim. The lords decided that May 13.
 the bishops had a right "to stay in court in capi-
 tal cases, till judgment of death came to be pro-
 nounced ;" that is "till the question of guilty or
 not guilty were put." That this decision was in
 strict accordance with the constitution, cannot be
 doubted ; but its propriety was questioned by the
 commons³⁰ ; pamphlets of the most defamatory
 description were published, and the chief among
 the prelates expressed a wish to abandon the
 contest. When orders were given for the trial of May 16.
 the lords in the Tower, they asked leave to with-
 draw after the usual protestation : but the king
 insisted that they should at least be present and
 vote at the trial of the validity of Danby's pardon.
 His prerogative, he observed, was at stake, and
 experience must have taught them that their
 interest was closely bound up with that of the
 sovereign : the debasement of the crown would
 be quickly followed by that of the mitre. The
 commons persisted in demanding that the trial of

³⁰ L. Journ. 570, 572. It was in conformity with the eleventh
 of the constitutions of Clarendon that the bishops in virtue of
 their baronies are bound to be present till "sentence is about to
 be pronounced of life or limb."

CHAP. VI. the pardon should precede that of the five lords, and that the bishops should be excluded from such trial; but their efforts were fruitless: the lords repeatedly adhered to their former vote³¹.

May 23.

May 27.

Inquiry into bribes taken by members.

To the colleagues of Shaftesbury in the new council, even to those of his own party, it was evident that he sought through the agency of his adherents in the house of commons to create embarrassment and confusion, that he might compel the king to accede to his favourite measures, and place himself with Monmouth, whom he governed, at the head of the administration. He had now brought into play a new engine, the secret committee of the house of commons, which in its endeavour to affix the charge of bribery and corruption on the late treasurer, had traced the annual payment of numerous sums under the denomination of the king's bounty, and of secret service money, to several members of the late parliament. The intermediate agents were Bertie and Fox. The first refused to answer the committee without the royal permission: the second, a member of the house, was ordered to proceed to Whitehall in the custody of three of his colleagues, and to bring back to the house his books, notes, and acquittances. But the king did not sit down tamely under the insult: they had come to search his palace without his permission, and the

May 23.

³¹ C. Journ. May 15, 26. L. Journ. 575, 577, 580, 584, 586, 587, 590, 594.

lord chamberlain by his order commanded them in courteous but peremptory language to withdraw without the expected prize. On their return a list of the members of the last parliament was put into the hands of Fox: he was asked to which of those persons he had ever paid any sum of money, and he named seven-and-twenty individuals, many of whom immediately rose, and declared that their pensions had been granted to them in exchange for offices or beneficial interests which they had resigned to the king. The house resumed the subject the next morning, and having ordered the attendance of witnesses, adjourned the debate for three days ³².

CHAP.
VI.
1679.

May 24.

Enough had occurred to convince the king that concession served only to inflame the hopes, and embolden the efforts of Shaftesbury and his adherents. He already thought of a prorogation, to prevent the prosecution of this new inquiry, when he received advice that a remonstrance of a most inflammatory tendency had been prepared in one of the committees. His resolution was instantly formed; that the document might not be made public he concealed his purpose from the council: and, sending unexpectedly for the commons, prorogued the parliament for the term of ten weeks. It was a sudden and unforeseen stroke to the popular party. At first they stood mute with astonishment: in a few minutes they

Prorogation of parliament.

May 27.

³² C. Journ. May 23, 24. Parl. Hist. iv. 1136—1148.

CHAP. gave vent to their indignation, and Shaftesbury
 VI. declared, before he left the house, that the advisers
 1679. of the measure should pay for their presumption
 ——— with their heads ³³.

Habeas
 corpus
 act.

There remains, however, to be noticed, what has since proved the most important event of this session. The writ of *habeas corpus* had been provided by the common law as a remedy against illegal imprisonment: but the benefits which it promised were gradually impaired and reduced by the ingenuity of lawyers, and the oppression of men in power. The judges assumed the right of granting or refusing the writ at discretion; the sheriffs and keepers invented pretexts to elude obedience; and the privy council hesitated not to send an obnoxious individual into some of the king's foreign dominions, and consequently beyond the jurisdiction of the courts. These abuses had been frequently exposed and lamented; and in almost every session of parliament after the administration of lord Clarendon, attempts to remove them had been made: but bill after bill was lost, frequently by the masked opposition of the court, frequently in consequence of dissensions between the houses, and of successive prorogations. If it passed in the last session, it is chiefly to the exertions of Shaftesbury that we are indebted for the benefit; a benefit so indispensable for the security of personal liberty, that it may

³³ L. Journ. xiii. 595. Temple, ii. 504. Reresby, 96.

be thought to atone for much that was unjust and disgraceful in the career of that celebrated statesman. Its success depended on the result of a conference between the two houses: they fortunately agreed; and the king, who waited the return of the managers, gave the royal assent to the bill immediately before the prorogation. It made the granting of the writ, and the acceptance of bail for offences bailable by law, imperative on the chancellor and the judges even during the time of vacation; it took away all pretexts of disobedience on the part of officers holding persons in custody; it provided for the speedy trial or discharge of prisoners committed for felony or treason; and it abolished the practice of sending persons out of the country, and consequently out of the jurisdiction of the courts, by making such expatriation an offence subject to the most rigorous penalties, and rendering the offender incapable of receiving pardon from the sovereign. Still (so powerful was the influence of prejudice) care was taken to exclude all persons imprisoned in consequence of the plot from the benefit of the act by limiting its operation to such commitments as should take place after the first day of the month of June³⁴.

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1679.

But from England our attention is now called to Scotland, which was still the theatre of civil

Affairs of
Scotland.

³⁴ Parl. Hist. iv. 661, 1148. Stat. 31 Car. II. c. 2. By the 56 of George III. this act has been considerably improved.

CHAP. and religious dissension. The covenanters, particularly in the western counties, continued to
 VI.
 1679.

 defy the authority of the law; their obstinacy, partly through motives of interest, partly through attachment to the kirk, was countenanced and supported by the lords, who professed themselves enemies to Lauderdale; and the resistance of the people provoked the government to acts of vigour, which, if all that is related of them be true, betrayed an equal disregard both for the rights of the subject and the claims of humanity. Yet the historian who seeks to review these transactions with impartiality, will generally find himself at a loss to determine what he ought to believe, and what to reject. On the one hand the accusers are personal enemies, or men actuated by the wildest and most implacable fanaticism; on the other the trial of Mitchell disclosed on the part of Lauderdale and his associates a scene of prevarication and depravity, which inclines the mind to give credit to whatever may be alleged to their prejudice. Mitchell, the reader will recollect, was the man who made the attempt on the life of archbishop Sharp. For some years he wandered through Holland and England: at length he returned to Edinburgh, married, and rented a small shop underneath the very lodging of that prelate. It happened one day that the eyes of Sharp met those of Mitchell; he thought that he recognized the features of the assassin; the object of his suspicion was apprehended, and on the

Trial and execution of Mitchell.

person of the prisoner were found a small sword, and a pistol loaded with three bullets. At first he denied the charge; but having in a private conference received from Rothes, the chancellor, a promise of life, he repeatedly acknowledged his guilt in presence of the council. When, however, he understood that it was still intended to punish him with the amputation of his hand and imprisonment for life, he revoked his confession; and the council in return, by an act entered in their register, revoked their promise³⁵. The lord advocate accordingly indicted the prisoner; but whether it was, that he distrusted the force of his proofs, or that he yielded to the desire of Sharp, who refused to prosecute unto death, he deserted the diet, and Mitchell remained three years a prisoner in the Bass. In 1677 he was again summoned before the council, interrogated as to his participation in the rising on the Pentland hills, and subjected to the torture of one leg in the boot. He persisted in his refusal to answer, and was again remanded. But the archbishop had to fear for his life from the fanaticism of others as well as of Mitchell. There were many, who believed that they had a clear call from God,

CHAP.
VI.
1679.

1674.
Feb. 10.

March 12.

1677.
Jan. 24.

³⁵ "He did altogether refuse to adhere to his said confessions, notwithstanding he was told . . . that if he would adhere, he should have the benefit of the said assurance, and, if otherwise, he should lose the same. Therefore the lord commissioners . . . do declare that they are free, and that the said Mr. James ought not to have the benefit of any such promise or assurance." Act of council in State Trials, vi. 1259.

- CHAP. VI. 1679. to execute the justice of the Lord on the traitor, who for so many years had wrung his hands in the blood of the saints; "the Judas who had sold the kirk of Christ for an annual rent of 50,000 marks³⁶." It was probably to intimidate such religionists, that the council ordered the advocate-general to prosecute Mitchell for his original offence of attempting the life of the archbishop.
- Nov. 1678. By the court of justiciary two questions were previously decided, that a confession before the council could not be withdrawn, because it was not extrajudicial, and that, if any promise were made to induce the accused to confess, that promise must be fulfilled, because the benefit of the contract was not to be taken without payment of the consideration. The jury found on his confession that he was guilty of the offence, and on the testimony of Lauderdale, the archbishop, the lord chancellor, and Hatton, that no assurance of life had been given. Mitchell received judgment, and died, justifying the attempt for which he suffered, from the command of Moses to put to death the false prophet, who should turn the people from the worship of the Lord God³⁷.
- Jan. 10.
- Jan. 18.
- Projects of revenge. This execution, instead of diffusing a salutary terror, acted as a stimulus to revenge. It taught the people to look on the four lords, who gave

³⁶ Russell, at the end of Kirkton, 415.

³⁷ State Trials, vi. 1207—1262. Fountainhall, note to Kirkton, 384—387. Wodrow, 375, 512, 514—519. App. 195—204. Ellis, Orig. Letters, series ii. vol. iv. 49—55. Burnet, ii. 125—132.

evidence on the trial, not only as persecutors, but as false witnesses who had not hesitated to perjure themselves, that they might shed the blood of their victim. It is, indeed, impossible to doubt that a promise of life had been given. It was asserted by the sufferer with his last breath; it was recorded by lord Hatton in his private and confidential correspondence; it stood unregistered among the acts of the council: and yet the four lords positively swore that they knew nothing of any promise, or of any warrant for such promise. Did they by subtle and unmeaning evasions seek to silence their own consciences and impose on the good faith of the assize? Even on this hypothesis their conduct will deserve the execration of every honest man³⁸.

The boldness assumed by the covenanters in the west, and the success with which they had resisted every attempt to suppress their meetings, provoked the council to adopt the most powerful means of reducing them to obedience. A committee of eleven persons was appointed to proceed to the refractory districts accompanied by two thousand men partly regulars and partly militia: there they were joined by six thousand highlanders under their respective chieftains; and, to be ready in case of rebellion, an English force was drawn towards the borders, and an Irish force was stationed opposite the western

CHAP.
VI.
1679.

More coercive measures.

Jan. 18.

³⁸ See State Trials, 1258, 1263. Burnet, ii. 299, note.

CHAP. coast of Scotland. The commissioners called
 VI. before them and punished delinquents, apprehended suspected persons, disarmed all the in-
 1679. habitants but noblemen, gentlemen of quality, and officers in the service of the crown, and summoned the heritors and feuars to subscribe bonds of conformity for themselves and their families. Multitudes, however, refused to obey: their contumacy was punished by an act of council requiring the recusants to give law-burrows, or legal security for keeping the peace: and, with a view to enforce submission, the troops were permitted to live at free-quarters, fines were imposed, property was distrained, and judgments of outlawry were published. The fierce and predatory habits of the highlanders had always been subjects of terror to the more civilized natives of the lowlands: but these formidable auxiliaries were soon dismissed; and in their place a permanent force of militia was distributed in numerous small garrisons through the disaffected counties. For its support a convention of estates granted an aid of 30,000*l.* sterling for three years, to be levied by monthly assessments after the plan originally introduced under the commonwealth: and Lauderdale, having obtained the approbation of the king, exhorted the council to persevere in their exertions, and to subdue by force those, whom they could not allure by conciliation³⁹.

³⁹ Kirkton, 385—393. Wodrow, 460, 463, 466, 467, 528. App. 174, 208. Burnet, ii. 134. It is remarked by the editor of

The men of Fife on the eastern coast did not yield to their western brethren in attachment to the covenant; neither did they suffer less for their contumacy from the severity of the council. Among them was James Russell of Kettle, whose fanaticism had been inflamed by persecution, till he mistook the cravings of revenge for the "outlettings of the spirit." During a fortnight he spent much of his time in prayer; he felt that he was destined to render some extraordinary service to God; and he renewed his former engagements against papists and prelatists, and all other enemies of Christ. Under the influence of these feelings he sought the company of similar enthusiasts; consultations were held to prevent the extinction of the gospel; and it was declared a duty to put to death their chief adversaries, the archbishop of St. Andrews, and Carmichael, commissioner from the council, and commander of the forces. With this view nine of the brethren, having Hackston of Rathillet for their leader, undertook to surprise the latter while he was enjoying his favourite amusement of hunting: but a friendly voice admonished him of his danger, and by a timely flight he escaped from the field to his garrison in Cowpar. The saints were employed in lamenting the disappointment,

CHAP.
VI.
1679.

Murder of
arch-
bishop
Sharp.

April 8.

April 18.

April 22.

April 29.

May 2.

May 3.

Kirkton that, notwithstanding all the complaints made of the conduct of the highlanders, not one Whig lost his life by them. Kirkton, 391. The only blood spilt was spilt by the covenanters.

CHAP. when a boy, pointing to a carriage with six horses
 VI. at a distance, cried out "there goes the bishop."
 1679. "Truly," they exclaimed, "this is of God: the
 Lord has delivered the wretch into our hands: we must not go backwards, but execute the justice of God." "Gentlemen," said Rathillet, "I am ready to venture all that I have for the interest of Christ: but I will not lead you to this action: for I am the personal enemy of the bishop, and shall be accused of seeking revenge: but I will not prevent you from obeying the call of God, neither will I leave your company." "Then, sirs, follow me," exclaimed John Balfour, a most desperate and barbarous enthusiast; and instantly mounting their horses, they crossed Magus-muir, in pursuit of their victim⁴⁰.

Their approach was soon announced to the prelate, who, turning to his daughter Isabel, his only companion, said, "the Lord have mercy on me, my dear child, for I am gone." The coachman lashed his horses to their utmost speed: but the ruffians overtook them, discharged their pistols into the carriage, wounded the postilion, and cut the traces. Sharp had received but a slight injury from the shot; and Russell at the door cried to him, "Judas, come forth." A short parley ensued. The prelate declared that he had wronged no man; he offered them money, and promised them a pardon: they replied, that they bore him

⁴⁰ See Russell's own account at the end of Kirkton, 403—416.

no private malice, but God had imposed on them a duty which they dared not transgress; his time was come; he must make himself ready for death, judgment, and eternity. His daughter alighted with him; both fell on their knees, and the archbishop most piteously begged for mercy, if not for himself, at least for his poor child. Guillan one of the number, but the meanest among them, was moved with pity: he cried, "spare those gray hairs," and solicited, but in vain, the interposition of Rathillet, who stood near, muffled in his cloak. Isabel was in no danger except from her efforts to save her father: the prelate offered his hand to one of the ruffians, who with a blow of his sword nearly severed it from the arm: and Balfour aimed a stroke at his head, which, though partly broken by the hat, inflicted a severe wound along the cheek. He fell on his face, and lay apparently dead: but, his daughter incautiously remarking that life was in him still, the words caught the ears of Russell, who was employed in rifling the carriage. The assassin immediately returned to the body, hacked the skull into fragments, and ordered the servants to take away their priest, and convey him to his home⁴¹. It might have been expected that the perpetrators of the bloody deed would flee from

CHAP.
VI.
1679.

⁴¹ See the several accounts of this murder by authority, by the actors, by Russell, and by the archbishop's brother, in Wodrow, ii. 28, 29, 30, 31. App. 8. Russell, 416, and 419—422, note, 483. Ralph, 458, note.

CHAP. VI. the vengeance of the law : but they only with-
 1679. drew to a neighbouring cottage, where they devoted several hours to prayer, first in common, and afterwards separately, and in private. They felt no fear, no compunction : their minds were composed, their hearts enlarged : they blessed their God, that his holy spirit had led them step by step to the accomplishment of this glorious work, and solicited his grace and strength, that they might, if it were necessary, seal its truth with their blood, as became valiant soldiers of Christ. Nor were their prayers poured forth in vain : Danziel heard a supernatural voice saying : “ Well done, good and faithful servants ; ” and from that moment till the hour of his death (it happened in the course of the month) the soul of the enthusiast was rapt in a transport of joy ⁴².

Insurrec-
 tion.

May 21.

May 23.

May 27.

May 30.

May 26.

To discover the assassins the council offered the most tempting rewards, and compelled all the inhabitants of Fife to compare on stated days, and clear themselves before their respective presbyteries. But the men, whom they sought, had wound their way by a circuitous route into the west, and at Glasgow their leaders met Hamilton, Cargill, and Spreul. The two last were ministers of the most rigid notions and most daring fanaticism ; Hamilton was a young man of family, who had repeatedly exhorted his brethren to draw the sword in support of the gospel of

⁴² I repeat almost the very words of Russell himself, 422, 426.

Christ. According to appointment, on the 29th of May, the anniversary of the king's restoration, they entered, to the number of sixty men in arms and on horseback, the little burgh of Rutherglen, and extinguished the bonfires kindled in honour of the day. A sermon and prayer followed; the several acts of parliament subversive of the liberties of the kirk were read by Hamilton, and committed with much solemnity to the flames; and the copy of a declaration or testimony against them was left affixed to the cross in the market place⁴³.

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1679.

May 29.

On the following Sunday they held a field conventicle at Hairlaw, but the exercises of the day were interrupted by the approach of the celebrated Graham of Claverhouse with three troops of cavalry. The covenanters hastened to meet him at Drumclog, where a narrow slip of swampy ground divided the two parties. The dragoons, in their attempt to pass, fell into confusion; their opponents charged them with halberds and pitchforks; and Graham was compelled to make a precipitate retreat upon Glasgow. Of the military thirty men perished in the action, besides one, a prisoner, slain in cold blood by order of Hamilton, who had forbidden his followers to ask, or to give, quarter. The conquerors lamented the loss of six of their brethren, but of no one with more sincere regret than

Their victory at
Drum-
clog.
June 1.

⁴³ Wodrow, ii. 44. Russell, 437, 439.

CHAP. of Danziel, the murderer, who cheered his last
 VI. moments with the assured hope of an everlasting
 1679. reward ⁴⁴.

June 2.
 Their in-
 fatuation.

At Rutherglen the fanatics had thrown down the gauntlet of defiance; at Drumclog they had won the laurels of victory. By most men it was believed that the conflagration would rapidly spread to every quarter of the western counties. But no plan of operations had been arranged, and the leaders despised the counsels of worldly wisdom. God had called on them for their testimony against the enemies of the kirk. They had given it, and cheerfully left the consequences to him, who was able to save with a few as well as with many. Though the council, uncertain of the extent of the danger, had withdrawn the military towards Edinburgh, the insurgents moved not to any distance from Glasgow. Volunteers, indeed, continued to arrive, for many thought it a sin to remain idle at home, while their brethren ventured their lives in the field: but the accession of numbers added only to their weakness: the new comers differed in religious opinion from the victors at Drumclog; the time, instead of being devoted to preparations for the approaching contest, was consumed in useless but

⁴⁴ Wodrow, ii. 46. Russell, 441—446. “ Russell spired and said, Dear brother Will, ye many times told me ye was sure enough of heaven; have ye any doubts now? He scarcely could speak, but said, no doubts, but fully assured—fully assured.” Ibid. 445.

irritating controversy; and both ministers and leaders spent day after day in discussing the obligations of the covenant, the lawfulness of the indulgence, and the grounds on which it was proper to rest the justice of their cause. Never was insurrection so rashly commenced, or so weakly conducted ⁴⁵.

In the meanwhile the duke of Monmouth, after many objections made in council, arrived from London to take the command of the royal forces, and encamped with 5,000 men on Bothwell-muir within two miles of the enemy. An attempt to negotiate was made by the more moderate among the covenanters. Hamilton would consent to no message unless its object were "to represent to the duke the king's, his own, and his associates' rebellion against God, and to desire him to lay down the weapons which he had taken up against the Lord and his people:" but a less offensive petition was composed by Welch the minister and presented by Hume and Murdoch, who received for answer that no proposals could be accepted from rebels in arms: if they would submit, they might expect mercy: but that one half hour only would be allowed for their final determination.

It is supposed that Monmouth according to his instructions sought to suppress the insurrection without bloodshed. He refused to pass the Clyde by the ford at the foot of the Aven, where no

C. H. A. P.
VI.
1679.

Their defeat at Bothwell bridge.

June 18.
June 21.

June 22.

⁴⁵ Russell, 448, 453—465.

CHAP. VI. 1679. guards had been placed, and whence he might have charged the enemy in the rear; nor did he attempt to cross by Bothwell bridge, till some hours after its defence had been abandoned by Rathillet through want, as it is said, of ammunition. The covenanters, drawn up on a neighbouring eminence, still continued to consume their time in theological controversy, but a discharge of cannon, which killed fifteen men, warned them of their danger: instantly they turned their backs to flee; above four hundred fell during the pursuit, and twelve hundred yielded themselves prisoners of war. Rathillet with the men of Fife returned to their own county, whence after many perilous adventures most of them escaped by sea to Holland ⁴⁶.

Trial of
the je-
suits.

In England the fanaticism and adventures of the Scottish insurgents excited but little sensation. The attention of the public was absorbed by subjects of more immediate and commanding interest, the investigation of the pretended plot, and the punishment of the supposed conspirators. June 13. By order of the council, the two jesuits Whitbread and Fenwick, who on their former trial had been illegally remanded to prison, were placed at the bar with three others, Harcourt, Gavan, and

⁴⁶ Russell, 465—482. Wodrow, ii. 62—67. Sydney's Letters, 95—99. The "Exact Relation published by authority," differs in several particulars from the preceding authorities. See also "A History of the Rencounter at Drumclog, &c." by W. Aiton, 1821.

Turner ; and against them was marshalled a host of formidable witnesses, Oates, Bedloe, Prance, and Dugdale once steward to lord Aston, and on his dismissal from the service of that nobleman, a subordinate informer. Oates, indeed, could only repeat with a few embellishments his former story ; but Bedloe felt himself at liberty to make additional disclosures ; better cheer and more indulgent treatment had wonderfully improved the memory of Prance, and the situation which Dugdale held in the family of lord Aston was supposed to have supplied him with much secret and valuable information. The prisoners rested their defence chiefly on the utter worthlessness of their accusers, particularly of Bedloe and Oates.

1. Against the first they urged that, according to his own showing, he must have perjured himself on Whitbread's former trial : nor did he attempt to deny the charge, but pleaded in excuse that his prevarication at that time was necessary for the success of his intrigue with Reading : and this plea, as far as appears from the printed copy of the proceedings, was admitted as satisfactory by the court and jury.

2. They met the testimony of Oates by pointing out its variance in several points from his former depositions before the council, the two houses of parliament, and at the preceding trials in the court of King's Bench : but the judges answered that they had not those depositions before them : the prisoners might have indicted him for perjury ; and if they

CHAP. had omitted to do so, must abide by the conse-
 VI.
 1679. quences of such omission. 3. In answer to his
 ————— assertion that on the 24th of April he had waited
 on the accused at their treasonable consult in
 London, they produced sixteen young men who
 deposed that they dined on that day in the same
 room with him at St. Omer, and that during the
 four preceding and the two following months he
 was never more than twenty-four hours absent
 from the college. To rebut this powerful attack
 on his veracity Oates had provided six witnesses
 to swear that in the month of May they had at
 different times seen him in London, or some one
 like, or who bore his name⁴⁷; and it was argued
 that in judging of contradictory evidence more
 credit was due to men who were protestants, who
 spoke upon oath, and who were bound to deliver
 the truth, than to papists, unsworn, and accus-
 tomed, so it was pretended, to obtain dispensa-
 tions for the utterance of falsehood. 4. Again
 he had given the names of three persons, in whose
 company he crossed the sea to come to England.
 Of these, one deposed in open court that he never
 saw Oates during the voyage, and the servants of
 the other two, that their respective masters had
 not on any occasion in the months of April and
 May been a day absent from their places of abode
 on the continent. But the minds of men were

⁴⁷ On the credibility of these six witnesses see North, 239,
 240; and State Trials, x. 1189.

still too highly excited to give due weight to such testimony : the voice of reason and innocence was stifled by passion and prejudice : the chief justice delivered his charge with his usual partiality, and the jury without hesitation returned a verdict of guilty ⁴⁸.

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VI.
1679.

The next evening the place of these unfortunate men was occupied by Langhorne, the celebrated catholic lawyer. His case presented an instance of extraordinary hardship. He had been committed to Newgate without any previous examination before a magistrate or the council ; and, until the week preceding his trial, had been kept in solitary confinement, and in complete ignorance of every passing event : yet he was now called upon to plead for his life without any other knowledge of the facts to be charged against him in evidence, than what he could hastily collect from the printed narratives, and the reports of his friends. The moment he appeared, the crowd received him with hooting and hisses ; his witnesses were abused, beaten, and intimidated ; his objections to the credibility of the informers, and his remarks on the inconsistency of their evidence, were overruled by the court ; and when the foreman of the jury pronounced the verdict of guilty, it was received by the audience with loud and repeated cheers. The other five were then ranged at the side of Langhorne ; Jeffreys the

And of
Lang-
horne.

June 14.

⁴⁸ State Trials, vii. 311—418. Burnet, ii. 215.

CHAP. recorder, pronounced on them judgment of death,
 VI. and the hall resounded a second time with the
 1679. acclamations of the spectators⁴⁹.

Their execution.
 June 20.

The jesuits were the first who suffered. They were already tied to the gallows, and expected each moment to be launched into eternity, when their attention was awakened by cries of “a pardon, a pardon.” A horseman rode up at full speed, and delivered to the sheriff a paper which proved to be a pardon on condition that “they should acknowledge the conspiracy, and lay open what they knew thereof.” With thanks to the king they replied, that it was not in their power to fulfil the condition, because they could not disclose that of which they possessed no knowledge. The piety which they displayed, and the composure with which they resigned themselves to their fate, gave additional weight to this their last declaration⁵⁰.

⁴⁹ State Trials, vii. 417—490. Burnet, ii. 218. In the life of lord Guilford we are told in defence of the judges, “that the prejudice was so universal and so strong that, if an apostle had spoken against it, no impression would have taken place, nor had it done the prisoners any service: but on the other side not only the rabble, but even the parliament itself, had flounced at it: which consideration turned the scales of their discretion, and made those judges let a vessel drive which they could not stop, and reserve themselves for fairer opportunities. Again they said that not they but the jury were judges of the fact, and therefore they allowed Scroggs to do as he pleased.” (Vol. i. 327.) The falsehood of these pretences was proved by the next trial. Scroggs behaved with moderation, and the accused were acquitted.

⁵⁰ State Trials, 490—451. Burnet, ii. 217. Challoner, ii. 404.

Other arts were employed to shake the constancy of Langhorne. He received an offer of pardon, first if he would confess himself guilty, and then if he would make a discovery of such property of the jesuits, with which he had become acquainted in his professional capacity. To the last proposal he assented; his books were restored to him; and from them he extracted a statement, which was forwarded to the king. It is probable that the amount, a sum between 20,000*l.* and 30,000*l.* fell short of expectation. In a personal interview Shaftesbury informed him that this discovery was not thought of sufficient importance to redeem his life; he must in addition disclose the particulars of the plot, and in return for that disclosure he should receive any reward which he might ask. The honesty of Lang-
 horne withstood the temptation, and he suffered the punishment of a traitor, asserting like the others his total ignorance of the conspiracy⁵¹.

CHAP.
VI.
1679.

July 14.

Three other jesuits, Mico, Nevil, and Bedingfield, died in prison; a fourth, Jenison, perished in consequence of the injury which he received from the violence of the pursuivants.

⁵¹ State Trials, vii. 501—530. Burnet, ii. 218. Oates and Bedloe afterwards charged the chief justice Scroggs before the council with having said at the assizes at Monmouth “that he did believe in his conscience that Richard Langhorne, whom he condemned, died wrongfully, to the great disparagement,” &c. Scroggs replied, that he was more unsatisfied about Mr. Langhorne’s than all the rest, the more so that he was credibly informed that part of Bedloe’s evidence, about Langhorne’s writing in his presence, could not possibly be true. State Trials, viii. 172, 173.

CHAP. VI. 1679. Still the thirst for blood was not satisfied ; and four other prisoners, sir George Wakeman, the queen's physician, and Corker, Marshall, and Rumby, Benedictine monks, received notice of trial. They came, however, to the bar under more favourable circumstances than those who had preceded them. The testimony of the witnesses from St. Omer, and the protestations of the victims who had suffered, had shaken the credit of the plot ; and even the chief justice himself had at last resolved to act the part of an indifferent judge. To the statement of the informers they opposed so many objections, drawn partly from the improbability of the information itself, partly from the contradictions with which it teemed, that both Oates and Bedloe, from being accusers, were reduced to the necessity of defending themselves from the imputation of perjury. The chief burthen lay upon the former, who displayed considerable ingenuity in the manner of qualifying his evidence, so as to elude the objections of his adversaries. Though his vexation occasionally betrayed itself in passionate and irreverent expressions, he maintained the contest without flinching, and in a tone of conscious superiority, till he was unexpectedly confronted with sir Philip Lloyd, clerk of the council, who deposed that, when the lord chancellor asked Oates if he knew anything personally of sir George Wakeman, he raised his hands to heaven, and protested before God that he did not ; and yet that very

Trial of
Wakeman
and
others.

July 18.

morning he had charged him with several overt acts of treason, committed, as he said, in his own presence. This was a blow which he could not parry: feigning indisposition he asked leave to retire, and the jury acquitted all the prisoners⁵².

CHAP.
VI.
1679.
Who are
acquitted.

To the patrons of the plot, who were preparing for the trial of the lords in the Tower, such a result was as embarrassing as it had been unexpected. It became necessary not only to support the credit of the informers, but also to prevent the persons acquitted of coming forward to convict them of perjury. To effect the first of these objects, the chief justice was charged with manifest partiality in favour of the prisoners, and reports were circulated that he had received a valuable bribe from their friends: the second was accomplished by inducing Wakeman, through the menace of a second prosecution, to withdraw beyond the sea, and by committing the three monks to Newgate under a new charge of high treason, for having received orders in the church of Rome⁵³.

But the men accused of a participation in the plot were not the only victims sacrificed to the delusion of the people. It seemed as if there existed a design of wholly extirpating the catholic

Execution
of priests
on account
of their
character.

⁵² State Trials, vii. 591—687.

⁵³ State Trials, vii. 702. North, 185. Oates and Bedloe declared that they would never more give evidence in any court in which Scroggs presided, and exhibited articles against him before the council. Echard, 988. The articles are in State Trials, viii. 163—174.

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1679.

religion. Rewards were offered by proclamation of 10*l.* for the discovery of any papist or reputed papist within any one of the royal residences, of 50*l.* for the discovery of money or lands belonging to any priest, chapel, college, or religious order, and of 100*l.* for the discovery of any priest or jesuit; the magistrates received authority to visit and search the palace of St. James's at any time, and that of Somerset-house, whenever the queen should be absent; the judges were empowered to reward at their discretion the prosecutors of popish recusants out of the forfeitures of the sufferers, and lists of the catholics or suspected catholics in each county, which had previously been furnished to the committee of the house of commons, were delivered to commissioners with orders to tender to all such persons the oaths of allegiance and supremacy. Their zeal and cupidity were stimulated by reward, and the time of the judges during the circuit was chiefly employed in the prosecution of catholic priests or recusants. The latter paid the fine of 20*l.* per month for absence from church, or forfeited two-thirds of their estates to the king: of the former twenty-four received sentence of death for the exercise of their functions. Most of them after condemnation were sent to London to undergo the ordeal of a private examination before Shaftesbury, and his assistants Oates, Bedloe, and Dugdale. But their innocence was proof against the influence of threats and promises. Not one admitted any knowledge of the

supposed conspiracy; not one could be seduced to lend his aid to the informers. The house of commons grew impatient under the delay: several of the members called aloud for their blood; and an address was presented to the king soliciting their immediate execution. The council remanded them to their former prisons; and having granted reprieves to some, abandoned the remainder to their fate. Pleasington suffered at Chester, Evans and Lloyd at Cardiff, Lewis at Usk, Postgate at York, Mahony at Ruthin, Johnson at Worcester, and Kemble at Hereford. Of these, two had passed their eightieth year⁵⁴.

In the council the ambition of the popular leaders had divided them into opposite parties. Shaftesbury, though aware of the king's aversion, still cherished the hope of acquiring the ascendancy through the influence of his disciple the duke of Monmouth, who had returned from his Scottish expedition, proud of his success against the insurgents, and of the title of highness

CHAP.
VI.
1679.

Dissolu-
tion of
parlia-
ment

⁵⁴ C. Journ. April 27, May 22. L. Journ. xiii. 587. State Trials, vii. 715, 726, 740, 811. Kennet, 380, 381, 391. Challoner, ii. 411—449. James, i. 560. "I thought the execution of the priests wholly unjust, without giving them public warning by proclamation to be gone, or to expect the penalties of the law within such a time, since the connivance had lasted now through three kings' reigns: upon this point lord Halifax and I had so sharp a debate that he told me, if I would not concur in points which were so necessary for the people's satisfaction, he would tell every body I was a papist; affirming that the plot must be handled as if it were true, whether it was so or no." Temple, ii. 506.

CHAP. with which he was addressed by his flatterers.
 VI.
 1679. ————— But he saw that he had to contend with two powerful adversaries, Essex and Halifax; to their advice he attributed the late prorogation; nor did he hesitate to threaten them with the vengeance of parliament in the next session. At first they sought to mollify his resentment by admitting him and Monmouth to their secret meetings; but there was no trusting to his friendship, and they knew that his power in the house of commons was irresistible. They consulted Sunderland and Temple, and it was resolved to suggest the expediency of a dissolution. The advice met with the approbation of the king, who was well acquainted with Shaftesbury's intrigues, and with his intention of bringing forward new charges against the queen and the duke of York⁴⁶. For the sake of form the question was proposed in the council: but by some mismanagement the "king's friends" had not been apprised of the royal wish, and a decided majority had already pronounced against the measure, when Charles, taking advantage of an expression dropped by Temple suddenly turned to the chancellor, and ordered him

July 10.

⁴⁶ Monmouth's cook had made oath that he heard a person desire Antonio, servant to the queen's confessor, to take care of the four Irishmen, who were to do the business. Antonio was accordingly committed for high treason. Moreover, a Venetian merchant asserted that sir Henry Titchbourn owned to him, that the object of his journey to Rome was to prosecute, by order of the duke, the design mentioned in the letters of cardinal Howard. James (Memoirs), i. 561.

to prepare a proclamation for the dissolution of the present, and the calling of another parliament. This act of vigour struck his adherents with surprise : it threw the lords Shaftesbury and Russell into a paroxysm of "rage"⁴⁷.

In the meanwhile the duke of York bore with impatience his exile at Brussels. His dearest interests were at stake : and yet, instead of being on the spot to oppose the intrigues of his enemies, he was detained in a foreign land, and compelled to trust to the promises of a brother, whose easy wavering disposition had so frequently yielded to the united and reiterated efforts of his opponents. It was true that Essex and Halifax, the most influential of the royal advisers, professed themselves his friends : but their conversion was very recent, and they were friends only after a certain fashion ; that is, as far as might suit their personal interests. They exhorted the king to maintain the duke's right to the succession, because they knew that the ascendancy of Monmouth would infallibly lead to their own disgrace : but they sought to avoid the appearance of advocating the duke's cause, because they feared to share with him the dislike of the people. On every favourable occasion, at the prorogation, on the acquittal of Wakefield, at the dissolution of parliament, James renewed his solicitations for leave to return : but he received invariably the same answer:

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VI.
1679.

The duke
of York in
Brussels.

⁴⁷ Temple, ii. 509—512.

CHAP. that the time was not yet come: that his presence would probably lead to insurrection: that he must wait till the public excitement, raised by the plot, had subsided. "Indeed," said Charles in one of his letters, "I should be very unwilling to have a question brought upon the stage, whether or no you should be secured, and you at the same time present, considering how easy it is to have false witnesses, till Oates and Bedloe have their due⁴⁸."

He visits
the king
at Windsor.
Aug. 22.

It chanced, however, that in August the king was confined to his bed by a violent fever. Monsieur was then at court in the zenith of his popularity: he held the office of commander-in-chief; and he had the face to solicit from the sick monarch an order for the duke of York not to remove from Brussels. His object under these circumstances could not be misunderstood. Essex and Halifax met Sunderland, Hyde, and Godolphin at the lodgings of the duchess of Portsmouth; and Charles by their advice despatched a message to James to return to England, but on condition that he should come on his own responsibility, and should go back to Brussels after the king's recovery. The duke lost not a moment: he travelled under a feigned name, reached Windsor in disguise, and was the first to announce his arrival to his brother. Charles, who was now in a state of convalescence, received him most affectionately,

Aug. 23.

Aug. 29.

Sept. 2.

⁴⁸ James (Memoirs), i. 556, 557, 559, 561, 562.

and the courtiers crowded round to offer their congratulations. Monmouth alone appeared awkward and embarrassed. On the suggestion of Shaftesbury he rejected the proposal of a reconciliation with his uncle, and occasionally dropped menaces of vengeance against those counsellors who had advised the recall of the duke. By them, to save their popularity, it had been determined that James should immediately go back to Brussels; but at the same time the threats of Monmouth induced them to secure themselves also against his resentment. For this purpose they called the attention of the king to the hard case of his brother, the presumptive heir to the crown, compelled to live in banishment without office or influence, while his intended competitor, who had no other claim than the interest of a factious party, resided in the capital, held the command of the army, and was always ready to seize, as opportunity might offer, the object of his ambition. Charles acknowledged the justice of the suggestion; and, sending for Monmouth, told him that circumstances required him to resign his office of lord general, and to withdraw for a season to the continent. The young man betrayed in his answer a pettishness of disposition, and a feeling of disrespect, which offended the pride, though it did not extinguish the affection, of his father: but in the evening he met Shaftesbury, Montague, and the leaders of his party, who advised him to obey; for his banishment would

CHAP.
VI.
1679.

Sept. 12.

CHAP. raise him to the dignity of a martyr in the eyes
 VI. of the people, and the parliament would not fail
 1679. ————— to demand justice for a prince, whose only crime
 Sept. 24. was his attachment to the religion and liberties of
 his country⁴⁹. With reluctance he yielded to their
 authority, and repaired to Holland, where he was
 coldly received by the prince of Orange, whose
 claim to the crown, in the event of the exclusion
 of James, taught him to look upon Monmouth in
 the light of a rival. After dinner they walked
 together in the garden. Monmouth showed the
 prince a letter from the king promising that the
 time of his exile should be short, attributed his
 disgrace not to the jealousy of the duke of York,
 but to the arts of the duchess of Portsmouth, and
 of Essex, Halifax, and Sunderland; and solemnly
 declared that he never had cherished, never would
 cherish, a thought of aspiring to the crown.
 They parted with mutual protestations of friend-
 ship to which it is probable that neither gave the
 smallest credit⁵⁰.

Goes to
 reside in
 Scotland.

It was evident that considerable inconvenience
 might arise if, at the king's death, the heir to the
 crown were resident in a foreign country, and
 under the control of a foreign prince. This was
 represented with so much force by secretary Co-
 ventry, that the duke received permission to ex-

⁴⁹ James (Memoirs), i. 566—570. Temple, ii. 513—518. Bur-
 net, ii. 232. Dalrymple, 247—249.

⁵⁰ D'Avaux, i. 24, 32, 34.

change the place of his exile for the capital of Scotland, he returned to Brussels, for the ostensible purpose of conducting his wife and family to Edinburgh, and his intention of residing in that country was announced by authority in the Gazette: but instead of sailing from Holland to Leith, he anchored in the Downs, and requested permission of his brother to remain in England. He had been secretly informed that Charles had no objection: but Essex and Halifax were inexorable: instead of the answer which he expected, he received an invitation to court, after a short visit proceeded on his voyage. At Edinburgh he was received with the respect due to his rank, and took his place in the council, but carefully abstained from all connexion with either of the parties which divided that kingdom⁵¹.

It had been ascertained that the general result of the elections was unfavourable to the court; and Shaftesbury waited anxiously for the meeting of the new parliament, in which he promised himself an easy victory over his political opponents. But it was equally the interest of the king and the two confidential ministers to defeat his designs⁵². To deprive him of the means of annoy-

CHAP.
VI.
1679.

Oct. 7.

Oct. 9.

Oct. 12.

Oct. 27.

Dec. 4.

Unexpect-
ed proro-
gation.

⁵¹ James's (Memoirs), i. 571—575, 580. Dalrymple, 250. Gazette, 1449.

⁵² The name by which he was designated in the correspondence of the royal brothers was "Little Sincerity," the first of which words alluded to his person, the other to his professions of a virtue for which they gave him no credit. Charles said of him that "he

- CHAP. VI. 1679. ance which he derived from his office of president of the council, he was unexpectedly superseded by lord Robartes, lately created earl of Radnor ; and
- Oct. 15. to extinguish his hopes from the superiority of his party in the lower house, the king in council, without any previous notice, ordered the chancellor to prepare a commission for the prorogation of parliament during the long space of twelve months. At this announcement the members gazed on each other with signs of astonishment : some rose to speak, but Charles commanded silence ; he had foreseen and weighed every objection, had taken his resolution and would be obeyed. No one ventured to remonstrate ; and on the very day appointed for the opening of the
- Oct. 17. session, the parliament was prorogued for a few weeks, and afterwards by repeated commissions for a full year⁵³.
- Its cause. The real motive of the king, which was unknown to the council, may be discovered in a secret intrigue between him and the French ambassador. A little before the dissolution in July,
- June 24. Charles had applied to that minister for relief from the pecuniary embarrassments with which he saw himself threatened. Louis was, indeed,

had nurrished a snake in his bosome, that Shaftesbutry began to play the devil, and could no longer be suffered." James (*Memoirs*), i. 563.

⁵³ Temple, ii. 521. L. Journals, xiii. 597—609. Bulstrode, 304. The reason why short prorogations were preferred may be seen in the life of James (*Memoirs*), 585, 586.

offended at his past conduct : but he did not allow his resentment to stand in the way of his interests. He accepted the apology of his English brother ; he even listened to his proposals, but at the same time affected to set no great value on any services which could then be rendered to him by the English crown. It was to quicken his tardiness that Charles summoned a new parliament when he dissolved the old one. The negociation then proceeded more rapidly : it was at last agreed that the king should receive from France a pension of 1,000,000 of livres during three years ; and under these circumstances Charles, being no longer at a loss for money, resolved on the prorogation. It chanced, however, that the treaty was not yet signed, and Louis grasped at the opportunity to append to it new and more humiliating conditions. The pride of the king revolted : James advised him to substitute in lieu of the French pension a system of the most rigorous economy ; and Charles following his counsel not only rejected the conditions, but refused to listen to Barillon, when he proposed to resume the negociation⁵⁴.

That minister was at the same time called upon to remunerate the services of those who had given him their aid during the last session of parliament. The army had been disbanded ; the

CHAP.
VI.
1679.

Oct. 17.

Nov.

Rewards
given by
France.

⁵⁴ Dalrymple, 229, 230, 233—241, 254, 255. James (Memoirs), i. 364.

CHAP. VI. lord treasurer had fallen ; they had gained a right
 VI. to the rewards which had previously been pro-
 1679. mised. To the duke of Buckingham he paid the
 ————— sum of 1,000 guineas ; and another sum of 2,500
 guineas he distributed in equal portions among
 Baber, Sydney, Harbord, Lyttleton and Powle.
 Montague demanded 100,000 crowns according
 to the terms of the contract. The ambassador
 rejected his claim. Danby was, indeed, in prison ;
 but his trial had not taken place ; it remained yet
 to be seen whether the lord treasurer were ruined
 or not. Montague, on the other hand, com-
 plained of such chicanery ; he pretended that to
 purchase the votes of those who supported him in
 the house of commons he had mortgaged the
 larger portion of the money ; and at last, by dint
 of importunity, obtained 50,000 crowns, one half
 of his demand⁵⁵.

Plans of
 the popu-
 lar lea-
 ders.

Henceforth, that the reader may form a distinct
 notion of the events which occurred between the
 prorogation in October 1679 and the meeting of
 parliament in October 1680, it will be convenient
 to arrange them under two heads, of which the

⁵⁵ Dalrymple, 252, 255, 314. From Barillon's despatch it ap-
 pears that Buckingham demanded 20,000 crowns ; that Baber
 avoit été fort utile en beaucoup d'occasions, et l'avoit averti à
 tems de ce qui se passoit dans les différentes cabales ; qu'il avoit
 une étroite liaison avec Lyttleton—qu'il avoit conservé une cor-
 respondence particuliere avec le sieur Powle, que le sieur Har-
 bord avoit beaucoup agi dans l'affaire du grand Trésorier, et que
 M. de Sidney avoit été d'une grande utilité en bien des occasions.
 Ibid. 256, 257.

first will comprehend the struggles of the two political parties to acquire the ascendancy, the other the discoveries and prosecutions which continued to grow out of that fruitful stock of imposture and injustice, the fictitious narrative of Titus Oates.

CHAP.
VI.
1679.

I. Shaftesbury and his associates resolved to keep alive the fears and jealousies of the people, and to harass and intimidate the king. 1. On the 17th of November, the anniversary of the accession of queen Elizabeth, a most extraordinary pageant, calculated to make a deep impression on the minds of the populace, was exhibited at the expense, and under the superintendence, of the green ribbon club. First appeared the bellman walking with slow and solemn pace, and exclaiming at intervals, "remember Mr. justice Godfrey:" next came a man dressed in the habit of a jesuit, bearing on horseback the figure of a dead body; then followed representations of nuns, monks, priests, catholic bishops in copes and mitres, protestant bishops in lawn sleeves, six cardinals with their caps, and last of all the pope in a litter, accompanied by his arch-counsellor the devil. In this state the procession set out from Moorgate in the dusk of the evening, amidst the glare of several thousand flambeaux; perambulated the city in the presence of two hundred thousand spectators, swearing eternal hatred to the principles of popery, and calling for vengeance on the heads of the papists; and at last halted at

CHAP. Temple-bar in front of the King's Arms tavern.

VI.
1679.

The clubbists instantly appeared at the balconies; fire works were exhibited; and, at a given signal, the pope and his attendants were precipitated into the flames with a tremendous shout, "the echo of which," it is observed in the official account published by the party, "reached by continued reverberations to Scotland, and France, and Rome itself, damping them all with dreadful astonishment." The effect of the exhibition answered the hopes of its authors; and it was repeated with variations in the two succeeding years: but in 1682 Charles recovered the ascendancy in his capital and put down the nuisance⁵⁶.

Recal of
Mon-
mouth.

Nov. 27.

2. Within eight days after this pageant the duke of Monmouth returned to England. Shaftesbury had sent for him under the pretext that the time of his exile was determined by that of the duke of York: James had obtained permission to reside within the king's dominions, Monmouth had a right to the same benefit. He entered London at midnight; but the watch announced his arrival; the bells were rung, and bonfires kindled. Charles resented deeply the disobedience of his son and the manner of his reception. He ordered him to quit the kingdom immediately under the penalty of perpetual exclusion from the

⁵⁶ See "London's Defiance to Rome." Ralph, 484; also North, 571—575. Echard, 985.

royal presence ; he rejected the petitions of the duchess and of her friends ; and he deprived Monmouth (but successively, and after short intervals, that he might have time for repentance) of his several offices of captain of the guards, of lord lieutenant in Staffordshire, and of the north riding of Yorkshire, of governor of Hull, and of master of the horse. Still the young man set at defiance the displeasure of his father, and pretended to justify his obstinacy under the plea of filial piety. His presence, he said, was necessary. He would either preserve the king's life from the daggers of the papists, or revenge his death, if he should fall by their treason⁵⁷.

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VI.
1679.

3. At the same time, to prepare the public mind for the future pretensions of Monmouth, was printed and circulated a most seditious libel, under the title of "an appeal from the country to the city for the preservation of his majesty's person, liberty, property, and religion." The writer called on the citizens to ascend the monument, to contemplate from its summit the magnificent scene which lay at their feet, and then to imagine that they beheld their houses in flames, their children and neighbours massacred, their wives and daughters violated, and their ministers and teachers tortured by the papists. Let them not be deceived : this imaginary spectacle would be infallibly realised

A seditious libel.

⁵⁷ James, i. 578, 582. Evelyn, iii. 20. Bulstrode, 310. Kennet, 378.

CHAP. on the succession of a popish monarch. Their
 VI. present safety would last no longer than the life
 1679. of the king, who (such was the benevolence of his disposition) gave no credit to the plot, and thus exposed himself to the daggers of the assassins. It was therefore time to prepare for the approaching crisis; to select a man who should lead them against French invaders and popish rebels. That man was the duke of Monmouth, eminently qualified for command by his birth, his conduct, and his courage. Let the citizens stand by him, and he would stand by them. His fortune was united with theirs. Nor should they forget that "the worst title makes the best king," because, what the prince wants in right, he must supply by concession⁵⁸.

Petitions
 for sitting
 of parlia-
 ment.

4. Another expedient suggested by the fertile mind of Shaftesbury, was to petition that the parliament might be permitted to sit at the end of the first short prorogation. With this view the kingdom was parcelled out into districts, to each of which particular agents were assigned. They informed the people that, if the king were permitted to govern without a parliament, the ascendancy of popery, and the establishment of despotism would inevitably follow; and for the prevention of these evils they solicited subscriptions to the petitions with which they had been

⁵⁸ State Tracts in the reign of Charles II., vol. ii. 401. Parl. Hist. iv. App. xcvi.

furnished from the head committee in London ⁵⁹. CHAP. VI. 1679.

Some of the grand juries set the example; the common council followed; and most of the counties and populous towns hastened to tread in the footsteps of the capital. The king at first returned for answer, that it was *his* province, and not that of the petitioners, to judge of the proper time for the sitting of parliament: but his patience was gradually exhausted, and his alarm daily excited. He sought in vain to escape from the approach of the petitioners—they way-laid him wherever he went, and thrust their papers into his hands at the most unseasonable times and places—nor could he foresee the consequences of the extraordinary ferment which prevailed in every part of the kingdom, conjoined, as it was, with the pretensions of Monmouth and the boldness of his partisans. To provide against insurrection he furnished Portsmouth, Sheerness, Hull, and other fortresses with trusty garrisons, and to free himself from annoyance he sent for the lord mayor and aldermen, to whom in the royal pre-

⁵⁹ From North's account it appears that the art of getting up petitions arrived at perfection in its very infancy. The agents traversed the districts allotted to them, procuring the signatures of those who could write, and "the hieroglyphics of clowns;" adding in many cases the names of the absent, or of persons not in existence. When the petitions had been returned to the committee in London, the "beadrolls were cut off, and glued in succession to each other," and the whole collection attached to one form of petition similar to that which had been sent into the country. North, 312.

CHAP. VI. 1679. sence, the chancellor explained, what he termed the law on the subject of petitions, with a strict injunction that they should see it enforced⁶⁰.

Dec. 10. The next day a proclamation was addressed to all
Dec. 11. magistrates throughout the kingdom. It is remarkable that this instrument did not deny the right of petitioning, nor pretend that the sitting of parliament was an improper or illegal subject. It attached itself solely to the manner of procuring signatures, and threatened with the utmost rigour of punishment all who should subscribe their own names, or procure the subscriptions of others contrary to the common and known laws of the land. A more unmeaning document could not have been published, and yet it produced an effect which its framers had never anticipated. It turned the popular current into the opposite direction. Numbers, who from the similarity of the late proceedings to those of the year 1641 had foretold a second revolution, were awakened by it from their apathy; the cavaliers and the churchmen, the majority of the gentry and of the merchants, suddenly came forward; and multitudes in every quarter crowded to subscribe addresses to the king, expressing in the most

Counter
addresses.

⁶⁰ This explanation consisted of the resolutions of the judges in the second year of James I. and the provisions of two acts in the reign of Charles II. Somers' Tracts, viii. 122—129. It would, however, require no small portion of ingenuity to show that either the resolutions or the statutes were at all applicable to the petitions in question.

forcible terms their reliance on his wisdom, and their abhorrence of the practices of the petitioners. Westminster set the example; Essex, Middlesex, Surrey, Somerset, Shropshire, and Norfolk followed; and the last county ventured even to offer thanks to the king for the recal of the heir apparent from Flanders ⁶¹.

CHAP. VI.
1679.

By Charles these addresses were received with joy and gratitude. They dispelled the doubt and apprehension which hung over his mind; they convinced him that he still retained a strong hold on the affections of his subjects; and they encouraged him to adopt a measure as unexpected by his friends as it was by his opponents. Entering the council chamber, he stated that he had derived but little benefit from the absence of his brother; that he could not understand the justice of taking

Recal of
the duke
of York.

1680.
Jan. 28.

⁶¹ North, 342. James, i. 581. Bulstrode, 310. Macpherson, i. 100. Here it may be observed that the licensing act, an act which was incompatible with the liberty of the press, had not been renewed in the last session of parliament, and therefore expired of course at the prorogation on the 27th of May, 1679. Authors and printers hastened to avail themselves of their freedom, and publications of every description were poured without intermission from the press. The judges, however, undertook to check what they considered an evil. They resolved, without a dissentient voice, that not only books reflecting scandalously on the government and private persons may be seized, and the authors and publishers punished, but that no man could lawfully print and publish books of news without authority, and that whoever did so was answerable for the falsehoods contained therein. State Trials, vii. 929, 1127; viii. 187, 198. In conformity with this resolution, the printing of news without licence was prohibited. See Gazette, May 17, 1680.

CHAP. from a prince whose rights were assailed, the
 VI. opportunity of defending them in his place in
 1680. parliament; and that he had therefore ordered
 ——— the duke of York to quit Edinburgh, and to
 return to his former residence at St. James's.
 This declaration revealed to the lords Russell and
 Cavendish, and to Capel and Powle, the degraded
 situation to which they had been insensibly
 reduced. When they accepted seats in the coun-
 cil, they probably cherished the hope of gaining
 the ascendancy through the easy disposition of
 the king, and the preponderance of their party in
 the two houses. But time had dispelled the delu-
 sion. The parliament was not permitted to sit;
 Shaftesbury, their leader, had been discharged;
 they themselves were no more than nominal
 counsellors; their presence served only to give a
 sanction to measures which they never advised,
 and which, had the opportunity been given, they
 would have strenuously opposed. They tendered
 their resignation, and Charles replied that he
 accepted it "with all his heart"⁶².

Jan. 31.

Denial of
 Mon-
 mouth's
 legiti-
 macy.

Feb. 24.

In a short time the duke of York returned to
 the capital, and had reason to be gratified with
 his reception. The recorder presented to him a
 congratulatory address in the name of the city;
 a sumptuous entertainment was given to the royal
 brothers by the lord mayor; and a general illu-
 mination testified the public joy at his presence.

⁶² Kennet, 379. James (Memoirs), i. 587. Macpherson, 102.

To check these demonstrations of reviving attachment in the people, his enemies began to circulate new runours respecting the king's pretended marriage with the mother of Monmouth. It was said that the witnesses of the ceremony were still alive; that the contract itself, enclosed in a black box, had been entrusted by the late bishop of Durham to the custody of his son-in-law sir Gilbert Gerard; and that several persons were ready to depose that they had both seen and perused the important document. By order of Charles every individual named in these reports was sent for, and interrogated before the council, and each disclaimed all knowledge whatsoever of the box, the contract, or the marriage. In conclusion two royal declarations were published in the Gazette, in which the king related all these particulars, repeated the deposition which he had formerly subscribed, and to silence the cavillers against it, called God to witness that he had never been married to Lucy Barlow, or to any other woman besides the queen⁶³.

5. To parry this blow, the earl of Shaftesbury, on the 26th of June, proceeded to Westminster-hall in company with the earl of Huntingdon, the Duke of York presented for recusancy. June 26.

⁶³ James, i. 589. Macpherson, i. 101. London Gazette, 1507, 1520. To these solemn appeals of the king it was answered by his adversaries that, if the eye and fear of God could not restrain him from living in adultery, it could not be expected that they should restrain him from swearing falsely. Somers' Tracts, viii. 187—208, with sir Walter Scott's notes.

CHAP. VI. 1680. lord Grey of Werke, the lord Gerard of Brandon, the lords Russell and Cavendish, nine commoners, and the arch-informer, Titus Oates. Being admitted before the grand jury, he described to them the dangers to be apprehended from the possession of the post-office in fee by the duke of York, and the benefit to be derived from the forfeiture of two-thirds of his estate according to the popery laws; offered six reasons why they should look upon him as a papist, and present him for a recusant; and in addition advised them to indict the duchess of Portsmouth as a national nuisance. The last part was intended only to excite alarm in the king's mistress: and the object of the first part was defeated by the address of the judges, who discharged the jury, while a portion of their number was closeted in private consultation with Shaftesbury. In the next term the attempt was renewed; and the duke, on the oath of Oates that he had seen that prince receive the sacrament at mass, was presented as a recusant at the Old Bailey; but advantage was taken of some irregularity in the proceedings, and the cause was removed by writ of certiorari into the court of King's Bench ⁶⁴.

Whig and Tory. It was during this period that the appellations of Whig and Tory became permanently affixed to the two great political parties which for a century

⁶⁴ State Trials, viii. 179. C. Journ. Dec. 23, 1680. James (Memoirs), i. 666. Ralph, i. 304, note.

and a half divided the nation. The first had long before been given to the covenanters on the west of Scotland, and was supposed to convey a charge of seditious and anti-monarchical principles. The second originally designated those natives of Ireland who, having been deprived of the estates of their ancestors, supported themselves by depre-
CHAP. VI. 1680.
 —————
 dations on the English settlers; and was now employed in conversation to intimate a secret leaning towards popery and despotism. Hence the *abhorrrers* branded the *petitioners* with the name of Whigs; and the petitioners in revenge bestowed on their opponents the name of Tories. But in a short time Whig and Tory ceased to be terms of reproach: they were cheerfully adopted by the parties themselves, and became hallowed in their estimation as indicative of the political principles which they respectively professed to cherish and uphold ⁶⁵.

II. To pursue the "Popish plot" through its successive ramifications, would be to impose an irksome task on the feelings and patience of the reader. But out of the new informers, who daily grafted their own discoveries on the original narrative of Oates, two will claim his attention, not so much on account of their superior infamy, as of the purpose to which their evidence was subsequently applied. 1. The first was named Dangerfield, a young man of handsome person

Account
of Dan-
gerfield.

⁶⁵ See vol. xi. c. 2, note 41; vol. xii. c. 2, note 93.

CHAP. and of creditable acquirements, but who in the
 VI.
 1680. course of a few years had run through a long
 ——— career of guilt. In different places and for differ-
 ent crimes, he had been condemned to fine and
 imprisonment, had suffered the punishments of
 whipping and being burnt in the hand, had stood
 in the pillory, and had been repeatedly outlawed.
 Mrs. Cellier, a catholic midwife of eminence, who
 collected alms for the relief of the prisoners, found
 him among the debtors in Newgate, and received
 from him a petition for pecuniary assistance, with
 a promise that he would in return purloin the
 papers of Stroud, a fellow captive, supposed to
 have been suborned by Shaftesbury as a witness
 1679. against the lords in the Tower. She satisfied his
 June 6. creditors, and on his discharge employed him to
 collect certain monies due to her husband. In
 this occupation he pretended that, by visiting the
 different coffee-houses, he had discovered the ex-
 istence of a most dangerous conspiracy. Cellier,
 through the agency of lady Powis, introduced
 him to the earl of Peterborough, and Peter-
 borough to the duke of York, to whom he de-
 clared that, during the king's indisposition, the
 principal presbyterians had conspired to raise an
 army, and seize on the government; that the
 design, though frustrated for the moment by the
 king's recovery, was not yet abandoned; and that
 the paper which he then delivered to his royal
 highness, would show that commissions had
 already been distributed, and the plan of a revo-

lution in the government had actually been ar-
 ranged. James heard him with jealousy and
 reserve. He gave him indeed twenty guineas as
 a reward for his good will; but transferred him
 with his document to the king, who, having
 ordered him an additional present of forty
 guineas, commissioned secretary Coventry to
 watch his conduct, and investigate the truth or
 falsehood of his story. Coventry thought it un-
 worthy of credit. He gave him back his paper,
 and demanded something more satisfactory: but
 Dangerfield could produce nothing besides two
 letters written by Bulstrode, the envoy at Brus-
 sels, to the earl of Shaftesbury. The letters
 were on indifferent matters; but that they should
 be in the possession of Dangerfield, was very
 extraordinary. The king grew uneasy: there
 was, he declared, some dark and mysterious plot
 in agitation ⁶⁶.

A few days later, in consequence of an informa-
 tion laid by Dangerfield, the revenue officers
 searched the lodgings of colonel Mansel, the
 quarter-master of the supposed presbyterian army,
 and instead of a prize of foreign lace which had
 been promised them, discovered a bundle of trea-
 sonable papers concealed behind the bed. That
 these papers were forgeries, appeared on the first

CHAP.
VI.
1680.

He is sent
to New-
gate.

Oct. 20.

Oct. 23.

⁶⁶ Dangerfield in his "Particular Narrative" (p. 39) says that he waited on lord Shaftesbury to kill him at the instigation of the papists, and being left alone for some time took the opportunity of stealing these letters.

CHAP VI. 1680. inspection; Mansel traced the contrivance to Dangerfield; and the council committed him to Newgate. In prison he appeared to be agitated with the most violent remorse. He acknowledged that, at the instigation of Lady Powis and Mrs. Cellier, he had been engaged in a sham plot for the purpose of covering a real one: the presbyterians were innocent, the papists guilty: lord Arundel had offered him 2,000*l.* as a reward for the murder of the king—that bribe he had the virtue to refuse—then lord Powis offered him 500*l.* to assassinate the earl of Shaftesbury—he yielded to the temptation: but twice his heart failed him, and lord Peterborough reproached him with cowardice. In conclusion, as a proof of the sincerity of his repentance, he declared that the original of the notes shown by him to the king, the document on which the sham plot was to have been founded, lay concealed in a meal-tub in the house of Mrs. Cellier. There the paper was accordingly discovered; and thence, the whole transaction is known in history by the name of the meal-tub plot.

His testimony is disbelieved.

In consequence of these disclosures lady Powis was committed to the Tower, but escaped the danger of a trial, the bill against her being ignored by the grand jury of Middlesex. Mrs. Cellier was imprisoned in Newgate, where Shaftesbury, sir William Waller, and Dangerfield himself, solicited her to turn informer: but her resolution set them at defiance; and, on her trial she

May 21.

June 11.

Oct. 27.

Oct. 31.

Turns in-

former.

satisfied the court, that her accuser was too infamous in law to be admitted as a credible witness⁶⁷. Her acquittal induced the attorney-general to postpone for a few days the trial of lord Castlemaine, who had been charged with high treason: and in the interval a full pardon was granted to Dangerfield, that he might be enabled to support the evidence of Titus Oates. But no pardon could remove the stigma which had been impressed on his character by sixteen convictions in different courts; the jury refused to give credit to his oath, and lord Castlemaine also obtained an acquittal⁶⁸. The informer, however, was not abandoned by his patrons: they kept him in reserve till the meeting of parliament; and hoped to influence by his testimony,

CHAP.
VI.
1680.

JUNE 23.

⁶⁷ Dangerfield having published his narrative, Mrs. Cellier, who as a writer was more than a match for him, published a vindication of herself, with an account of her trial, under the title of "Malice Defeated; or a Brief Relation of the Accusation and Deliverance of Elizabeth Cellier." Some passages in this tract, respecting the treatment of the prisoners in Newgate, exposed her to a second trial (Sept. 13) for a libel. She was found guilty, and condemned to pay a fine to the king of 1,000*l.* and to stand thrice in the pillory. State Trials, vii. 1183—1218. By North we are told that the real object of the second prosecution was to disable her from becoming a witness in favour of the lords in the Tower. North, 264.

⁶⁸ State Trials, vii. 1067, and lord Castlemaine's manifesto, who bitterly complains that in the report of his own and of the other trials respecting the popish plot, great partiality to the informers is shown by the publishers, and much injury done to the cause of the accused. P. 39.

CHAP. infamous and degraded as he was, the delibera-
 VI. tions both of the lords and commons.
 1680.

The mystery which covered the meal-tub plot has never been completely developed. There were many, who believed that the catholics, indignant at the unjust persecution which they suffered, sought to retaliate on their accusers by forgeries similar to those which had been employed against themselves. Others looked on Dangerfield as the mere tool of Oates; and that the real object of both was to inveigle some catholics into an attempt to fix a pretended plot on the presbyterians, that, by denouncing them, they might prop up the declining credit of the original imposture. But the king was convinced that his real instigators, whoever they might be, aimed at a higher quarry: that they sought to draw the duke of York into some practice which might add fuel to the popular prejudice against him, and minister additional arguments in favour of the bill of exclusion. The use which was afterwards made of Dangerfield seems to confirm this conjecture⁶⁹.

⁶⁹ For this account of the meal-tub plot, I must refer my readers to the notes of the chief justice North, written at the time (North, 265), to Dangerfield's "Particular Narrative" in 1679, Cellier's "Malice Defeated" in 1680, Dangerfield's "Answer to a certain scandalous, lying Pamphlet entitled, Malice Defeated," 1680, Cellier's rejoinder of "The Matchless Rogue," 1680, the Lords' Journals, xiii. 667, Castlemaine's Manifesto, 1681, and State Trials, vii. 1043—1112.

2. A short notice may suffice for Bolron, from whom was derived the Yorkshire branch of the plot. He had been the manager of sir Thomas Gascoign's coal-pits, had made free with the money of his employer, and had been threatened with a prosecution for felony by lady Tempest, the daughter of sir Thomas. In his alarm he sought to shelter himself under the mantle of an informer: but the county magistrates, before whom he laid his information, convinced by their personal knowledge of its falsehood, refused him the warrant which he demanded. Bolron hastened to London, made a second and more ample deposition before the earl of Shaftesbury, and subsequently added a third, which supplied the deficiencies, and reconciled the inconsistencies of the preceding. From London the informer was sent back to Yorkshire to procure a second witness, whom he found in Maybury, a servant lately discharged from the family on suspicion of theft. Sir Thomas Gascoign, who was in his eighty-fifth year, was tried at Westminster before a jury of Yorkshire gentlemen. The two witnesses deposed that he, his son Thomas, his daughter lady Tempest, his nephew Mr. Thwinge, sir Miles Stapleton, Mr. Ingleby, and some others, had subscribed money towards the assassination of the king, and the propagation of the catholic faith, and that they themselves had been initiated in the conspiracy by taking what they called "the papists' bloody oath of secrecy." For the defence it was proved

CHAP.

VI.
1680.The York-
shire plot.

1679.

June 24.

Aug. 16.

1680.

Jan. 24.

CHAP. VI. 1680. by the prisoner's solicitor, that Bolron never made any charge against his master till he had been threatened with a prosecution; by the two magistrates that his deposition before them bore very little resemblance to his evidence in its present improved form; and by a host of unimpeachable witnesses, that neither he nor his associate Maybury had any claim from their previous character to the belief of the court. The old man was acquitted: and the other cases were sent back to be tried in the county. Lady Tempest proved equally fortunate with her father, but a third jury convicted Thwinge, while a fourth acquitted Ingleby, and a fifth sir Miles Stapleton⁷⁰. It was evident that if the others were innocent, Thwinge could not be guilty; and the king, under this conviction, granted him a reprieve: but the ministers dared not face the house of commons, as long as a single individual under condemnation for the plot remained alive, and on the day after the meeting of parliament, in consequence of their remonstrances, Thwinge suffered at York the death of a traitor⁷¹.

⁷⁰ State Trials, vii. 959—1043. The Narrative of Lawrence Mowbray, of Leeds, Gent. 1680. The Narrative of Robert Bolron of Shippon-hall, Gent. 1680.

⁷¹ Low as the credit of Bolron was sunk, he was again brought forward, and made to publish, with permission of the house of commons, a most infamous forgery entitled, "The Papists' Bloody Oath of Secrecy, and Litany of Intercession," 1680. See the tract and the journals of Dec. 16, 1680. The publication was well-timed; it took place in the interval between the condemnation and the execution of lord Stafford.

The summer passed away amid the hostile preparations of the two parties. The king (satiety had now blunted his appetite for pleasure) spent his time in privacy at Windsor; and, as if he had no subject of disquietude on his mind, amused himself with angling, walking in the park, and superintending the improvements in the castle and the adjoining grounds⁷². But James was more anxiously employed. He watched with solicitude the intrigues of the party, and laboured to impress on the royal mind a persuasion, that the real object of his enemies was the subversion of the monarchy, and the re-establishment of the commonwealth. He observed that many of them were men, who having acquired power and influence in the revolution, still cherished, under the mask of patriotism, their former principles: that they put forward the safety of religion, as they had done during the rebellion, for the sole purpose of inflaming the people; that they had begun with the bill of exclusion to make the monarchy elective; and that, when they had accomplished that object, they might, indeed, gratify Charles with the title and the revenue of a king, but would reduce him in point of power to a level with the

CHAP.
VI.
1680.

Conduct
of the
king.

Of the
duke of
York.

⁷² "Certain," says Reresby, "it is, that he was much better pleased with retirement than the hurry of the gay and busy world." Reresby, 100.

CHAP. VI. 1689. doge of Venice⁷³. There is no doubt that James was correct, as far as regarded the views of Algernon Sydney, and his confidential friends⁷⁴; but the majority of those, who advocated the bill of exclusion, were not unwilling to perpetuate the monarchy, though their leaders sought to strip it of many powers which it still possessed, and which they deemed inconsistent with the rights of the people. But if James were removed from the succession, whom did they intend to substitute in his place? They were divided between the two competitors, the prince of Orange in right of his wife, the eldest daughter of James, and the duke of Monmouth, as the son of the king. That the ambition of the former was not insensible to the splendid prize which fortune seemed to offer him, is certain; and much has transpired to provoke a suspicion that he secretly promoted the plan of exclusion. With this intention Van Lewen was sent to England, in quality of envoy from the States, but with instructions to press on the mind of the king the necessity of preserving a good understanding

Of the
prince of
Orange.

⁷³ James (Memoirs), i. 595, 598, 613, 614, 632. Dalrymple, 266.

⁷⁴ James (Memoirs), 635. Dalrymple, 257, 282, 312. D'Avaux, i. 9. Barillon describes Penn, le chef des trembleurs, as united with Sidney, and à la tête d'un fort grand parti. Dalrymple, 282. See also Penn's letters on election matters to Sydney, in the Sydney Papers, i.; Memoir, p. 154, 155; and Mrs. Cellier's examination, Malice Defeated, 31.

between him and the parliament. Frimans followed Van Lewen in a private capacity, but for the purpose of treating clandestinely with the leaders of the country party. Among the ministers Godolphin and Sunderland, both high in the royal confidence, were already won to his interest, and Hyde, though devoted to James through gratitude and attachment, felt no inclination to oppose the cause of his niece, the princess of Orange⁷⁵. The hopes of Monmouth rested on the yet unextinguished affection of the king, who in a private interview had forgiven his past conduct, and on the assurances of support from Shaftesbury, from Montague, and perhaps from their intimate associate, lord Russell. Of himself he put forth no pretensions; he had nothing in view but the common welfare of the nation. Laying aside all political engagements, and assuming the appearance of a man of pleasure, he made a tour of the kingdom, and visited the most celebrated fairs, races, and assemblies of amusement. His friends, however, were careful to announce his coming beforehand, to sound forth his praises and his rights, and to collect multitudes to greet his arrival. On one occasion, when he visited sir William Portman, near Taunton, he is said to have been met by twenty thousand persons; and afterwards, when he accepted an invitation to dine with the city, it was

CHAP.
VI.
1680.

Of the
duke of
Mon-
mouth.

⁷⁵ D'Avauz, i. 34, 43, 45, 49, 53. Dalrymple, 205, 209, 271.

CHAP. observed that the royal arms were emblazoned on
 VI. his carriage, without the bar, the heraldic token
 1680. of illegitimate birth⁷⁶.

Intrigue
 against
 James.

In June Charles had concluded a treaty with the king of Spain, by which the contracting parties had engaged to maintain the peace of Nimeguen, and to aid each other with their whole force in the case of aggression on any part of their respective dominions in Europe⁷⁷. This treaty had been devised by the prince of Orange to curb the ambition of Louis, who was still believed to cherish hostile designs against the Spanish territories in the Netherlands; and it was strongly seconded by the advice of Temple and Sunderland, as calculated to refute the general opinion that the king still suffered himself to be swayed by French counsels. In August he announced his intention of meeting the parliament on the 21st of October, and the announcement stimulated the opposite parties to new exertions preparatory to the contest. It was evident that the adversaries of the duke had acquired in the interval a considerable accession of strength. The boldness of Shaftesbury in presenting that prince for recusancy, had indissolubly bound the noblemen and gentlemen, who accompanied him, to his party—they had gone too far to withdraw: they must ruin the presumptive heir or be ruined by him—and it confirmed the wavering fidelity of

⁷⁶ Sydney's Letters, 54.

⁷⁷ Dumont, vii. par. ii. p. 2.

some among their followers, who conceived that no reasonable man would have ventured on such an attempt without full assurance of success. In addition they could now command the services of Sunderland and Godolphin, who, from the moment that they devoted themselves to the interests of the prince of Orange, had pledged themselves to the leaders to promote the bill of exclusion. They had won a still more powerful auxiliary in the duchess of Portsmouth. Her terrors had been excited by the threat of an indictment, and were kept alive by the publication of articles of high treason and other misdemeanours against her ⁷⁸. She sought a reconciliation through the agency of lord Howard of Escrick, and to lull the suspicion of Charles, attributed her interviews with that nobleman to her desire of mitigating the hostility of the party. A treaty was concluded between her on one side, and Monmouth, Shaftesbury, and Russell on the other: it was stipulated that they should suppress all proceedings against her, and that she should employ all her influence with the king in aid of the bill of exclusion. With this view she was commissioned to offer him a large supply of money, with the power of naming his successor in the same manner as it had been conferred on Henry VIII. Gradually he was brought, or at least pretended, to listen to these terms. Monmouth had little

CHAP.
VI.
1680.

⁷⁸ See it in Somers, Tracts, viii. 137.

CHAP. doubt that he should be the person named by his
 VI. father: the duchess indulged a hope that her own
 1680. son by the king might prove the successful competitor⁷⁹.

Who re-
 turns to
 Scotland.

Though James was not without suspicion, he was kept in ignorance of this intrigue, till the court returned from Newmarket, when Essex, Halifax, Sunderland, Godolphin, and the duchess of Portsmouth took opportunities to represent to the king, separately and, as it were, without concert, the necessity of his brother's departure before the opening of parliament. He permitted them to signify their opinion to James, who received it with strong expressions of displeasure. Experience, he said, had convinced him that his presence proved an encouragement to his friends, his absence to his enemies. The question was then laid before the council, where eleven out of eighteen members spoke in his favour; but the king, with those in the secret, contrived, by putting hypothetical cases, to embarrass the deliberation, and the next day informed the duke that reasons of state rendered his absence indispensable during the approaching session. At these words the unfortunate prince appeared sunk in despair: and to console him Charles most solemnly promised that he would never surrender but with his life the rightful descent of

⁷⁹ Temple, ii. 531. James (*Memoirs*), i. 591, 594, 599, 615. Macpherson, i. 104. Dalrymple, 264, 270, 272, 279.

the crown, the command of the naval and military force, and the power of calling, proroguing, and dissolving parliament. James, for a last favour, solicited a general pardon, as a protection against impeachment during his absence: but the king replied that a pardon was unnecessary. If the commons talked of an impeachment, he would meet the attempt with a dissolution. Convinced that he was abandoned by his brother, the prince with a heavy and misboding heart, went on board his yacht, and sailed for Leith, the day before the meeting of parliament ⁸⁰.

CHAP.
VI.
1680.

Oct. 20.

Barillon had carefully watched the progress of these intrigues, and received instructions from his court to make it his chief object to prevent any grant of money in support of the Spanish treaty, and for that purpose to foment by every expedient in his power the dissension among the several parties. He informed the popular leaders that Louis considered it as much his interest as theirs to confine within the narrowest limits the powers of the crown, and would therefore be

Intrigues
of Ba-
rillon.

⁸⁰ James (Memoirs), i. 594—600. Dalrymple, 265, 268. Macpherson, i. 105. In conversation with Barillon before his departure James says en termes pleins de colere et de ressentiment, que si on le pousse à bout, et qu'il se voit en état d'être entièrement ruiné par ses ennemis, il trouvera les moyens de les en faire repentir . . . cela veut dire qu'il espère pouvoir exciter des troubles en Ecosse et en Irlande. Hence Dalrymple (269), and Heywood (316) represent him as intending to excite a rebellion against his brother; an inference which certainly is not warranted by a sudden burst of passion.

CHAP. always ready to aid them in their efforts to secure
 VI. the liberties of the people. To James he made
 1680. — the offer of pecuniary aid, whenever that prince
 might deem it expedient to draw the sword in
 support of his own rights. If the king should
 seem disposed to an union with the popular party,
 the ambassador was authorized to prevent it by
 offering a yearly pension, provided he would
 withdraw from his treaty with Spain, and govern
 without a parliament: and should the bill of
 exclusion be carried, and a necessity exist of
 choosing between the prince of Orange and
 Monmouth, he was instructed to support the
 former, though a personal enemy, in preference
 to the pretensions of a bastard. Barillon im-
 mediately began to intrigue, and with the distribu-
 tion of a few thousand pounds, purchased the
 services, or a promise of the services, of several
 among the more influential members of the house
 of commons ⁸¹.

⁸¹ Dalrymple, 271, 277, 278, 279, 280—285. Besides Montague, whose services were secured by other payments, Hambden member for Buckinghamshire, Titus for Huntingdonshire, Herbert for Wilton, Hill for Agmondesham, Harbord for Camelford, Armstrong for Stafford, and Boscawen for Tregony, with Algernon Sydney and Baber, neither of whom sat in this parliament, received severally 500 guineas: Sacheverell member for Derbyshire, Foley for Bewdley, Bide for Hertford, Bennet for Shaftesbury, Hotham for Beverley, Garroway for Arundel, Frankland for Thirsk, and Harley for Herefordshire, with Hicdall and Compton, two agents, were satisfied with the smaller sum of 300 guineas. See Barillon's account, dated December 4, O. S. in Dalrymple, 316.

It was the intention of the Whigs that the bill of exclusion should originate in that house. The plan of operations was traced by the hand of Shaftesbury, and did honour to the ingenuity of its author. As soon as the members had taken the oaths, Dangerfield appeared at the bar to accuse the presumptive heir to the crown. Though he stood there with the accumulated infamy of sixteen convictions on his head, though his testimony had been rejected by the verdicts of three successive juries, he was received with approbation, and listened to with credulity. He solemnly affirmed that the duke of York had been privy to his imposture of a presbyterian plot, had given him instructions to forge and distribute the lists and commissions, had made him a present of twenty guineas with a promise of a more substantial reward, had turned into ridicule his scruple of shedding the king's blood, and had commanded him to persevere without dread of the consequences⁸². Before the indignation excited by this disclosure had subsided, lord Russell rose, and moved that it should be the first care of the house "effectually to suppress popery, and prevent a popish successor." He was seconded by sir Henry Capel who, in the whole reign of the king, during the lapse of twenty years, could see nothing but the prevalence of

CHAP.
VI.
1680.

Disclosures to
the house
of commons.
Oct. 26.

⁸² L. Journal, xiii. 667; and "The Information of Thomas Dangerfield, Gent. 1680."

CHAP. VI. 1680. popish counsels. Whether toleration was granted or denied, whether war was declared or peace concluded, whether the king sought to conciliate the two houses by concession, or cut short their debates by a prorogation or dissolution, every measure, no matter what might be its apparent motive, proceeded from the secret influence of the papists in the prosecution of their great objects, the destruction of protestantism, and the elevation of a popish prince to the throne. From the same impure source he derived the many acts of arbitrary power, which marked the king's reign, the burning of London, the destruction of the fleet in the river, the attempts on the life of their protestant monarch, and that hellish plot, for the discovery of which they were indebted to the mercy of Providence and the agency of Titus Oates. Montague and others followed in the same tone of invective and crimination, and the resolution was adopted without a dissentient voice ⁸³.

Bill of exclusion ordered.

Oct. 28.

Oct. 30.

It was of importance not to suffer the vindictive feelings, kindled by these harangues, to cool through procrastination, or the want of additional excitement. Two days later the deposition of Bedloe on his death bed, confirmatory of his former testimony, was read to the house ⁸⁴:

⁸³ C. Journ. Oct. 26. Parl. Hist. iv. 1162—1172. James, i. 601.

⁸⁴ Bedloe during his sickness at Bristol sent for the chief justice North, and before him and several others declared that the evi-

soon afterwards Francisco de Paria, a converted Jew, came forward to declare that a proposal to assassinate Oates, Bedloe, and Shaftesbury, had been made to him by his late master, the Portuguese ambassador ; then Dugdale related at great length his proofs of the guilt of the lords in the Tower ; next came Prance to make additions to his old tale of the murder of Godfrey ; and last of all Mr. Treby made a full report of the several informations respecting the plot, which had been collected by the industry of the committee appointed in the last parliament. In conclusion the house passed the three following votes, 1. that the conspirators had been led to engage in the plot by their knowledge that the duke of York was a papist ; 2. that if violence were offered to his majesty's person, it should be revenged on the whole body of the papists ; 3. that a bill should be introduced to

CHAP.
VI.
1680.

Nov. 1.

Nov. 2.

dence which he had given was true, and lamented the danger to which the protestant religion was exposed. He then expressed a wish to communicate important information to North alone : all but his wife and North's clerk left the room : the sick man was sworn, and declared that the duke of York was a party to the plot, with the exception of the murder of the king, and that the queen had given money for the propagation of the catholic faith, but was, as far as he knew, ignorant of any mischief designed to the king. This deposition was read over to him : he approved of it, and declared that he had nothing to add to it. Its publication greatly disappointed the expectation of the party. State Trials, vi. 1493. North, 252—255.

CHAP. disable the duke of York from succeeding to the
VI.
1680. imperial crown of England ⁸⁵.

Accession
to the
Whig
party.

Had the adherents of the court united in his defence with "the party volant" (so the independent members were called) James might yet have bidden defiance to the formidable host which stood in array against him. But means were devised to intimidate the one, and to attract the other. The expulsion and imprisonment of sir Francis Wythens, for the presentation to the king of the Westminster address expressive of "abhorrence of the petitions," and of sir Robert Canne, because at Bristol he had hinted an opinion that a presbyterian was more probable than a popish plot, showed how dangerous it was to provoke the displeasure of the leaders; and a number of petitions against undue returns, petitions levelled chiefly against the courtiers, taught them to tremble for the possession of their seats, and to propitiate those on whose votes their subsequent fate must depend. On the other hand the party volant was induced to give their aid to the Whigs, on considerations drawn from the sudden departure of James, and the warmth displayed by lord Russell and sir William Jones. The king, it was argued, would never have banished his brother a second time, had he not seen the necessity of yielding to the popular ferment: nor

⁸⁵ C. Journ. Oct. 28, 30; Nov. 1, 2.

could it be supposed that a nobleman so cautious as lord Russell, with such a princely fortune at stake, or a lawyer so eminent in his profession as Jones, with such a brilliant prospect before him, would have embarked so eagerly, so violently, in the cause, without some secret assurance of being able to bring it to a successful issue⁸⁶.

In the debates respecting the bill of exclusion, the speakers on both sides did little more than repeat the arguments which they had enforced in the last parliament. The principal novelty was an allusion to the unacknowledged claim of the duke of Monmouth. Why, it was asked, did the bill contain no provision in case the duke of York should return to the protestant church? For what purpose had all mention of his children been so cautiously avoided? Why was not the right of succession declared to reside in them? "They talk, indeed," exclaimed colonel Legge, afterwards earl of Dartmouth, "of another successor in a black box; but, if that Pandora's box is to be opened, I hope it will be in my time, and not in that of my children, that I myself may have the honour of drawing my sword in support of the rightful heir." The advocates of the bill were content to reply, that as it named no one but the duke, the disability would apply solely to him; he would be dead in law; and the

CHAP.
VI.
1680.

Debate on
the bill.
Nov. 4.
Nov. 8.
Nov. 10.

⁸⁶ C. Journ. Oct. 28, 29. Temple, ii. 532.

CHAP. crown would of course descend as if he were
 VI. naturally dead ⁵⁷.
 1680.

Message
 from the
 king.

In the mean time Shaftesbury, to the surprise of the uninitiated, paid several visits in public to the duchess of Portsmouth: and yet the negotiation, which had commenced under her auspices, proceeded but slowly. Charles had descended from the demand of 800,000*l.* to the sum of 600,000*l.*: but neither party dared to place confidence in the good faith of the other; he insisted that the parliamentary grant should precede, the Whigs that it should follow, the exclusion of the duke ⁵⁸. The king, at the suggestion of Halifax, sought to bring the question to an issue by a message to the house of commons, in which he professed his readiness to concur with them in any measure of precaution, which did not infringe on the lawful descent of the crown. But it was determined to pay no regard to this message, and while the committee prepared an answer, the managers added a new stimulus to the fears and prejudices of the members by the announce-

⁵⁷ State Tracts, 85. Parl. Hist. iv. 1175—1215. James, 601—613. The bill proposed to enact, that if James survived the king, the crown should descend and be enjoyed by such person and persons successively during the life of the said James, duke of York, as would have inherited and enjoyed the same in case he were naturally dead. See it in State Tracts, ii. 91.

⁵⁸ James (Memoirs), i. 640, 645. Burnet, ii. 254, and note. Dalrymple, 279.

ment of another conspiracy lately discovered in Ireland. CHAP.
VI.
1680.

From the very beginning, it had acted as a drawback on the credit of the English plot, that there existed no trace of any similar design in Ireland, where the catholics were so much more numerous, and had experienced so many more grievous and more recent causes of irritation. Ormond carefully executed the orders of the English council, though he was convinced that they were not called for by any fault of the natives. He disarmed the catholics, suppressed all schools and convents, shut up the chapels in the principal towns, and commanded by proclamation all catholic priests to quit the island by a certain day. Next, in obedience to new instructions, but in opposition to his own judgment, he offered rewards to informers respecting the plot, and immediately a few men of desperate fortunes and abandoned character came forward. But they met with little credit among their countrymen. Most of the accused were dismissed after examination by the Irish council, and the others, who took their trials, were acquitted by protestant juries⁸⁹. The friends of the plot were not discouraged. They summoned the disgraced informers to England, sent them back with new instructions to Ireland, and now, having recalled them from their mission, exhibited them at the bar of the house of commons, Nov. 11.

⁸⁹ Carte, ii. 477—498, 513—516. App. 99.

CHAP. where Hetherington, Murphy, and Fitzgerald de-
 VI. tailed the particulars of an imaginary plot in
 1680. Ireland, the exact counterpart of that supposed
 to have been discovered in England. The mo-
 ment they departed, an address complaining of
 evil counsellors, and begging the king to trust his
 faithful commons, was adopted, and a motion
 made to read the bill of exclusion the third time.
 The duke's friends yielded to the torrent: they
 did not even call for a division, and the bill passed
 amidst the shouts and congratulations of its ad-
 vocates⁹⁰.

But is lost
 in the
 house of
 lords.

Here, however, for some reason, of which we
 are ignorant, a pause of four days ensued; and the
 intermediate time was spent by the opposite par-
 ties in preparing for the contest in the house of
 lords. Charles took a most decided part, openly
 soliciting votes in favour of his absent brother;
 and the popular leaders procured numerous peti-
 tions, and were careful that Dangerfield should be
 in attendance to accuse the duke. But his testi-
 mony failed to produce the desired effect: for lord
 Peterborough, who was named as a party, vindic-
 ated himself so victoriously, that even Essex,
 one of the opposite leaders, pronounced the in-
 former unworthy of credit⁹¹. When lord Russell

⁹⁰ C. Journ. Nov. 11.

⁹¹ In the Memoirs of James (i. 617) we are assured from his collection of letters, that the information of Dangerfield preceded the debate on the bill; and that such was the case is evident from the time at which the division took place, nine or eleven at

brought up the bill, he was accompanied by the great body of the commons, and his announcement of its title, "to disable James, duke of York, from succeeding to the crown," was followed by a cheer of approbation from behind the bar. The house resolved itself into a committee. Essex and Shaftesbury, particularly the latter, distinguished themselves by the force and eloquence with which they urged the expediency of the measure, and were followed not only by the accustomed leaders of the party, but by the earl of Anglesey, who seems to have been intimidated by the evidence of Dangerfield, and by the earl of Sunderland, who took this opportunity to announce his apostacy⁹². Prudence might have closed the lips of Monmouth: but he spoke boldly, and uttered sentiments which gave unpardonable offence both to his father and uncle. He should vote, he said; for the bill, because he knew of no other expedient to preserve the life of the king from the malice of the duke of York; an expression which Charles, who was present, likened in a loud whisper to "the kiss of Judas." On the opposite side

CHAP.
VI.
1680.

night. It is probable that the clerk entered both the information and the debate on lord Peterborough's guilt or innocence afterwards for his own convenience. L. Journ. 667—670.

⁹² "I am assured," says Evelyn, "he (lord Sunderland) did not do this out of inclination, or for the preservation of the protestant religion, but by mistaking the ability of the party to carry it." Evelyn, iii. 50.

CHAP. appeared a champion of matchless prowess, the
 VI. earl of Halifax. He exposed the hypocritical am-
 1680. bition of Monmouth with all the powers of wit
 and sarcasm; he rebutted the arguments of
 Shaftesbury with an eloquence and energy which
 surpassed the most partial expectations of his
 friends; and he developed the arts and intrigues
 of the exclusionists in a manner, which was keenly
 felt, and deeply resented. At nine at night, after
 a debate of six hours, the house divided, and the
 bill was rejected, on the first reading, by a major-
 ity of sixty-three to thirty voices⁹³.

Proced-
 ings of the
 commons.
 Nov. 17.

To console themselves under this disappoint-
 ment the popular leaders resolved to hunt down
 those, whom they considered as its principal au-
 thors. Halifax in one house, and Seymour in the
 other, were marked out for the objects of venge-
 ance. Against Halifax the commons presented
 an address, that he might be for ever removed
 from the royal councils and presence, not because
 he had so successfully opposed the bill of exclu-
 sion, but under the pretence that he had advised
 the late dissolution. Charles briefly replied that
 whenever they could show, that either Halifax, or
 any other of his counsellors, had committed a legal
 offence, he would never interpose to screen him or

⁹³ L. Journ. 666. James (Memoirs), i. 617, 618. Macpher-
 son, 108, 109. Reresby, 104. Burnet, ii. 246, note a. From
 these authorities it appears that all the bishops present, fourteen
 in number, voted against the bill.

them from punishment. Seymour, the most powerful advocate of the duke in the council, they impeached of peculation in the execution of his office of treasurer of the navy: a charge the truth or falsehood of which was never ascertained, because he was never brought to a public trial. To the king himself, who had asked for pecuniary aid towards the defence of Tangiers against the Moors, they replied by an address, which was in reality meant to be an appeal to the people. The papists, they told him, "that bloody and restless party," not content with the private exercise of their idolatrous worship, had brought over multitudes of priests and jesuits to pervert the consciences of his subjects, and to corrupt those whom they could not pervert; had gradually usurped the control over the internal and external polity of the kingdom; had prevailed on him to make peace or war, to call or dissolve parliaments, as suited their purposes; and, having before them the prospect of a proselyted prince to succeed to the throne, had formed the design of assassinating his majesty, of destroying the protestants in England, and of executing a second massacre in Ireland, that by these means they might accomplish the suppression of religion, and the overthrow of the government. To prevent these evils, the house of commons had proposed the exclusion of the duke as the only remedy. Let the king adopt it, and he would find them ready to vote him pecuniary assistance: if not,

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1680.

CHAP. they should at least preserve themselves guiltless
 VI. of the blood and desolation likely to ensue⁹⁴.
 1680.

Of the
 lords.

In the house of lords Shaftesbury proposed, what he described “as the sole remaining chance of security for liberty and religion,” a bill of divorce, which by separating the king from Catherine, might enable him to marry a protestant princess, and to leave the crown to his legitimate issue⁹⁵. The earls of Essex and Salisbury, and the lord Howard of Escrick supported the motion: which was as warmly opposed by the earls of Halifax and Bridgewater. Charles, however, declared that he would never consent to the disgrace of an unoffending woman; he openly solicited the votes of the peers against the measure; and its originator, despairing of the result, suffered it to sleep for a while, with the hope of bringing it forward again under more favourable auspices, and with a better prospect of success⁹⁶.

Trial of
 lord Staf-
 ford.

Hitherto the session had brought to the popular leaders nothing but disappointment and defeat: the prosecution of Thomas Howard, lord viscount Stafford, gave them a victory, but a victory which covered them with disgrace. Of the victims sacrificed to the perjury of Oates and his brother informers not one had died without pro-

⁹⁴ C. Journ. Nov. 17, 22, 26, 27.

⁹⁵ It should be remarked that the exclusionists never attempted to move the question of Monmouth's legitimacy, whence Ralph justly infers that they knew it would not bear inquiry. Ralph, 560.

⁹⁶ James (Memoirs), i. 618. Macpherson, i. 108.

testations of innocence; and the truth of these protestations had been strongly confirmed by the repeated acquittal of their surviving companions during the last summer. The credit of the plot, the credit of the majorities in both houses who had so loudly and so frequently pronounced their belief in its existence, and the credit of the statesmen who had employed it as an engine to move the passions of the people, and as a weapon of offence against the duke of York, were evidently at stake. To maintain the reputation and the influence of the party, a conviction was necessary, and to obtain such conviction no art was left untried, which the desire of victory could suggest. Hence it was, that when the lords in the Tower, after their long and rigorous confinement⁹⁷, demanded a trial, the commons did not bring them together to the bar, but selected the lord Stafford, who on account of his age and infirmities appeared the least able to make a powerful defence; and in

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1680.

⁹⁷ On the 21st of May, 1680, lord Stafford was brought by habeas corpus before the court of King's Bench, and demanded to be discharged on bail, as he had been eighteen months in prison without being brought to trial. The chief justice refused, on the ground that the lords had declared that impeachments continued from parliament to parliament. Lord Stafford replied that he asked for nothing but what the law granted to every Englishman: by law he had a right to be bailed; nor would the granting of his demand infringe the order of the lords; for whether he were in prison or out on bail, he should be equally forthcoming when called upon. But the judges were unwilling to interfere, and advised him to petition the king. See his letter to his son in the possession of his descendant, the present lord Stafford.

CHAP. addition they exposed him, during the proceed-
 VI. ings, to insults capable of unnerving the stoutest
 1680. heart, and refused him those indulgences which
 ——— humanity, if not justice, seemed to demand.

1. Each day, as the noble prisoner proceeded to the hall, or returned to the Tower, he was constantly surrounded and assailed by crowds of miscreants, sounding in his ears the most hideous yells and most appalling imprecations. He complained of such treatment, but complained in vain, to the court. These cries, he said, wounded his feelings, and disturbed his thoughts; they disabled him from attending to his defence; they took from him that calmness of mind so necessary to a man pleading for his life.

2. On the second day, when the witness Dugdale came to the capital offence, and deposed to the assent, said to have been given by lord Stafford to the design of assassinating the king, a cheer of congratulation, an expression of feeling suited more to savages than civilized men, burst from the members of both houses, and ran through the hall. “What,” exclaimed the lord high steward, “is the meaning of this? For the honour and dignity of public justice, let us not carry it as if we were in a theatre.”

3. The counsel of lord Stafford attended to argue points of law, if any such points should arise. Yet so captious was the jealousy of the managers, so ardent their desire of a conviction, that they would not permit the counsel to stand within a certain distance of the pri-

soner, lest they might by a whisper or sign suggest to him some question or remark, useful for his defence, or embarrassing to their witnesses. C H A P.
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4. When the commons had concluded their case, and the accused solicited the respite of a day to prepare his answer, urging his fatigue, his infirmities, his want of sleep, and the precedent of a similar indulgence in the case of lord Strafford, they sternly withheld their assent; and the lords, through fear of giving offence, had the inhumanity to refuse a request, which was originally suggested by the high steward, and had subsequently been pronounced by him reasonable and just⁹⁸.

Westminster-hall was fitted up for the trial after the form, which had been adopted during the proceedings against lord Strafford. The interior exhibited an exact resemblance of the house of lords; on each side ascending rows of benches were appropriated to the members of the house of commons: the managers, the witnesses, and the accused were stationed near the bar, in face of the lord high steward; on the right of that officer the king with his attendants, on the left the queen with hers, occupied a private box; and above them a spacious gallery accommodated the foreign ambassadors, and other privileged individuals. Finch, the chancellor, discharged the office of lord high steward; and the managers for the commons

The first day.

⁹⁸ Trial of lord Stafford, folio, 1680-1, p. 40, 42, 65.

CHAP. were Maynard, who forty years before had been
 VI. similarly engaged in the trial of lord Strafford,
 1680. Winnington, Treby, Jones, Powle, and Trevor,
 the most distinguished lawyers in the house.

On the thirtieth of November (it was his sixty-ninth birth-day, but whether the coincidence arose from design or chance, is unknown), this venerable nobleman was placed at the bar to plead against the informers, and politicians, and zealots who thirsted for his blood. The day was spent by the managers in an attempt to establish the existence of the plot. With this view they detailed to the audience all those pernicious doctrines which have been so often, and so falsely, attributed to the church of Rome, that faith is not to be kept with heretics, that heterodox sovereigns may be lawfully deposed and murdered by their subjects, and that actions, vicious of their own nature, become virtuous, when their object is the benefit of the church. They then reminded their hearers of the persecution under queen Mary, of the gunpowder plot, of the massacre of the French Huguenots, and of the rebellion in Ireland; they attributed to the catholics the burning of London, the destruction of the fleet at Chatham, and the subsequent fires in the metropolis; they painted in vivid colours all the horrors disclosed by Oates and his associates, the intended assassination of the king, the massacre of the protestants, the auxiliary armies of French papists, of wild Irishmen, and of Spanish pilgrims; and they

Nov. 30.

urged the death of Godfrey, the correspondence of Coleman, and the convictions of that intriguer, of Langhorne, and of the jesuits. In the next place they threw out menaces of vengeance against all who should presume to defame the king's witnesses, or affirm the innocence of the peers in the Tower; called on the lords to display their love of truth, and zeal for the protestant cause; and predicted that, if justice were done in this case, popery would be for ever banished out of the English world. Having thus prepared the minds of the audience they called five witnesses Dugdale, Oates, Prance, Turberville and Denis, a collection of men whose characters were a disgrace to any cause which they supported. They deposed to things, many of them utterly incredible, and many morally impossible; that the pope, the cardinals and the jesuits had for several years made this, their design of assassinating the king, the subject of common discourse and of public sermons in Italy; that the moment the king should fall, the papists, confessedly a small body of men, would rise and cut the throats of the protestants, and that such protestants as had the good fortune to escape the knives of the assassins, would nevertheless fall by the swords of the popish army, though whence that army was to come, or by what means it was to be raised, no man could describe or conceive. To the testimony of these men lord Stafford was content to

CHAP. VI. 1680. reply, that no part of it was in any manner applicable to him⁹⁹.

— On the second day the managers undertook to bring the charge home to the accused. Dugdale deposed to three facts: 1. that lord Stafford, at a consult at Tixall, had given his consent to the king's death; 2. that on a subsequent Sunday, coming from Stafford to Tixall to hear mass, he met the deponent, and told him that the catholic worship would soon be established in England; and 3. that on the 20th or 21st of September, sending for the witness to his chamber, he offered him 500*l.* if he would undertake to assassinate the king. Dugdale was repeatedly urged to name the time of the consult: but he kept himself on his guard; though a latitude of ten, and subsequently of fourteen days was offered, still no ingenuity could extort from him any other answer, than that it was held about the end of August or the beginning of September, 1678.

Oates. Oates followed. Besides his pretended acquaintance with many letters, in which lord Stafford had expressed his adhesion to the plot, he swore positively that he saw Ireland deliver into the hands of the prisoner a patent from the general of the jesuits, appointing him paymaster to the catholic army. To Oates succeeded Turberville, a younger son of a catholic family in Gla-

Turberville.

⁹⁹ Trial, 7—39.

morganshire, who, finding himself reduced to poverty, had conformed to the established church, and put in his claim for the reward promised to informers. This witness declared that in Paris he had been a whole fortnight with lord Stafford, who earnestly solicited him to murder the king. His deposition closed the case for the prosecution; and the prisoner was called upon for his defence. He observed, that he had good reason to believe that the doctrines so ostentatiously put forward by the managers, were not the doctrines of the church of Rome: at all events, they were not his doctrines; he had always looked on them with abhorrence, and therefore was not answerable for them: that his past life had borne witness to his loyalty, and had earned for him the approbation of his sovereign; and that his conduct on the first discovery of the plot was a satisfactory proof of his innocence. Had he been conscious that Oates the informer saw him accept the traitorous commission, and that others had been suborned by him to murder the king, would he not have sought to preserve his life by flight or concealment? Yet seven days afterwards he came publicly to London, and continued to attend his duty in parliament, till he was taken into custody. Again, two commissioners from the house of lords, and subsequently others from the council, had come to him in the Tower with a promise of a full pardon, if he would only confess what he knew of the conspiracy. Was it to be con-

CHAP. VI. received that, with the knowledge of the fate which
 VI. had befallen those who were found guilty, and of
 1680. the fate which awaited himself in the event of
 conviction, he would have refused the proposal,
 if he had been conscious of guilt? These things
 he offered as strong presumptions in his favour;
 and then requested the respite of a day to prepare
 for his defence. That the request was refused is
 already known to the reader¹⁰⁰.

His de-
 fence.

Dec. 2.
 Objec-
 tions to
 Dugdale.

The following morning he boldly met the
 charges against him. Each of the three wit-
 nesses was, he maintained, a perjured villain;
 and whoever impartially considers his proofs
 must admit the truth of the assertion¹⁰¹. Of
 Dugdale he shewed, that the informer knew
 nothing of the pretended consult at Tixall, when
 he made his original deposition upon oath in De-
 cember, 1678. It was seven months later, at the
 trial of sir George Wakeman, that he first an-
 nounced its existence to the public; but then he
 fixed it in the month of August, now he sought to
 transfer it to the beginning of September. But
 this artifice would not avail him. Lord Stafford,
 as was clearly proved, spent the month of August

¹⁰⁰ Trial, 52—56, 65.

¹⁰¹ Of course I must confine myself to the more important points
 of the case. Unfortunately lord Stafford urged in addition a great
 variety of proofs, many of them more liable to objection from an
 ingenious opponent. This enabled the managers, by disputing the
 accuracy of his statements, and the credit of some of his wit-
 nesses, to withdraw the attention of the court from that which
 constituted the most important part of his defence.

in Bath, and did not arrive at Tixall till the 12th of September, much too late to attend a consult there about the end of one month or the beginning of the other. Again, of the pretended offer of 500*l.* on the 20th or 21st of September for the murder of the king, Dugdale was equally ignorant at the time of his original information. He then, indeed, mentioned an interview with lord Stafford on the 20th; and charged him with saying, “that there was a design in hand, and that, if Dugdale would undertake it, he should have a good reward, and would make himself famous;” but to learn the nature of this design, he hastened from lord Stafford to Evers the jesuit, and by him, having previously taken an oath of secrecy, was informed that it had for its object the assassination of the king¹. How could that deposition be reconciled with his testimony on the present trial? How could he be ignorant of the design if he had already assisted at the consult in which it was determined, and had received an offer of 500*l.* to carry it into execution?

Against Oates lord Stafford objected, 1. that this witness, according to his own testimony, not only pretended to be a catholic while he was in reality a protestant; but during his voluntary transactions with the jesuits had lived in the practice of a religious worship, which in his conscience he

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And
Oates.

¹ Trial, 69—95, 103. This information may be seen in the Lords' Journals, xiii. 442.

CHAP. believed to be idolatrous. Was a man of this
 VI. degraded character, a miscreant of such deep dis-
 1680. simulation and hypocrisy, one who would even
 commit idolatry for the accomplishment of his
 purpose, admissible as a witness in a court of
 justice? 2. Oates stated that, if he had de-
 scended to such discreditable arts, it was to dis-
 cover the secrets of the jesuits: that he had
 succeeded in obtaining their confidence, had been
 employed by them to arrange all their papers,
 and to distribute their treasonable commissions,
 and yet, out of the multitude of documents which
 passed through his hands, he had not preserved a
 single line, to prove the truth of any one of his
 pretended discoveries. 3. This was not the first
 time that Oates had charged lord Stafford upon
 oath. In one deposition he had made him secre-
 tary of state, in another he had named him
 without any office, and now he comes forward and
 swears, that three months before his first affidavit,
 he saw lord Stafford receive from the hands of
 Fenwick the jesuit, a commission appointing him
 paymaster of the army. How was it possible to
 reconcile these different oaths, or to attach credit
 to the testimony of a man who had voluntarily
 taken them all?²

And Tur-
 berville.

To the evidence of Turberville the prisoner op-
 posed, 1. a solemn assertion that he was a perfect

² Trial, 95—102. See the depositions in State Trials, vi. 612; and L. Journ. xiii. 327.

stranger to the person and name of the informer; 2. the testimony of the two servants, who attended him in Paris, that they never saw Turberville in their master's house; 3. the acknowledgment of Turberville himself at the bar, that he knew not the servants, nor could describe the house, or the rooms, or their furniture; and, lastly, the depositions of different persons, that Turberville, after he had conformed to the established church, repeatedly asserted, and sometimes with oaths, that he knew nothing respecting the plot. In addition to these, Dr. Lloyd, the bishop of St. Asaph, at whose table Turberville, after his conversion, dined for the space of three months, might have testified the same, and with still greater effect: but a menace, artfully thrown out by Winnington in his opening speech, had terrified the prelate, and he thought it better to allow innocent blood to be shed, than to encounter in its defence the displeasure of the house of commons³.

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³ Lloyd, from having been Turberville's spiritual instructor, was enabled to judge that his testimony at the trial was nothing but fiction. Unfortunately, he had recently published a treatise, in which, to create dissension among the catholic clergy, he had praised the secular priests at the expense of the religious orders (Burnet, ii. 259), and Winnington, to terrify the bishop, complained of this book in his opening speech, as "artificially written in favour of popery, and deserving what it would undoubtedly receive, a particular consideration." The prelate, urged by conscience on one side, and deterred by fear on the other, consulted his friends whether he was bound to come forward in the defence of innocence at the risk of bringing on his own head the vengeance of the house of commons, and they very indulgently resolved the case in favour of his timidity. Burnet, ii. 258.

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Reply of
the ma-
nagers.
Dec. 4.

Three of the managers were heard in reply. They maintained that the reality of the plot was now proved beyond dispute, and that the evidence against the prisoner was clear and conclusive; they dwelt minutely on all the weak points of his case, and the apparent inaccuracy of a part of his statements; and they urged the contradiction which had been given to some of his witnesses, and the probability that others, who were catholics, had been previously tutored to serve his purpose: but the most important feature in the case, the charge of perjury against their own witnesses, seems almost to have escaped their notice. The pretended consult at Tixall, a manifest forgery, they were content to waive, because the prisoner objected the uncertainty of Dugdale as to the time; and on the glaring inconsistency between the testimony of that witness, as well as that of Oates, and their original informations, they made no comment whatever. The condemnation of an innocent man seems not to have alarmed their consciences. They acted as if they thought it their duty to employ all the powers of their eloquence, all the resources of their ingenuity, to procure a conviction; leaving it to the court to detect the fallacy of their reasoning, to unravel the web which they had so artfully woven, to sift out the truth from that accumulation of chaff under which they had buried it. If injustice were done, the judges, not the advocates, were responsible⁴.

⁴ Trial, 169—192.

The prisoner now made his exceptions in point of law; of which the principal were, that impeachments in parliament determine at the dissolution of parliament, and that two witnesses are necessary to prove an overt act of treason. The first of these the lords would not allow to be argued—it had already been decided by their house; on the second they consulted the judges, who replied unanimously that it was sufficient if one witness proved one overt act, and a second another, both being directed towards the accomplishment of the same treason. It is difficult to believe that such could be the original meaning of the legislature, if we consider the real object for which the statute of treasons passed. But this explanation was first given under the commonwealth in the trial of Love before the high court of justice: it was adopted by the judges at the restoration in the trials of the regicides, and has ever since continued to be the doctrine of the courts⁵.

On the seventh day the lords assembled in the hall: the high steward called on them in order, beginning with the junior baron; and each, placing his right hand on his breast, pronounced his judgment “upon his honour.” Out of eighty-six voices, one-and-thirty declared the prisoner innocent, fifty-five guilty. He was now introduced, and informed of the unfavourable result. It proved far different from what he had anticipated: but he

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1680.

—————
The prisoner's exceptions.

He is condemned.
Dec. 7.

⁵ Trial, 193—198.

CHAP. mastered his feelings. “God’s holy name be
 VI. praised,” was his answer. “I confess I am sur-
 1680. prised at it; but God’s will be done, and your lord-
 ships’: I will not murmur at it. God forgive those
 who have sworn falsely against me.” The com-
 mons in a body, with the speaker at their head;
 demanded judgment; and the high steward, after
 a laboured speech, which showed, if he spoke his
 real sentiments, how miserably prejudice had be-
 nighted his understanding, or, if he did not, how
 anxiously he sought to conciliate the victorious
 party⁶, adjudged the prisoner to suffer the usual
 punishment of traitors. “My lords,” said the un-
 fortunate viscount, “give me leave to speak a few
 words. I thank you for all your favours to me.
 I do here, in the presence of almighty God, declare
 that I have no malice in my heart against those
 who have condemned me. I know not who they
 are, nor desire to know. I forgive them all, and
 beseech your lordships all to pray for me. But I
 have one humble request to make, that for the
 short time I have to live I may not be a close
 prisoner, as I have been of late, but may be allowed
 to see my wife and children, and friends.” The
 request was granted, with a promise that the lords
 would also be suitors to his majesty to remit every
 part of the punishment but the striking off his

⁶ I should think the last was his object. For what other purpose could he tell lord Stafford that now no man could doubt that London was burnt by the papists—a subject on which not one tittle of evidence had been given at the trial. State Trials, 1556.

head. At these words he burst into tears; but, suddenly collecting himself, said: "My lords, it is not your justice, but your kindness, that makes me weep⁷."

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1680.

That lord Stafford should have been condemned by so numerous a majority, must have provoked the surprise of the reader. But he should recollect that the same object will often appear in a very dissimilar light to the spectator who views it calmly from a distance, and to the man who acts under the influence of public excitement, and with a judgment swayed by the views and prejudices of party. It is also to be remembered that lord Stafford was not arraigned before a jury of indifferent individuals; his fate was decided by the votes of men who were parties to the prosecution, and interested in his conviction. The house of lords had been employed for two sessions in investigating the plot, in procuring evidence, in forwarding the trials of the accused. They had excited the passions of the people by their votes, had published their conviction of the existence of the plot, had made that conviction the ground of a severe persecution of the whole body of catholics, and had thrown into prison the persons who ventured to express a doubt of the honesty of the informers. Had they now, in opposition to the positive oaths of the same informers, acquitted the prisoner, they would have done what they so arbitrarily punished

Causes of
his con-
demna-
tion.

⁷ Trial, 209—214.

CHAP. in others; they must have acknowledged that the
 VI.
 1680. — plot was a fiction; they must have taken shame to
 themselves for the excitement, the miseries, and
 the bloodshed which they had caused. It should,
 moreover, be observed, that the trial came on at a
 moment most unfavourable to the noble prisoner,
 immediately after the rejection of the bill of exclu-
 sion, when one party was goaded almost to mad-
 ness by the sting of disappointment, and the other,
 alarmed by the threats, sought to pacify the venge-
 ance of their adversaries⁸. It will not then excite
 surprise if, under the influence of such motives,
 many were disposed to look rather to the testimony
 of the witnesses than to the objections against
 their veracity; and to persuade themselves that, if
 they judged wrongly, the blame must rest not with
 themselves, but with those by whose oaths they
 had been deceived⁹.

His speech
 to the
 house of
 lords.

Among the friends, or pretended friends, who
 visited lord Stafford after his condemnation, were
 doctor Burnet and the bishop of London. They
 exhorted him to attend to the welfare of his soul,
 and offered to point out to him the erroneous doc-

⁸ This certainly appears from their refusal of granting lord Stafford a day's preparation for his defence.

⁹ North, *Examen*, 219. Very few of the lords who found him guilty would own that they gave full credit to the witnesses. The chief justice North asked how, then, they could condemn him? In answer, he was told that they were bound by the legal proof of facts, and the witnesses, by swearing to the facts, had furnished such proof: to which he replied that peers, like juries, had to weigh the credibility both of the persons and the things. *Lives of the Norths*, i. 328.

trines of the church of Rome. He replied that his time was so short, and therefore so precious, that he could not afford to spend it in religious controversy. From the care of the soul they descended to that of the body. To one of their inquiries he replied, that of a conspiracy against the king he had neither any knowledge nor so much as a suspicion. Many projects for the purpose of obtaining toleration had, indeed, been agitated among the catholics. These he might disclose as the price of his life, though that disclosure would earn for him the displeasure of the duke of York. This last hint produced its effect. Burnet brought him a message from lord Essex, lord Russell, and sir William Jones, that if he would discover what he knew respecting such designs, particularly respecting the conduct of the duke, he should be excused from confessing the charges against himself; and the earl of Carlisle informed the lords that his unfortunate kinsman would be ready in the course of two days to give full information of all that he knew in reference to the plot. But the house refused to wait; and, with the king's permission, lord Stafford was immediately placed at the bar. He said, that the catholics had made several attempts to procure an abolition, or at least a mitigation, of their sufferings. Long ago he himself had proposed to exchange the fines and penalties, to which they were subject, for the annual payment of 100,000*l.* to the king. Lord Shaftesbury, who was then chan-

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1680.

Dec. 18.

CHAP. cellor of the exchequer, approved the offer: but
 VI. the catholics objected to so large a sum, and the
 1680. project was abandoned. Subsequently a measure
 of relief, founded on a new oath of civil allegiance,
 was brought into parliament, but lost through the
 obstinacy of lord Bristol. After this the opposi-
 tion of lord Clarendon and the bishops to the
 declaration of indulgence extinguished his hopes,
 which, however, were subsequently rekindled by
 the report of the conversion of the duke of York
 to the catholic faith. It was then proposed to
 form a coalition between the catholics and the
 country party, for the purpose of procuring, in
 the first place, the dissolution of the parliament,
 and in the next the toleration of the catholic wor-
 ship. This plan obtained the approbation of all
 to whom he had submitted it, of the duke of York,
 of the lord chancellor, and of lord Shaftesbury.
 But the moment Shaftesbury was mentioned, the
 house interrupted his discourse. He was brought
 there, not to defame the great champion of pro-
 testantism, but to disclose the particulars of the
 plot; and, on his solemn protestation that he had
 never any knowledge of the plot, he was remanded
 to the Tower¹⁰.

The same day the sheriffs received the warrant

¹⁰ Lords' Journals, 721. Reresby, 109. Echard, 997. Burnet, ii. 264. Lord Stafford left behind him an autograph copy of this communication. The latter part of it has been lost: from the first portion of it I have been enabled to correct some errors of the preceding authorities.

for his decapitation, but disputed its validity¹¹. They could not conceive why the king should interfere at all with the execution. The cause had not been tried before him: the house of lords had pronounced the judgment, and it was for the same court to enforce it. In this pretended perplexity they applied by petition to the lords, and received for answer that "the king's writ ought to be obeyed." They were not, however, satisfied: they began to question the authority of the lords also; and solicited the direction of the house of commons. At their request the four following queries were laid before that house: "Can the king, being neither party nor judge, order the execution? Can the lords award the execution? Can the king dispense with any part of the execution? If he can dispense with a part, why not with all?" But the majority of the commons betrayed no wish to entertain a subject, which would have drawn after it an altercation both with the lords and the king: and, on the motion of sir William Jones, the petitioners were informed, that "the house was content the sheriffs should execute William, late

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1680.

Objecti-
ons to the
warrant of
execution.
Dec. 21.

Dec. 23.

¹¹ "I think it a terrible thing," says James, "to sign a warrant for putting a man to death upon the testimony of such perjured villains as those who deposed against lord Stafford; and I hope his majesty will have considered the trouble it was ever after to the king his father the having signed the warrant for the execution of lord Strafford; and, if it be not too late, why should not you put him in mind of it, it being a terrible thing the shedding the blood of an innocent man, as I am most confident lord Stafford is." Letter to Hyde, Clar. Cor. i. 50.

CHAP. VI. viscount Stafford, by severing his head from his
 1680. body only." The suggestion obtained for Jones
 ——— the reputation of ingenuity: a vote more insulting
 to the sovereign could not easily have been
 devised¹².

Much conjecture was expended respecting the motives which actuated the sheriffs. They were Cornish and Bethel, who after a long contest had been returned in opposition to the court¹³; and their professed devotion to Shaftesbury and his more intimate associates, provoked a strong suspicion that they were advised and guided by that nobleman. But what was the object? It could not be that any doubt was seriously entertained of the king's right. That right had been uniformly exercised without dispute by preceding monarchs. Scarcely a reign had passed without the conviction or attainder of some peer for treason: and in every instance, when the judg-

¹² L. Journ. xiii. 724. C. Journ. Dec. 23. Parl. Hist. iv. 1261. State Trials, vii. 1562. North, 219. It is observed by Mr. Hargrave, that in this warrant (see it, Trial, 215) the judgment against lord Stafford is stated to be, not by the king, or the king and lords, or with the assent of the king, but by the lords only, not the lords temporal or spiritual, or the lords generally, but expressly by the lords temporal. Opinion and Argument of Mr. Hargrave, p. 86.

¹³ They were chosen at the usual time, midsummer-day, but, as they refused to receive the sacrament and abjure the covenant, a new election was fixed for the 14th of July. Before that time they qualified, and were opposed by Nicholson and Box in the interest of the court. At the close of the poll the numbers stood, for Cornish 2483, Bethel 2276, Box 1428, and Nicholson 1230. Echard, 989.

ment was carried into effect, the execution took place in virtue of a similar warrant, and by the same manner of death. It is equally difficult to believe that the same spirit of remorseless bigotry, which displayed itself by the burst of congratulation at the trial, could pursue its victim after condemnation, and seek to increase the bitterness of his death by adding to the poignancy of his sufferings and the ignominy of his punishment. Perhaps it was one of those dark and dangerous contrivances, which teemed in the prolific brain of Shaftesbury, and of which the object was to point the clamour of the people against the court by holding out the king as the friend and favourer of the papists¹⁴.

Supported by the consciousness of innocence, and by the persuasion that he was about to perish a martyr to his religion, Stafford proceeded with a steady step and cheerful countenance to the place of execution. The severity of the weather induced him to ask for a cloak, lest, as he said, if he should tremble through cold, it might be taken for a symptom of fear. At his appearance a few yells and groans were heard: and to his request

CHAP.
VI.
1680.

His death.
Dec. 29.

¹⁴ If we may believe Echard (p. 1035), "lord Russel's zeal against lord Stafford transported him so far that he was one of those who, with Bethel, Cornish, &c. questioned the king's power in allowing that lord to be only beheaded." In another place he says that Charles, alluding to this, said, when he granted the same mitigation to him after his condemnation, "My lord Russel will now see that I have a power to change his sentence." *Id.* p. 1034.

CHAP. that the sheriffs would interfere, we are told that
VI.
1680. Cornish returned this brutal answer: "I am
— ordered to stop no person's mouth but your own."
As, however, he passed on, the people treated him
with respect, and many uncovered their heads.
From the scaffold he delivered a long speech with
a firm voice and much animation. He indignantly
repelled the foul calumnies which had been uttered
against his religion at his trial, and asserted his
own innocence in the most energetic terms. He
declared on his salvation that he had never in his
life spoken to either Oates or Turberville, nor
more than twice or thrice to Dugdale, and then
only on trifling matters and always in the pre-
sence of others¹⁵. Falling on his knees he pro-
nounced aloud a prayer composed for the occasion,
and rising, once more protested his innocence.
The spectators listened to him with bare heads,
and answered with cries of "we believe you, my
lord—God bless you, my lord." Having embraced
his friends, he knelt down, and stretched himself
on the block. The executioner poised the axe in
the air, as if he were taking aim; but suddenly
checking himself, brought it down again to his
feet. Lord Stafford, raising his head, inquired
the cause of the delay; and was told that he
waited for a sign: "Take your own time," he

¹⁵ See "The Speech of Wm. late Lord Viscount Stafford, London, printed for Wm. Bailey, 1680." Four drafts of this speech in the hand of the unfortunate viscount are in the possession of lord Stafford.

replied. "I shall make no sign." "Do you forgive me, sir," said the executioner. "I do," was his reply. After this short dialogue, he resumed his former posture, and at one stroke his head was severed from the body. The spirit with which he had defended himself at his trial surpassed the expectations of his friends and confounded the hopes of his enemies: and his christian piety and fearless deportment on the scaffold confirmed the growing opinion of his innocence. The patrons of the plot derived no benefit from his death ¹⁶.

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1680.

¹⁶ Trial, 218. State Trials, vii. 1563—1568. Burnet, ii. 266. Echard, 997. Reresby, 112. The last writer, a few days before (Dec. 24), attended the king's *couchée* for two hours. Charles "seemed quite free from care and trouble, though one would have thought at this time he should have been overwhelmed therewith; for every body now imagined he must either dismiss the parliament in a few days, or deliver himself up to their pressing desires; but the straits he was in seemed no ways to embarrass him." P. 110.

CHAP. VII.

CHARLES II.

PROJECT OF LIMITATIONS—VIOLENCE OF THE HOUSE OF COMMONS—DISSOLUTION OF PARLIAMENT—NEW PARLIAMENT AT OXFORD—REJECTION OF EXPEDIENTS—IMPEACHMENT OF FITZHARRIS—DISSOLUTION—TRIAL AND EXECUTION OF FITZHARRIS—OF PLUNKETT—OF COLLEGE—DISCHARGE OF HOWARD, ROUSE, SHAFTESBURY—AFFAIRS OF SCOTLAND—PARLIAMENT—ARGYLE REFUSES THE TEST—IS TRIED, CONDEMNED, AND ESCAPES—FLIGHT AND DEATH OF SHAFTESBURY—RYE-HOUSE PLOT—EXECUTIONS—LORD WILLIAM RUSSELL—COLONEL SYDNEY—PARDON OF MONMOUTH—POWER OF THE DUKE OF YORK—INTRIGUES OF HALIFAX—DEATH AND CHARACTER OF CHARLES.

CHAP. VII. 1680. **T**HOUGH Charles by his spirited opposition to the bill of exclusion had proved his determination to support the interests of his brother, there were many who, judging from his poverty, his love of ease, the facility with which he changed his resolution, and the ingenuity with which he vindicated those changes to his own satisfaction, ventured to predict that after a short struggle he would, according to his custom, yield to the importunity and perseverance of his opponents. Under this persuasion the exclusionists continued to appeal to the public on behalf of their favourite measure,

Attempts to change the king's resolution.

by the circulation of pamphlets, speeches, and addresses, and at the same time laboured to make an impression on the mind of the king by the representations of his ministers, of his mistress, of his nephew, and of his allies. 1. Sunderland and Godolphin ceased not to inculcate that his pecuniary wants imposed on him the necessity of propitiating his opponents in parliament. 2. The duchess of Portsmouth, as often as he sought relief from care in her company, harassed him with the repetition of her fears and misgivings. 3. The prince of Orange had not, indeed, the face to advocate openly the exclusion of a prince, who was his uncle and father-in-law; but he sufficiently manifested his real wishes, by imploring the king on the one hand to come to a good understanding with his parliament, and on the other to refuse every project of a bill of limitations, because such a bill would necessarily subvert the very foundations of the monarchy¹. 4. The Spanish ambassador represented to him the unjust and ambitious views of the French monarch, and lamented, but in guarded and respectful terms, the internal dissensions, which rendered the king of England unable to attend either to his own interest or to that of his allies. 5. Last of all came the Dutch ambassador, with a long and laboured memorial, in which the States-general declared, that they were at last com-

CHAP.
VII.
1680.

¹ Dalrymple, 307.

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1680.

pelled to speak out by the danger to which they were exposed; that they had endeavoured to please him, till they had drawn upon themselves the enmity of other powers; that the king of France was manifestly aiming at the conquest of the Spanish Netherlands, and of the Dutch commonwealth, while the king of England, from whom they had a right to expect assistance, had tied up his hands by dissension with his parliament, and thought proper to sacrifice the welfare of Europe, of all the protestant powers, and particularly of the United Provinces, "for so uncertain a matter as a future succession." It was not their office to dictate his conduct to him; but they certainly might pray that, if he were resolved to sacrifice his kingdom, his royal person, and the union of his subjects, he would say so at once, that they might know what they had to expect, and might devise some means to save from destruction the republic and the poor people committed to their care. The tone of this instrument was offensive to the feelings, injurious to the character of the king. He complained of it in strong and resentful language to the States, by whom it was immediately disavowed; and Charles, after some investigation, believed that he had traced it to its real authors, Sunderland and Sidney the ambassador on one part, and the prince, and Fagel the pensionary on the other. It failed of its intended effect. Instead of intimidating, it offended, and resentment impelled

the king to refuse what otherwise his indolence might perhaps have conceded ².

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VII.
1680.

The bill of limitations, to which the prince of Orange alluded, was the work of lord Halifax, who sought by this expedient to win the friendship, or ward off the vengeance of those whom he had made his enemies by his successful stand against the bill of exclusion. Under his guidance the house of lords spent the rest of the session in framing a bill for “the security of the protestant religion;” and in the committee which sate from day to day, it was proposed that an association of protestants should be formed to watch over the king’s life, and to revenge his death on the papists, if he should perish by poison or violence; that all catholics whose rental exceeded 100*l.* per

Project of
limita-
tions in
the house
of lords.

² The memorials of the Spanish and Dutch ambassadors are in Ralph, i. 548—551. See also d’Avaux, i. 59, 62, 63. James, i. 641—643. The complaints against Louis grew out of the new claims which he advanced under the heads of “reunions” and “dependencies.” He had established two chambers of justice at Brisac and Metz, which adjudged to him as lord of Alsace and of the three bishoprics of Metz, Toul, and Verdun, all the fiefs, which formerly belonged to the ancient lords of those countries, though separated from them centuries before. By these “reunions” the kings of Sweden and Spain, the elector of Treves, the count palatine, and several princes and prelates were forcibly dispossessed of their ancient rights. The “dependencies” were questions respecting the limits of the territories belonging to the places which the kings of France and Spain had restored, or ceded by the treaty of Nimeguen: and as these limits were not specified in the treaty, Louis determined them according to his own interest, and took possession by force. Of the injustice of his pretensions under these two heads no doubt can exist.

CHAP. annum, should be banished for life³, a clause
 VII. which offered so many difficulties in the detail,
 1680. ————— that it was postponed for future consideration;
 that the duke of York should be disabled from
 holding office in England, or any country de-
 pendent on the crown of England; that at the
 king's death the parliament then in being, or, if
 none were in being, the last parliament should sit
 for six months; that neither James himself, nor
 any catholic successor, should possess any nega-
 tive voice on bills passed by the two houses; that
 the right of treating with foreign states, and of
 appointing to all offices, civil, military, or eccle-
 siastical, should be reserved to the parliament,
 while it was sitting, or to a council of forty-one
 individuals at other times; that the duke of York
 should be liable to the penalties of treason if he
 came to England during the king's life, and to
 the forfeiture of all his property, if he resided
 within 500 miles of the British shores. When
 these limitations were communicated to James,
 he rejected them with indignation and scorn.
 They might leave him the title, but they stripped
 him of the power of king. They made the
 monarch a mere pageant, and converted the
 monarchy into an oligarchy. He wrote to his
 brother, reprobating the plan in the most vehe-
 ment language; he conjured him to be on his

³ This was a favourite project with Halifax. James (Memoirs), i. 594.

guard against his republican advisers, and he ceased to consider as his friend the statesman by whom the limitations were devised ⁴.

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VII.
1680.

The loss of the exclusion bill provoked much angry discussion in the house of commons. Some charged the bishops, who opposed it, with having "torn out the bowels of their mother the church;" lord Russell declared that if his own father had voted against it, he would have been the first to have impeached his parent of high treason; many called for the immediate banishment of all catholics of property, whether men or women; and others maintained that popery was "so clenched and rivetted among us," that neither God nor man could prevent it from being established in the kingdom ⁵. With their passions thus excited the commons proceeded to gratify their vengeance. At the commencement of the session they had very justly resolved that to petition for the sitting of parliament, or the redress of grievances, is the right of the subject; and now, under the pretence of vindicating that right, they scrupled not to invade other rights still more valuable. By their orders the chief of the "abhorrrers" were dragged from their homes in distant countries, brought as delinquents to the bar, and committed to prison during the pleasure of the house. But these arbitrary and illegal

Violent
proceed-
ings in the
house of
commons.

⁴ L. Journ. xiii. 684, 740. James (Memoirs), i. 635.

⁵ Parl. Hist. 1234—1251. Echard, 1000.

CHAP. arrests were at last checked by Stawell, chairman
 VII. of the grand jury of Devonshire, whose offence
 1680. consisted in the delivery of an address to the
 judges at the assizes. He set the messenger at defiance; he knew of no authority in the commons to arrest him for doing his duty; and the house, to escape from the difficulty, allowed him a month for his appearance under the pretence that he was indisposed⁶. At the same time they instituted a severe inquiry into the administration of justice. They presented an address for the removal of Jeffreys, the recorder, who had the good sense to propitiate his enemies by a speedy resignation⁷; and they voted impeachments against Scroggs and North, the two chief justices, against Jones, a puisne justice of the king's bench, and against Weston, a baron of the exchequer. That these prosecutions originated in political resentment, cannot be doubted: yet they proved bene-

⁶ Compare the journals Nov. 20, Dec. 4, with North, Examen, 561. This put a stop to the arrests of "abhorrrers," and the name of Stawell became a standing toast at the tables of the courtiers.

⁷ Though Charles was displeas'd at the pusillanimity of Jeffreys, he good-humouredly observed, that the recorder was not "parliament-proof." Treby, a whig, succeeded. Soon after at a court for registering freemen, Bethel the sheriff, in right of his office, named the duke of Buckingham; and Cornish, the other sheriff, was prepared to name the earl of Shaftesbury, had not the court of aldermen declared Buckingham ineligible. The intention was to make these noblemen freemen, and afterwards lord mayors. See Seymour's letters in Macpherson, i. 112; and James (Memoirs), i. 651.

ficial to the country, by reminding these petty despots (for such at that period they generally were in the courts of law), that there existed a higher authority than themselves, watchful of their conduct, and ready to punish their exorbitances. But from the judges the house descended to notice the sermons and private discourse of an obscure curate, who had the temerity to call in question the virginity of queen Elizabeth, the patriotism of Hampden, the loyalty of the petitioners, and the reality of the plot. For these four heinous offences Richard Thompson was brought up from Bristol: his answers at the bar did not give satisfaction; and a committee was appointed to impeach the heterodox divine. But Charles requested their attention to his wants; he was ready to assent to any measure of security consistent with the legal descent of the crown; and demanded to know in return what assistance he might expect from his people. After some violent resolutions an address was presented stating the dangers to be apprehended from the succession of the duke of York, praying the king to recede from the limitation expressed in his speech, and promising on his compliance to furnish him with money for the equipment of the fleet, and the preservation of Tangier. Charles replied, that he did not stand alone; his objections to the bill of exclusion had been confirmed by the judgment of the house of lords: but the carriage of this answer was successively

CHAP.
 VII.
 1680.

Dec. 15.

Dec. 21.

Notes
 against
 the king's
 friends.
 1681
 Jan. 4.

CHAP. declined by Jenkins, Carr, and Godolphin; and
 VII. its delivery by Temple provoked the following
 1681. — resolutions; that unless the duke of York were
 Jan. 7. excluded, there could be no safety for the govern-
 ment, the life of the king, or the protestant reli-
 gion; that in such circumstances the house
 could not conscientiously vote any supply to his
 majesty; that the marquess of Worcester, the
 earls of Halifax and Clarendon, the advisers of
 the last answer, and the earl of Feversham, were
 promoters of popery, and enemies to the king
 and kingdom; that Worcester, Feversham, Law-
 rence Hyde, and Seymour (he had been called to
 the council, and warmly advocated the rights of
 the duke of York), ought to be removed from
 public employment, and from his majesty's pre-
 sence: and that every man who should lend
 money to the king upon any branch of the re-
 venue, or accept or buy any tally of anticipation,
 should be adjudged to hinder the sitting of parlia-
 ment, and be made responsible for the same in par-
 liament. These votes alarmed the royal advisers,
 and Charles, in concurrence with their opinion,
 determined on a dissolution. But whatever passed
 in the council was immediately communicated to
 the leaders of the opposition; the commons met
 at an early hour the next morning; and under
 the excitement of passion and vexation a series of
 factious and intemperate resolutions was hastily
 adopted. They voted that the advisers of a pro-
 rogation were traitors to the king, to religion, and

Dissolu-
 tion of
 parlia-
 ment.

Jan. 10.

the kingdom, promoters of the French interest, and pensioners of France; that the city of London was burnt in 1666 by the papists for the introduction of popery and arbitrary power; that his majesty should be addressed to restore the duke of Monmouth to the offices of which he had been deprived by the influence of the duke of York; and that the enforcement of the laws against dissenters was an encouragement to popery. At this moment the black rod summoned the members to wait on the king in the house of lords: the speaker rose and followed him; and the lord chancellor, by the royal command, prorogued the parliament for the short space of ten days. A petition, that it might be allowed to sit again at the expiration of that term, was hastily presented from the city: but Charles adhered to his resolution; and a proclamation was published, dissolving the parliament, and calling another to meet at Oxford at the end of two months^s.

CHAP.
VII.
1681.

Jan. 13.

Jan. 18.

This selection of Oxford disconcerted, perhaps alarmed the popular leaders. It would deprive them of the powerful aid which they derived from the agency of several clubs, and of a numerous faction in the city, and would remove them to a place, where they hardly possessed a single partisan, and where the fidelity of their followers

Petition of
sixteen
peers.

^s Temple, ii. 536, 537. C. Journ. Oct. 30; Dec. 15, 20; Jan. 4, 7, 10. L. Journ. xiii. 743. Somers, Tracts, viii. 143. State Tracts, ii. 123.

CHAP. might be shaken by the offers of the court, or
 VII. subdued by the presence of the military. Pamph-
 1681. —————
 Jan. 25. —————
 lets in condemnation of the measure issued from the press; the aid of supernatural apparitions was employed⁹; and a petition to the king, remarkable for the boldness of its language, was subscribed by sixteen peers, and presented by lord Essex. It attributed the choice of Oxford to the counsels of wicked men, favourers of popery, promoters of French interests, and enemies to the happiness of England; it stated that in such a place the two houses would be deprived of freedom of debate, and exposed to the swords of the papists, who had crept into the ranks of the king's guards; and it therefore prayed and advised that the parliament might be held at the accustomed place in the city of Westminster. Charles instantly replied, "that, my lord, may be your opinion; it is not mine:" and soon afterwards sent the secretary to demand the names of the catholics who served among his guards. Essex was not prepared to answer that question: he knew of none: yet the petition was published

⁹ A figure, supposed to be the mother of Monmouth, appeared to Elizabeth Freeman, of Hatfield, on the 24th of January, and said, "Sweetheart, the 15th of May is appointed for the royal blood to be poisoned." The next day the same apparition said to her: "Tell king Charles from me, and bid him not remove his parliament, and stand to his council:" on the following, "Do your message." This tale she swore before two magistrates, who sent it to the king. At the same time it was printed, and spread over the kingdom. See Ralph, 562.

in the very words, in which it had been presented; and the falsehoods which it contained were circulated through the kingdom. In opposition the earl of Halifax published a tract under the title of "A seasonable address to both houses of parliament concerning the succession, the fears of popery, and arbitrary government." It was written with apparent candour, but severely arraigned the motives of the petitioners, and charged them with sacrificing the tranquillity of the country to the resentment of disappointed ambition ¹⁰.

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VII.
1681.

The interval was employed by the king in endeavours to escape from the difficulties, in which he found himself entangled. By his command every individual, believed to possess any influence with the duke of York, advised, conjured that prince to take the tests, and conform to the established religion. But James was inflexible. He could not, he said, yield to the royal wish with a

Secret
treaty
with
Louis.

¹⁰ If we may believe him, the two great pillars, as they were reputed, of the protestant religion, Buckingham and Shaftesbury, had no religion at all. Essex had joined their party, because he could not obtain the treasurer's staff, or the government of Ireland; Shaftesbury, only a few months before, had offered his services to the duke of York, if he might be restored to the office of Chancellor; the earl of Bedford, "whose son (lord Russell) in the other house was the great tribune of the people, would have had a dukedom added to the garter, to make both sing to another tune;" sir William Jones, sir Francis Warrington, colonel Titus, &c. &c. "were disoblged, and, if taken into favour, would stand up for the court, as much as they now do against it." Somers, Tracts, viii. 222. See the petition in State Tracts, ii. 129.

CHAP. safe conscience or in sound policy. The reasons
 VII. which originally withdrew him from the church
 1681. of England, forbad him to return: nor would his
 conversion at this period be thought sincere, but,
 instead of disarming his enemies, would furnish
 them with a new weapon, the charge of hypocrisy,
 of attempting to impose by a feigned conformity
 on the credulity of protestants. From James the
 king, according to the advice of that prince,
 turned his eyes towards the French monarch, but
 insisted that the first step should be made by his
 brother, who represented to Louis his own forlorn
 condition; and earnestly solicited his protection.
 If that monarch listened to his prayer, it was not
 through feelings of compassion, but through con-
 siderations of personal interest; for he saw that
 a reconciliation between Charles and his oppo-
 nents would be followed by an offer of aid to the
 March 14. king of Spain. In a short time it was agreed
 that the French king should pay to his English
 brother a subsidy of 2,000,000 of livres for the
 current year, and of 500,000 crowns for the two
 following years, and that Charles should gradually
 withdraw himself from the Spanish alliance, and
 not permit himself to be led into measures incom-
 patible with his present engagement. This was a
 most singular treaty. No man was privy to it
 but Charles and Hyde on the one part, and Louis
 and Barillon on the other. No signature was re-
 quired: even the terms themselves were not re-
 duced to writing: each prince was satisfied with

the verbal obligation of the other contracting party¹¹.

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1681.

On the very day of this agreement Charles proceeded to Oxford, escorted by a troop of horse guards: the earl of Shaftesbury, the representatives of the city, and the chief of the popular party followed, armed themselves, and attended by armed men, wearing round their hats a ribbon with the inscription "no popery, no slavery." Their unusual appearance excited surprise and suspicion. They were charged with the secret design of placing the sovereign in durance, till he should assent to their demands: they replied that they had no other object than to protect themselves, in the case of aggression by an armed force¹².

Meeting
of parliament
at
Oxford.
March 14.
March 17.

The king, secure from the apprehension of poverty by his recent treaty with France, addressed the two houses with the tone and authority of a sovereign. He adverted with some show of bitterness to the unwarrantable proceedings of the last parliament. He did not claim arbitrary power himself, nor would he permit it to be exercised by others. He had called them before him that he might give one proof more of his readiness

King's
speech.

March 21.

¹¹ James (Memoirs), i. 664. Dalrymple, 191—301. Hume, note to chap. lxi. Though James and the earl of St. Alban's were employed, the one by Charles, the other by Louis, there is reason to believe that they were kept in complete ignorance of the real treaty between Hyde and Barillon.

¹² North, 100—102. Dalrymple, 294. Reresby, 120. Burnet, ii. 274, note a.

CHAP. VII. 1681. to concur in any reasonable measure for the security of religion and property. He was willing to assent to any expedient, by which, in the event of a catholic prince succeeding to the throne, the administration of government might be retained in the hands of protestants. But, as he had always made the law the measure of his own conduct, he had a right to insist that they should make it the measure of theirs. He would never consent that unnecessary fears should be a pretence for the subversion of the ancient government, nor would he ever depart from his resolution of keeping the succession unbroken.

Expedient in place of exclusion. March 24. The expedient, the promised substitute for the bill of exclusion, which had been suggested by Halifax, and approved by Charles, was immediately laid before the house. It proposed to allay the jealousy of the anti-catholics without interrupting the descent of the crown, by enacting that James duke of York should be banished to the distance of five hundred miles from the British dominions during the term of his natural life, that on the death of the reigning monarch he might assume the title of king, but that all the powers of government should be transferred to a regent, to be exercised by that regent in the name of the absent prince; that the regency should belong in the first place to the princess of Orange, and after her to the lady Anne, and if James should have a legitimate son educated in the protestant faith, should continue during the minority of such son,

and no longer; and that at the same time all catholics of considerable property should be banished by name, the fraudulent conveyances of their estates should be defeated, and their children should be taken from them, that they might be bred up in the doctrine of the established church¹³.

The king had persuaded himself that this expedient would satisfy the opponents of his brother. By it he yielded the substance of their demands. James, indeed, would inherit the title of king, but it was a mere title, without a shadow of power, or the means of acquiring it; and his banishment, with the banishment of the principal catholics, and the protestant education of their children, promised a security against the establishment of popery, sufficient to have tranquillized the jealousy of the most timid, and to have appeased the zeal of the most intolerant. But when the Whig leaders looked around them, and saw the benches covered with the same persons who had supported them in the last parliament, they were betrayed into an overweening confidence of victory, and, whatever might be the motives by which they were privately actuated, undertook to compel the king to assent to their own measure of total exclusion. They maintained that, except in cases of physical or mental

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1681.

Rejected
by the
house of
commons.

¹³ See it in Ralph, 577; and Life of James, ii. London, 1703. App. p. 44. Reresby, 117.

CHAP. incapacity, the exercise of the regal power was
 VII. inseparable from the possession of the regal title ;
 1681. ————— that according to the doctrine of the lawyers the
 crown takes away every civil disability ; and that
 of course, if the duke of York ever became king,
 he would have an indefeasible right to the sove-
 reign authority. Their adversaries replied that
 similar arguments might be employed with equal
 force against the bill of exclusion. If the power
 could not be separated from the title, how could
 the title be separated from the right of govern-
 ing? If James could be treated as civilly dead,
 and the title on that account be given to another,
 why might he not be treated as physically inca-
 pable, and the power on that account be trans-
 ferred to another? After a debate, however, of
 March 26. two days in the house of commons the expedient
 was rejected, and a resolution passed to bring in
 a bill which should disable James duke of York
 from inheriting the imperial crowns of England
 and Ireland, and the dominions thereunto belong-
 ing¹⁴.

But here it will be necessary to interrupt the
 narrative, and call the reader's attention to a dark

¹⁴ C. Journ. March 24, 26. Burnet, ii. 269. Parl. Hist. iv. 1308. 1317—1332. It was repeatedly asked in the house why, if religion were the real cause of exclusion, the bill should apply personally to the duke of York, and not generally to every catholic successor? An amendment to that effect was moved, but was rejected on the suggestion of Hampden, that by aiming at too much, they might perhaps lose all. Somers, Tracts, viii. 257. Parl. Hist. 1332.

and mysterious intrigue, the work of two obscure individuals, Fitzharris an Irish, and Everard a Scottish adventurer. They originally became acquainted as volunteers in the French army, and both met some years later in London, to which city each had returned in the hope of bettering his fortune. Fitzharris married the daughter of a naval officer, who had perished in the service of his country; his cousin Mrs. Wall had obtained the important situation of confidential servant to the duchess of Portsmouth; and a pension of 200*l.* granted by the king to his wife in consideration of her father's death, together with the influence supposed to be possessed by his cousin, taught him to attach himself to the interests of the court. He watched with care the secret manœuvres of the opposite party, made important discoveries respecting a libel entitled "The King Unveiled," brought to the duchess the first information of the design to impeach her, set on foot the negotiation between her and the lord Howard, and obtained from the king, as a proof that his services were not unwelcome, a remuneration of 200*l.* or 250*l.* Everard was less fortunate. He had scarcely reached London, when he was committed to the Tower on a charge of conspiring to poison the duke of Monmouth; nor did that nobleman consent to his enlargement till the expiration of four years, when Everard offered to bolster up by his evidence the declining credit of the popish plot. He

CHAP.
VII.
1681.

History of
Fitzhar-
ris.

- CHAP. accordingly made his deposition before sir Wil-
 VII. liam Waller, was admitted to read his "narra-
 1681. tive" in presence of both houses, and claimed as
 his own the merit of one or two scurrilous pam-
 Feb. 21. phlets against the administration. Soon after the
 dissolution it was agreed between these worthies
 to publish, preparatory to the meeting of the new
 parliament, a libel with the title of "The True
 Englishman speaking plain English," which
 should charge the king himself with being the
 accomplice of the duke of York, and should
 summon all true protestants to unsheathe the
 sword, and stand by the parliament against the
 two popish princes. The substance was fur-
 nished in notes by Fitzharris; the language and
 arrangement were entrusted to the superior talent
 of Everard. There is reason to believe that the
 sole object of each, in the composition of this
 work, was to obtain credit and reward by betray-
 Feb. 28. ing his associate. As soon as it was finished
 Fitzharris hastened with a copy to the lodgings
 of the duchess, but was unable to obtain admis-
 sion. Everard, more astute, had secreted wit-
 March 1. nesses in his room during their interviews; the
 next day one of these, sir William Waller, laid an
 information against Fitzharris before the council;
 March 2. and the unlucky intriguer was apprehended, ex-
 amined, and committed to Newgate.

In prison it was either suggested or it occurred to him that his case was not yet desperate: there still remained an expedient which had saved many

of his brethren from the gallows; he might turn
 informer against the duke of York and the catho-
 lics. His willingness to give evidence was men-
 tioned by Cornish, the sheriff, to the king, and
 the two secretaries were ordered to take his ex-
 amination. He deposed, in substance, that the
 murder of the king was a matter determined on in
 the councils of the papists; that he himself had
 received an offer of 10,000*l.* to undertake the
 task, from Montecuculli, the late agent to the
 duchess of Modena; that the French army in
 Flanders was designed to land in England, while
 another army under Mareschal Bellefonds should
 sail to Ireland, both in support of the catholic
 cause; and that it was proposed, in case of suc-
 cess, to boil down the bodies of the protestant
 leaders, and make of them a *sainte ampoule* for
 the coronation of future catholic monarchs. This
 information was too important to be left to the
 discretion of the secretaries; two days later
 Treby, the recorder, and alderman Clayton, who
 had distinguished themselves by their zeal in the
 prosecution of the plot, visited Newgate, and in
 their capacity of magistrates took a second time
 the prisoner's deposition. It was intended to
 make Fitzharris act the same part as Dangerfield
 had done in the last parliament, and to aid the
 progress of the bill of exclusion through the two
 houses by the excitement which might arise from
 the disclosures of the new informer. Charles
 saw, and resolved to defeat, this object. To cut

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 1681.

March 6.

March 8.

March 10.

CHAP. off all access to Fitzharris, he was transferred
 VII. from Newgate to the Tower; and to prevent him
 1681. from being brought to the bar of either house, the
 attorney-general received instructions to proceed
 against him for high treason in the court of
 King's Bench¹⁵.

He is im-
 peached
 by the
 commons.
 March 25.

But the ingenuity of the Whigs proved a
 match for that of the cabinet. At Oxford, on the
 first mention of the bill of exclusion, the examina-
 tion of Fitzharris taken by Clayton and Treby
 was read to the house of commons; and it was
 contended that his intrigue with Everard was
 nothing less than a continuation of the "old
 popish plot for the destruction of protestantism";
 that it had been the intention of those by whom
 the prisoner was employed, to send a copy of the
 treasonable libel to each of the popular leaders,
 and then to apprehend as traitors every indivi-
 dual in whose possession such copy might be
 found; and that the sole motive for the incar-
 ceration of the libeller in the Tower was to stop
 his mouth and suppress the knowledge of this

¹⁵ For these particulars see the Narratives of Sir Robert Walsh, 1679; the Depositions and the Narratives of Mr. Edmund Everard, 1679; the examination of Edward Fitzharris, in *C. Journ.* March 25, 1681; Hawkins, Confession of Edward Fitzharris, 1681; Hawkins, Discourse with Fitzharris in the Tower, 1681; The Englishman speaking plain English, in *State Trials*, viii. 357; and *Parl. Hist.* iv. App. 123. Burnet, ii. 271. James (*Memoirs*), i. 668, 669. The reader will observe that I have confined myself to a plain relation of facts, without noticing the opposite interpretations put upon them by the adverse parties.

execrable design. But would the commons suffer themselves to be cheated in this manner? Let them impeach Fitzharris before the lords: he would then have the opportunity of declaring the truth, and the whole mystery would be explained. The suggestion was immediately adopted; and the victorious party in the wantonness of triumph resolved that secretary Jenkins, who had signed the warrant for his committal to the Tower, should carry up the impeachment to the house of lords. With reluctance he obeyed, but was followed by the attorney-general, who produced both the order of the king for the prosecution, and the indictment, which had been prepared¹⁶.

CHAP.
VII.
1681.

March 26.

In the house of lords the question was argued with vehemence and obstinacy. By the Whigs it was maintained that the commons had in all ages exercised the right of impeachment against any subject: that an impeachment was at the suit of the people, an indictment at that of the king: and, therefore, as the house of lords was the only court in which the people could sue, to reject the impeachment would be a denial of justice: and that, as with regard to impeachments, the peers proceeded in virtue of their judicial not their legislative authority, they had no more right to reject a legal complaint brought before them, than the judges in Westminster Hall, or in any

The im-
peach-
ment re-
jected by
the lords.

¹⁶ C. Journ. March 25. L. Journ. xiii. 755. Parl. Hist. iv. 1313—1317.

CHAP. other court. On the other side the lord chancellor
 VII. produced from the rolls an accord made before
 1681. Edward III. in full parliament, stating that the judgment given by the lords against the murderers of Edward II. should never be drawn into a precedent, by which they might afterwards be compelled to judge any others than peers: and the house founding its decision on this instrument, resolved that "Fitzharris should be proceeded with according to the course of common law, and not by way of impeachment in parliament at that time"¹⁷. This answer set the house of commons in a flame: they declared by successive votes that it amounted to "a denial of justice, a violation of the constitution of parliament, and an obstruction to the further discovery of the popish plot, and that any inferior court which should proceed to the trial of Fitzharris would be guilty of a high breach of the privileges of the house of commons"¹⁸.

¹⁷ L. Journ. 755. In the house of commons it was contended that this accord meant nothing more than that the lords should not be called upon to condemn the accused in their absence, as they had done in that instance. Such most certainly could not be the real meaning of the original: yet so many centuries had elapsed since the lords had availed themselves of the accord, that it might fairly be considered as no longer in force. The fact, however, was, that neither party cared for privilege or precedent. The impeachment arose not from the quality of the offender or of his offence, but from a wish to take the prosecution out of the hands of the court, and the real ground of the refusal to receive the impeachment was a desire to prevent the commons from interfering with that prosecution.

¹⁸ C. Journ. March 26.

The popular party, founding their hopes on their notion of the king's pecuniary distress, and the assurances of some in the council, had promised themselves a long session, and a certain victory. Charles on the contrary had determined in his own mind to make the duration of parliament depend on the adoption or rejection of "the expedient;" and it so chanced that the vote respecting the bill of exclusion and the dispute respecting Fitzharris followed each other on the same day, a circumstance of which he dexterously availed himself, to conceal from the notice of his adversaries the measure which he had in contemplation. During the Saturday, the day of the debate, he repeatedly visited and directed the workmen in the public theatre, to which it was intended that the commons should transfer their sittings; on the Sunday he made the accommodation which he had provided for them the frequent subject of his discourse; and at an early hour on Monday morning hastened in a chair, followed by a second chair containing the royal robes, to the house of lords. Not a whisper of his intention had been heard; not a suspicion had been raised in the minds of those by whom he was surrounded and watched; even the duchess of Portsmouth, in whose apartment by means of a private communication he spent much of his time, was kept in complete ignorance. The commons, having ordered the second reading of the exclusion bill, were listening to a learned

CHAP.
VII.
1681.

And the parliament suddenly dissolved.

March 27.

CHAP. argument of sir William Jones on the accord of
 VII. the 4th of Edward III., when the usher of the
 1681. ————— black rod summoned them to the other house.
 They found the king seated on the throne; he told them briefly that no good end could be expected when the very beginning was marked by dissension between the two houses; and immediately the chancellor by his command dissolved the parliament. The surprise, the disappointment, the rage of the leaders may be conceived. Shaftesbury called on his friends not to quit the house: but the commons had already dispersed, and the peers in consequence withdrew. Charles mounted his carriage, was met on the road by a party of his guards, and proceeded to Windsor with a rapidity which had the appearance of flight, and gave birth to a notion that this hasty dissolution had been provoked by the discovery of some dangerous conspiracy against his person, originating with the opponents of the court¹⁹.

Such was the abrupt termination of this, the last, parliament in the reign of Charles II.; and it may be considered a fortunate circumstance for the country that it never brought to a termination the important question of the succession. James was not of a temper to acquiesce either in the expedient or the exclusion: he would have

¹⁹ See L. Journ. 757. Reresby, 120. North, 104. Macpherson, i. 116. Royal Declaration of April 8. Lord Grey's Confession, 12, 13, 14.

appealed to arms in defence of what he considered his right; and so profound was the reverence felt for the principles of the ancient constitution, so strong the pre-possession in favour of the divine right of hereditary succession, that he would have found multitudes ready to draw the sword in his cause. Had he succeeded, he would have come a conqueror to the throne, armed with more formidable authority than he could have possessed in the ordinary way of inheritance; and if he had failed, there was reason to fear, from the political bias of the popular leaders, that the legitimate rights of the sovereign would have been reduced to the mere name and pageantry of a throne. It is probable that the dissolution preserved the nation from a civil war, and from its natural consequences, the establishment of a republican or of an arbitrary government.

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1681.

In a few days the king published, at the suggestion of Halifax, a declaration of the causes which induced him to dissolve the two last parliaments²⁰. After an enumeration of the several

King's
declara-
tion.

²⁰ Aware that he would be accused of favouring the catholics by this dissolution, Charles on the same day declared in council his resolution that the laws against popery should be rigorously executed. The announcement filled archbishop Sancroft, who was present, "with satisfaction and joy;" and by a circular to the other bishops he called upon them, to consider "how acceptable it would be to Almighty God to assist his majesty in his pious purpose of reducing the papists to the bosom of the church, or driving them out of the kingdom:" and he therefore required his

CHAP. offers which he had made, offers calculated to
VII. satisfy any reasonable man, yet received with
1681. expressions of discontent, and answered in a tone
of crimination and reproof, he summed up the
offences of the house of commons, their illegal
and arbitrary orders, by which they had taken
Englishmen into custody for matters that bore no
relation to parliamentary privilege; their decla-
ration that several distinguished individuals were
enemies to the king and kingdom on bare sus-
picion, without hearing proof against them or
admitting them to their defence; their unconsti-
tutional vote that all persons who should lend the
king money in anticipation of his revenue, should
be responsible for such conduct to parliament;
their usurpation of the power of suspending the
law by resolving that the prosecution of the penal
statutes against dissenters was an encouragement
to popery; their obstinacy in rejecting all "expe-
dients," and insisting on the exclusion of the
duke from the succession; their design of making
important changes in the government of the
realm; and their endeavours to create a quarrel
between the two houses, by pronouncing the lords
deniers of justice, because the latter would not
consent to interrupt a prosecution which the king
had ordered. This declaration was read in all

brethren to watch over the due execution of the three canons of
king James, providing for the conversion or punishment of recu-
sants. Wilk. iv. 608.

the churches ; the people learned from it to look upon the sovereign as an injured man, oppressed by a party whom no concessions would satisfy ; and addresses expressive of attachment to his person, and of confidence in his government, were presented to him from all quarters of the kingdom ²¹.

CHAP.
VII.
1681.

It was not to be expected that the popular leaders would sit down tamely under these imputations. To the declaration they opposed an eloquent and powerful reply, under the title of "A just and modest Vindication of the Proceedings of the Two last Parliaments," the joint production of Sydney, Somers, and Jones, men capable of imparting strength to a weak, and of ensuring victory to a righteous cause. They professed to refute each particular charge ; and it must be confessed that assuming, as they did, the truth of the informations sworn by Oates and his fellow-labourers, their reasoning is always

Answer of
his oppo-
nents.

²¹ Kennet, 398. The following extract from the speech made by the vice-chancellor of Cambridge to the king in the name of the university, may give some notion of the sentiments of the addressers. "No earthly power, we hope, nor menaces, nor money, shall ever be able to make us forget our duty. We will still believe and maintain that our kings derive not their titles from the people, but from God: that to him only they are accountable: that it belongs not to subjects either to create or censure, but to honour and obey their sovereign, who comes to be so by a fundamental hereditary right of succession, which no religion, no law, no fault, no forfeiture can alter or diminish." Wilk. Concil. iv. 607.

CHAP. VII. 1681. plausible, and frequently conclusive²². It failed, however, to persuade the nation. The plot had long, though slowly, been falling into discredit; in proportion as the first excitement died away, men began to wonder at their own credulity in believing such a mass of improbabilities and fiction: and the insulting language, the arbitrary arrests, the passionate and unprovoked resolutions of the house of commons, joined to the known connexion between the leaders and the presbyterian party²³, forcibly recalled to the public mind the proceedings which led to the civil war in the reign of the first Charles. The tide of popularity had turned; it now ran in favour of the court; the fear of republicanism banished that of arbitrary power; and the demagogues, who for so many years had bidden defiance to the authority, now began to quail before the resentment, of the sovereign.

Trial and execution of Fitzharris.

Charles was not slow to display his contempt for the votes of the late house of commons, by ordering the attorney-general to proceed with the trial of Fitzharris. That adventurer still clung for protection to the popular leaders; and sought to interest their passions in his favour by a succession of disclosures, some of them charging with treason or other offences sir Richard Bel-

²² Parl. Hist. iv. App. No. xv.

²³ See different bills in favour of the dissenters brought into parliament. C. Journ. Dec. 15, 16, 24, 1800: Jan. 3, 1801.

lings, some the earl of Danby²⁴, and others the queen and the duke of York. By their advice at his arraignment he pleaded the impeachment in bar of the jurisdiction of the court of King's Bench; and immediately all the legal talent of the party started forth in his defence, not, it was pretended, for the purpose of shielding him from punishment, but to preserve the rights of the people by maintaining the privileges of parliament. As the commons of England had impeached Fitzharris before the house of lords, they contended that no inferior court could withdraw the cause from the cognizance of that, the highest tribunal in the land. The crown lawyers did not fairly meet, they endeavoured to elude the objection. The impeachment, they said, lay for treason in general; it specified no particular act; and the court had no means of knowing that the offence laid in the indictment was the same as that intended by the impeachment²⁵. After several hearings, Pemberton, the chief justice²⁶,

CHAP.
VII.
1681.

April 27.

May 4.

May 7.

May 11.

²⁴ A true bill was found on his testimony against the earl of Danby for the murder of Godfrey. But the charge was utterly incredible. Fitzharris had never mentioned it before, when he affirmed that he had stated every thing that he knew. James (Memoirs), i. 684. Burnet, ii. 278.

²⁵ It appears to me that the true question was, whether an impeachment by the commons, *after it had been refused by the lords*, was a bar to the jurisdiction of the court? But this was not noticed in the pleadings on either side.

²⁶ Pemberton owed his elevation to the fact that Scroggs lay himself under an impeachment, and was therefore an improper person to try the question. He retired on a pension. James, i. 623.

CHAP. VII. declared it his opinion, and the opinion of his
 1681. brethren, that the plea was not sufficient to bar
 ——— the court of its jurisdiction. The spectators
 were greatly disappointed. They had come pre-
 pared to hear a learned and elaborate judgment:
 but Pemberton, in the expectation of a severe
 scrutiny into his conduct in the next session of
 parliament, deemed it more prudent to abstain
 from any statement of the reasons on which this
 judgment was founded ²⁷.

June 9. At the trial it was proved beyond contradiction
 that Fitzharris had furnished the substance of
 the libel; and his plea, that he had no other
 object than to procure information for the king,
 was repelled by the jury. The verdict of guilty
 opened his eyes to the weakness of the party on
 whose protection he relied: he endeavoured to
 retrace his steps; he pretended that the real
 author of the notes which he gave to Everard
 was lord Howard, and brought forward his wife
 and servant to prove his connexion with that
 nobleman. But these efforts were fruitless:
 Charles had resolved that the intriguer should
 suffer; and yet, when hope was extinct, on the
 July 1. very morning of his execution, he gave a written
 confession to the divine who attended him, and at
 the gallows referred to it as a record of the truth.
 It stated that he procured the libel for the king's
 service, that the charge against the lord Howard

²⁷ State Trials, viii. 243—330. North, 287, 288.

was correct, and that his depositions before the trial were fables, suggested to him by the sheriffs, and by Clayton and Treby. Little credit is due to one who had always accommodated his testimony to his hopes and his interest: yet it was the confession of a dying man; he had renounced the mercy of God if it were not true, and the impression which it made on the public induced the four citizens whom he had accused to come forward in their own vindication, and to assert that, as far as they were concerned, the statement of Fitzharris was made up of misrepresentation and falsehood ²⁸.

With this informer suffered a much better man, Oliver Plunket, the titular archbishop of Armagh, a prelate whose loyalty had been attested by four successive chief governors of Ireland. He had been thrown into prison on the usual charge of having received orders in the church of Rome; when the promise of reward to informers induced some of the king's witnesses, as they were called, to select him for a principal conspirator in the pretended Irish plot. But they dared not face the man, whom they had accused,

CHAP.
VII.
1681.

And of
arch-
bishop
Plunket.

²⁸ State Trials, viii. 330—339. In support of the confession was published "A Narrative, being a true Relation of what Discourse passed between Dr. Hawkins and Edward Fitzharris, Esq., late Prisoner in the Tower." In opposition, a tract called "Truth Vindicated, or a Detection of the Aspersions and Scandals . . . in a Paper published in the name of Dr. Hawkings. 1681."

CHAP. in their own country: at the trial it appeared
 VII. that they were gone to England, and Plunket,
 1681. instead of obtaining his discharge, was compelled
 May 3. to follow them. At his arraignment the chief
 justice granted him a respite of five weeks to
 procure evidence from Ireland: but his messenger
 was driven back by contrary winds; his wit-
 nesses were delayed by the difficulty of obtaining
 passports; the officers in Dublin refused copies
 of any document without an order from the
 council in London; and in consequence of these
 delays his means of defence did not reach the
 English coast till the third day after his con-
 June 8. demnation. The informers deposed against him
 that he had been raised to the dignity of primate
 for the purpose of preparing a way for the
 invasion from France; that he had made a
 survey of the coast and fixed on the harbour of
 Carlingford for the debarkation of the French
 army; that he had collected large sums of
 money, had ordered musters of all catholics able
 to bear arms, and had organised a force of seventy
 thousand men to join the invaders, massacre the
 protestants, and establish the catholic worship.
 Plunket replied that his was a most extraordinary
 case: for, had he confessed himself guilty of
 these offences in his own country, yet an Irish
 jury must have acquitted him from their personal
 knowledge that the charge could not by any
 possibility be true. But he had been brought
 away from a place, where his own character, the

conduct of his accusers, and the state of the country, were known, to be tried before men whose ignorance of all these things rendered them incapable of forming a correct judgment of his guilt or innocence. Had his evidence arrived, he should have shown, that the witnesses against him were men undeserving of credit, apostate friars whom he had punished for their immorality, and convicted felons who had forfeited their reputation. But of such aid it was not in his power to avail himself, because it was still on the road. The only thing which he could now oppose to the oaths of the accusers was the solemn asseveration of his innocence, and the utter improbability that he had been able to collect sufficient money for the support of an army, when it was well known that he could never raise an income of 70*l.* a-year for his own subsistence. The jury, however, found him guilty, and when the earl of Essex, who had been lord lieutenant of Ireland, solicited his pardon, declaring from his own knowledge that the charge against him could not be true, the king indignantly replied, "Then, my lord, be his blood on your own conscience. You might have saved him if you would. I cannot pardon him, because I dare not." Plunket suffered, and was the last of the victims sacrificed to the imposture of the popish plot; for the day of retribution was now rapidly approaching, and the storm which had so long raged against the catholics,

CHAP. was about to burst on the heads of their op-
 VII. pressors ²⁹.
 1681.

Designs
 against
 the po-
 pular
 leaders.

Of the popular leaders, introduced into the council years before, not one at present remained. The earl of Salisbury had voluntarily withdrawn; Essex and Sunderland, and even Temple himself, had been dismissed; and the statesmen, who possessed the royal confidence, were the lord chancellor, and the lord president, the earl of Halifax, Jenkins and Conway the secretaries, Seymour the late speaker, and Hyde, lately created a viscount ³⁰. All these agreed, or appeared to agree, in opinion with the king, that many among their opponents meditated a change of dynasty, if not of government, and that, despairing of success by legal means, they had

²⁹ State Trials, viii. 447—500. Challoner, ii. 461—472. Burnet, ii. 279.

³⁰ James (Memoirs), i. 677. I ought perhaps to notice the arrival of the prince of Orange in England during this summer. His ostensible object was to prevail on the king to unite with Spain and the States in opposition to the encroachments of France: to which Charles objected the disputes between himself and the parliament. The prince held several conferences with the ministers and with the popular leaders under the pretence of effecting a reconciliation, and then departed, as the king believed, with different sentiments from those which he formerly cherished. What passed between him and the opponents of the court, we know not: but when Charles invited him the next year to meet the duke of York, he excused himself on some pretext or other, but, as was believed, because he did not think it for his interest in England to be on good terms with his father-in-law. James (Memoirs), i. 690—692. Dalrymple, 1—13. D'Avaux, i. 80, 83, 118.

determined on the employment of force during the late parliament at Oxford. Under this impression the council sought out proofs of their presumed guilt; and many of the same arts which Shaftesbury had practised to prop up the forgeries of Oates, were employed to procure evidence of treason against Shaftesbury and his associates. The witnesses, who hitherto had shaped their testimony at his nod, observed with dismay the recent change of public opinion; they began to fear the punishment of their perjuries from the justice of their sovereign; and, as the price of their safety, they readily devoted their future services to the stronger party. To have refused the offer would have been upright and magnanimous: but it was manifest that these men from their past connexion with Shaftesbury and his friends must have become acquainted with their practices, perhaps with their objects; the hope of discovery and the desire of vengeance prevailed; and to the objection that the depositions of such witnesses would deserve but little credit, it was replied, that the value of their testimony became a question for the consideration of the jury.

The first to experience the effects of this re-
 action were the lord Howard; College, surnamed
 from his zeal the protestant joiner; Rouse, the
 marshaller and leader of the mob from Wapping;
 and the great agitator, the earl of Shaftesbury: all
 of whom placed their principal reliance for safety

CHAP.
 VII.
 1681.

Charge
 against
 lord
 Howard.

CHAP. on the protection of the grand juries, returned by
 VII. sheriffs attached to their party.
 1681.

June 12. 1. Lord Howard had been committed to the Tower on the denunciation of Fitzharris: but there was an important discrepancy between the evidence of the wife and of the servant of the informer, and the grand jury refused to find the bill of indictment. The attorney-general, however, had the address to withdraw it before it had been endorsed; and by this artifice prevented the prisoner, though he claimed his discharge, though he took the sacrament on his innocence, from being admitted to bail till he had suffered an additional imprisonment of five months³¹.

Trial and execution of College. 2. The accuser of College and Rouse was Bryan Haynes, who first offered his services to Shaftesbury, but had subsequently the sagacity to discover his error, and to range himself under the banner of the court. Aware of the political principles professed by the persons who composed the grand jury, the attorney-general demanded, and the chief justice ordered, that the proceedings on the bill of indictment against College should be taken in open court. But the experiment failed. Though the witnesses had been held worthy of credit in the prosecutions on the popish plot, the jury refused to believe them against the protestant joiner. The crown lawyers, however, discovered that some of the offences with which the prisoner was

³¹ No Protestant Plot, iii. 111. Ralph, 600, note, 606.

charged had been committed in Oxfordshire; a new bill against him was found by the grand jury of that county; and Colledge was tried in Oxford on the charge of having gone in arms to that city, for the purpose of seizing, in conjunction with certain of his associates, the person of the king³². This trial exhibited a new and extraordinary spectacle: the men, who had hitherto been accustomed to lend to each other the aid of their oaths, in confirmation of their numerous forgeries concerning the popish plot, appeared in court divided into two bodies, and marshalled in hostile array against each other, under the guidance of their respective leaders, Dugdale and Oates. Dugdale, Turberville, and Smith, swore positively to the guilt of Colledge; Oates, Bolron, and others, contradicted their testimony, and vilified their charac-

CHAP.
VII.
1681.

July 16.

Aug. 17.

³² In the case of Atkins, Shaftesbury had ordered the prisoner to be furnished with pen, ink, and paper, and then took his writings from him, that the prosecutors might become acquainted with his defence; in consequence of which they sent for and examined his witnesses. (State Trials, vi. 1494.) As a set-off against this act of oppression has sometimes been mentioned the taking away of Colledge's papers after his arrival at Oxford. But there is a considerable difference between the two. Aaron Smith, the Whig attorney, offered the gaoler a bribe of four guineas for admission to the prisoner. Being refused, he obtained an order from the chief justice, and was observed to place a parcel of papers in the hands of Colledge. These were seized, and after the prisoner had pleaded, were examined by the court. They proved to be instructions for his defence, with objections in law, and a speech containing reflections on the government. The judges ordered a copy to be made, omitting such passages as they deemed seditious, and delivered it to the prisoner. State Trials, viii. 570, 582—587.

CHAP. ters³³. It is evident that no credit was due to
 VII. either party: but the charge against the prisoner
 1681. derived a feeble support from the known activity
 of College, the intemperance of his language, and
 his habit of singing songs, and distributing prints
 reflecting on the character of the monarch. That
 he had been engaged in many unjustifiable prac-
 tices cannot be doubted; but the impartial reader
 of his trial will be inclined to dispute the propriety
 of the verdict returned by the jury, and to assent
 Aug. 31. to his solemn asseveration under the gallows, that
 he died innocent of any treasonable act or in-
 tention³⁴.

Discharge 3. His associate Rouse was more fortunate.
 of Rouse. The grand jury ignored the bill, and there existed
 Oct. 19. no charge against him in any other county. He
 recovered his liberty: but, incapable of profiting
 by experience, he suffered in 1683 for a new
 offence the same ignominious manner of death
 from which he had escaped in 1681³⁵.

And of 4. The information against the earl of Shaftes-
 Shaftes- bury was furnished by his three Irish witnesses,
 bury. who accused him of having suborned them to give
 false testimony against the queen, the duke of
 York, the lord lieutenant, and the lord chancellor
 of Ireland. His scornful and threatening carriage
 before the council intimidated some of the mem-

³³ To punish Oates for his conduct at this trial, his pension was taken from him, and he was turned out of his lodging at Whitehall. Bulstrode, 329. Loyal Protestant, No. 52.

³⁴ State Trials, viii. 549—746. Bulstrode, 325. North, 587—589.

³⁵ North, 586. James (Memoirs), i. 713.

bers : but his boldness forsook him when the warrant for his commitment was signed, and the very rabble hooted him on his way to the Tower. There he yielded to the suggestions of prudence or despair : but his offer to expatriate himself, by repairing to his plantation in Carolina, was refused, and the king avowed his determination of bringing him to a trial before his peers. Every exertion was made to defeat the royal purpose by procuring the rejection of the indictment by the grand jury. The new sheriffs Shute and Pilkington summoned for that purpose men, known to be violent enemies of the court: pamphlets and narratives and instructions for jurymen of the most inflammatory tendency were published ; and the hall was filled with the retainers of the party from Wapping and the suburbs. The proceedings, as in the case of College and Rouse, were held in public in presence of the judges: yet so violent was the conduct of the spectators that the witnesses repeatedly complained of danger to their lives, and the judges themselves did not feel in safety on the bench. The indictment charged the earl with having made warlike preparations for the purpose of compelling the king to yield to the wishes of the parliament at Oxford; and was supported by the testimony of Booth who pretended that he had been actually engaged for that service, of Haynes whom Shaftesbury himself had recommended to the king as a person of honour and conscience, and by several of the witnesses whom he had brought

CHAP.
VII.
1681.

July 2.

Nov. 24.

CHAP. from Ireland to support the pretended Irish plot.
 VII.
 1681. That the jury had previously determined to dis-
 believe their evidence is highly probable: but there
 was so much in their conduct and characters to
 awaken suspicion, that any twelve impartial men
 would have come to the same conclusion. The
 bill was returned "ignoramus:" the hall shook
 with applause; and the day was closed with the
 ringing of bells, the burning of bonfires, and
 shouts of "a Monmouth, a Shaftesbury, and a
 Buckingham³⁶."

Addresses
 to the
 king.

This triumph, however, was of short continu-
 ance. While the party congratulated themselves
 on the escape of their leader, the publication of
 two papers, found in his possession, and produced
 in court, awakened the spirit of the Tories, and
 gave a decided superiority to their cause. Of these
 one was the form of an association for the purpose
 of maintaining the protestant religion, and of ex-
 cluding James, duke of York, and every other
 papist, from the succession: and for that end the
 subscribers were made to vow before God, that
 they would pursue unto destruction all who should
 oppose their just and righteous intention; and, for
 the better success of this pious work, would follow
 such orders as they should receive from parliament,
 while it sate, or from the major part of the mem-
 bers of parliament, being associators, after its

³⁶ James (Memoirs), i. 687, 714. Macpherson, 122, 124. State
 Trials, viii. 759—842. North, 110—115. Burnet, ii. 289.
 Reresby, 124, 127. Coke, 309—313.

prorogation or dissolution; and would obey such officers as by the same persons should be set over them in their respective counties, cities, and boroughs. The other paper purported to be an alphabetical list of the most considerable individuals in every shire, divided under two heads into "worthy men" and "men worthy," designations interpreted to mean, "worthy of trust, and worthy to be hanged³⁷." The knowledge of these papers, the treasonable tendency of the first, and the invidious distinction made in the second, threw the nation into a ferment. The form of association was not, indeed, in the writing of Shaftesbury: but no one doubted that it was either drawn by him, or under his direction, and that it perfectly accorded with the real views of the party. Of the "worthy men," numbers hastened to prove that they had no claim to the honourable designation: and the "men worthy" felt the stigma put on their characters, and eagerly sought for revenge. In a short time addresses poured from every quarter into Whitehall, expressive of the most fervent attachment to the sovereign, and the deepest abhorrence of the association and its abettors. Its object was pronounced treason not only against the person of the king, but the constitution of the kingdom, and more ruinous to the nation than "the old hypocritical solemn league and cove-

CHAP.
VII.
1681.

³⁷ State Trials, viii. 782—787. North, 112. L'Estrange, Brief Hist. 100. Echard, 1014.

CHAP. VII. 1681. nant ;” the men who refused to find the bill against its author or contriver were declared to have perverted the laws, and “to have aimed at a tyrannous dominion over both the sovereign and his people ;” and Charles was assured that his faithful subjects held all such illegal unions in detestation, and would defend to their utmost ability both him and his lawful successors from all traitors and conspirators whomsoever³⁸.

Who reforms the magistry.

The king hastened to improve this enthusiasm of the people to the prejudice of his opponents.

1. The most obnoxious of the “worthy men” were successively and silently weeded out of the commission of the peace, and their vacant places supplied from the list of “men worthy,” or from those clergymen, who had distinguished themselves by their advocacy of the doctrine of passive obedience.

Enforces the law against conventicles.

2. As the majority of the dissenters had hitherto lent their aid to the popular leaders, they were now made to pay the penalty of their disaffection to the court. At the request of the magistrates of Middlesex, the king ordered the laws “against conventicles and unlawful meetings under pretence of religious worship,” to be put in immediate execution: the loyal and the zealous, the interested and the vindictive availed themselves of the opportunity; and the fines, distrainments, and imprisonments

³⁸ See the addresses in the London Gazette, and particularly those from the magistrates at Hick’s Hall, and the benchers of Gray’s Inn, and the Inner Temple.

of former periods were immediately revived³⁹. CHAP. VII. 1681.

3. Lastly, an attack was meditated on the privileges of the city, the stronghold of the exclusionists. At the election of the chief magistrate the court had prevailed in favour of sir John More, a quiet and inoffensive citizen, who, though he had been an addresser, met with little opposition from the party, on account of his timid and retiring disposition. But the election of sheriffs, considering all circumstances, was a matter of greater importance. On them depended the choice of individuals to serve on juries; and a general persuasion prevailed that, as long as the sheriffs were devoted to the opposition, no verdict against the leaders or their associates would be obtained by the crown. On this account it was proposed to the king in council to lay an information, in the nature of a *quo warranto*, in the King's Bench, to inquire by what authority the city claimed the rights and privileges which it exercised. In that case, either the fear of forfeiture would induce the corporation to solicit the royal favour, or the judgment of the court would deprive them of the powers which they employed to the prejudice of the royal authority. The king gave his assent, and in Hilary Mich. 33 term the information was filed: but, what with the Car. 2. plea and answer, the rejoinder and surrejoinder, the rebutter and demurrer, and the dilatory forms of proceeding, more than eighteen months elapsed

And brings an action against the city.

³⁹ Neal, ii. 727.

CHAP. before the question was argued and judgment
 VII. given⁴⁰. In the mean time the reader may turn
 1681. his eyes towards Scotland, and take a rapid view
 of the most interesting events which had occurred
 in that kingdom.

The Ca-
 meronians
 in Scot-
 land.

The defeat at Bothwell bridge had tamed the spirit of the covenanters. By frequenting the churches of the indulged ministers they succeeded in screening themselves from the notice and severity of the government; and in a few weeks it appeared as if the party, which recently excited such general alarm, had entirely ceased to exist. There was, however, left a remnant of faithful Israelites, inconsiderable in number, and despicable in point of influence, but men of wild fanaticism and indomitable zeal, who followed their spiritual guides, Cargill and Cameron, into the desert, and were fed by them among the glens and morasses with the manna of the divine word. The contemplation of their forlorn situation naturally led the enthusiasts to inquire into the authority of those by whom their sufferings were inflicted: they discovered that it was not in the power of their ancestors, who had made the succession hereditary in a particular family, to bind posterity, or to purchase their own liberty with

1680.
 June 3.

⁴⁰ James (Memoirs), i. 714. North, 629. State Trials, viii. 1039—1086. See in Jenkins, ii. 684, a sensible letter from that statesman to the duke of York, stating his reasons for dissenting from the rest of the council on the question of the policy and justice of this prosecution.

the slavery of their descendants; and they argued that, since Charles Stuart, by rejecting the covenant, had broken the condition on which he received the crown of Scotland, he had therefore forfeited all right to the exercise of the regal authority⁴¹. Convinced of the truth of this doctrine Cameron, accompanied by twenty of his disciples, proceeded to the small burgh of Sanquhar, and, having publicly read, affixed to the cross, “ a declaration and testimonie of the true presbyterian, anti-prelatic, anti-erastian, and persecuted party in Scotland.” In this singular instrument they “ disowned Charles Stuart, who several years before for his tyrannie should have been denuded of being king, ruler, or magistrate; and under the banner of the Lord Jesus Christ, the captain of their salvation, they declared war with such a tyrant and usurper—they also disowned and re-sented the reception of the duke of York a professed papist in Scotland, as repugnant to their principles and vows to the most high God;—and in conclusion they hoped that no one would blame them if, as the Lord gave opportunity, they should reward their opponents in the same manner as had been done to them⁴².”

CHAP.
VII.
1680.

June 22.

⁴¹ Wodrow, ii. App. 45, 46. State Trials, x. 795.

⁴² Wodrow, App. 47. State Trials, x. 805. I should have observed that *Erastus* was a physician in Switzerland, who taught that the church had no regular authority to censure or excommunicate, but was subordinate to, and dependent on, the civil power.

CHAP. VII. 1680. The host of Israel, the men prepared to support this bold defiance, amounted to six-and-twenty horse, and about forty foot: but they prayed, when others would have watched, and were surprised by three troops of dragoons at Airmoss in the county of Kyle. At the approach of the enemy Cameron exclaimed, "Lord, take the ripest, spare the greenest;" and, calling to his men to follow, hastened to meet the assailants. He fell; his brother and seven of his companions shared his fate; and Rathillet, whom the reader will remember at the assassination of archbishop Sharp, was wounded with a few others, and made prisoner⁴³. The martyr had the honour of giving the name of Cameronians to the party; Cargill escaped, and prepared to avenge his death. At Torwood in Stirlingshire he assembled his disciples, and, having first lectured and then preached, proceeded to pronounce judgment in the following solemn manner. "I, being a minister of Jesus Christ, and having

They ex-communicate the king.
July 20.

Sept.

⁴³ Wodrow, 140, 143. Rathillet was tried for "treason and the sacrilegious murder of Archbishop Sharpe." He declined the authority of the king and of the court, "because they had usurped a supremacy over the church, belonging alone to Jesus Christ, and had established idolatry, perjury, and other iniquity in the land, and for that purpose had shed much innocent blood. Therefore he, as adhering to Christ, his rights, and kingly office, declined them that are his (Christ's) open enemies and competitors for his crown and power, as competent judges." He was condemned and suffered July 30, 1680. See the original documents in State Trials, x. 791—850.

authority from him, do, in his name and by his spirit, excommunicate, cast out of the true church, and deliver up to satan, Charles II. king of Scotland, for his mocking of God, his perjury, his uncleanness of adultery, and incest, his drunkenness, and his dissembling with God and man." By the same authority, and in similar terms, he excommunicated James, duke of York, for idolatry, James, duke of Monmouth, for his invasion of the Lord's people at Bothwell-bridge, John, duke of Lauderdale, for blasphemy, apostacy, and adultery, and the duke of Rothes, sir George Mackenzie the king's advocate, and Dalziel of Binns for different offences. Ridiculous as such a sentence must have appeared to those who were its object, it made a deep and fearful impression on the hearers of Cargill, to whom he asserted that "no power on earth of kings, princes, magistrates, or ministers of the gospel, could, without the repentance of the persons, openly and legally appearing, reverse this excommunication⁴⁴."

CHAP.
VII.
1680.

These proceedings sharpened the vigilance and severity of the council, who began to consider that their own lives, as well as the reputation of

Severities
against
them.

⁴⁴ Wodrow, 144. Crookshank, 71. Cargill was taken in July, 1681. He excommunicated the king, disowned his authority, and maintained from the examples of Jael and Phineas, that a private person having a call from God might lawfully put another to death. See Wodrow, ii. 185, 186. App. 54, 55.

CHAP. government, were at stake. The Cameronians,
 VII. indeed, had hitherto confined their efforts to mea-
 1680. ————— sures of self-defence; but there was reason to
 fear that, if their numbers should multiply
 through neglect, they might proceed to acts of
 aggression; and the murder of the archbishop
 had shown how easily such enthusiasts could mis-
 take the suggestions of revenge for the inspira-
 tions of heaven. The prisoners brought from
 Airmoss paid the forfeit of their rebellion: a
 strict search was made not only after their asso-
 ciates in the field, but also the professors of their
 doctrines; and six of the latter testified with the
 loss of their lives the sincerity of their belief.
 Among them were two females, Isobel Alison,
 and Marion Harvey, whose zeal might indeed re-
 quire coercion, but whose obstinacy could not
 deserve the punishment of death. In prison the
 bible was their chief consolation: the lecture of
 the book of canticles threw them into extacies of
 joy; and, as they ascended the fatal ladder, they
 1681. cheered their last moments by applying to them-
 Jan. 26. selves the passage, “my fair one, my lovely one,
 come away.” The duke of York, who had recently
 arrived in Scotland, doubted the policy or the jus-
 tice of these executions. To some of the sufferers
 he sent an offer of pardon, if they would only say,
 “God bless the king:” but, though the rope was
 already round their necks, they rejected a condi-
 tion which they deemed an apostacy from their

principles⁴⁵. There remained others equally ready to grasp the crown of martyrdom: but the duke deprived them of the splendid prize, by transferring them to a life of hard labour in the house of correction, or enrolling them in a regiment of Scots in the service of the king of Spain⁴⁶.

The first care of that prince was to study the political state of Scotland; and a short inquiry convinced him that the spirit of resistance to the court, which had driven him from England, had made but few proselytes among the Scots. The people generally looked up to the nobility as their natural guides, and the nobility, with only two exceptions, professed themselves the devoted servants of the crown. Persecution, indeed, had

CHAP.
VII.
1681.

Conduct
of James
in Scot-
land.

⁴⁵ They were Skene, Potter, and Stewart. Skene had already been turned off, when Potter seemed inclined to pronounce the words, but his wife, seizing him by the arm, and nearly pulling him off the ladder, exclaimed: "Go, die for the good old cause, my dear. See Mr. Skene. He will sup to-night with Jesus Christ." Again in 1684, Dec. 9: "Ten were pannelled for disowning his majesty's authority. Six were so wise as to resile: the other four were so mad as to deny to say 'God save the king.' Three would have done it: but by the pestilent society of the fourth were obdured." All four suffered death. Fountainhall, Decisions, i. 318.

⁴⁶ Burnet, ii. 293—295. Fountainhall, in State Trials, x. 877. The fact that on one occasion James accompanied a committee of the council, when the leg of a prisoner (Spreul) was placed in the boot, has been frequently brought forward as a proof that the duke was naturally cruel. But certainly many other reasons might be devised for his presence, besides the wish to gratify himself with the sight of human suffering. The prisoner was to be examined respecting a supposed conspiracy to blow up the Abbey and the duke in it. Wodrow, ii. 163.

CHAP. provoked a different feeling in the breasts of the
 VII. more rigid covenanters; but these existed only
 1681. in a few districts of the west and south, and
 formed a party too contemptible in point of number, and too dispirited by a long course of suffering, to create the slightest apprehension. The principal evils arose from the family feuds among the nobility, which divided them into hostile parties, and made each individual anxious to exalt himself by the depression of his enemy; from the hereditary jurisdictions, which were exercised by the possessors in the most haughty and tyrannical manner; and from the misrule of Lauderdale, whose chief object had been to enrich his duchess and his dependents at the expense of law and justice. Seven commissioners of the treasury with high salaries administered a scanty income of 60,000*l.*: the farmers of the customs and the excise were encouraged by the connivance of the government to extort money by illegal artifices; and the troops, supposed to have been raised for the purpose of checking the depredations of the highlanders, existed only in the muster-rolls of the officers who received the pay of these imaginary guardians⁴⁷. It was obviously to the interest of

⁴⁷ The duke proposed that this money should for the future be divided between Huntley, Argyle, Athol, and Seaford, the four great highland chiefs, and that they should be made responsible for all depredations committed by the clans dependent on them. They already had the power, they would then have the will, to prevent the incursions of the highlanders. James (Memoirs), i. 706.

James to ingratiate himself with the nation. With this view he employed the influence of his high rank to heal the dissensions which divided so many noble families, sought to relieve the people from oppression by the gradual and noiseless removal of Lauderdale's dependents, and suggested to his brother such other remedies as could only be applied by the will of the sovereign. In a few months James had become popular in Scotland ⁴⁸.

CHAP.
VII.
1681.

While, however, he appeared to devote his attention to the concerns of that country, he kept his eye constantly fixed on the transactions in England. The meeting of the parliament in Oxford had plunged him into despair; its sudden dissolution taught him to rely on the firmness of the king. Yet his hopes were not speedily realized. By the advice of Halifax his first petition to be recalled to England was peremptorily refused: to the second, that he might hold a parliament in Scotland, Charles gladly signified his consent. The object of the monarch was to soothe the feelings of his brother wounded by the previous refusal of James to procure from the Scottish parliament a recognition of his right to the Scottish throne.

He is refused permission to return.

The duke, in quality of royal commissioner, opened the session with a speech, expressive of the king's readiness to unite with his people in

Scottish parliament.
July 28.

⁴⁸ See James (Memoirs), i. 580, 644, 704—707. Burnet, ii. 292.

CHAP. providing security for the protestant religion,
 VII. and of his confidence that he should find them
 1681. ——— equally ready to concur with him in securing the
 rightful descent of the crown. His wishes were
 gratified. The first act passed by the estates con-
 firmed all the existing laws in support of the pro-
 testant religion, and all acts made against popery :
 Aug. 31. the second declared that the kings of Scotland
 derived their royal power from God alone, that
 they succeeded thereto lineally and according to
 the known degrees of proximity in blood ; that
 no difference of religion, no act of parliament
 made or to be made, could alter or divert such
 succession, and that to alter, invert, or suspend
 the next heir from the administration of the
 government according to the laws of the king-
 dom, amounted to an act of treason⁴⁹. Much
 altercation followed respecting the grievances
 which had been suffered under the administration
 of the duke of Lauderdale⁵⁰, and the tyranny

⁴⁹ Wodrow, ii. App. p. 59. Scottish statutes, 1681, c. i. ii.

⁵⁰ Proof was offered of the perjury of lord Hatton, Lauderdale's brother, on Mitchel's trial, and of a conspiracy in which he had engaged to convict lord Bargeny of rebellion. James prevailed to have the cognizance of these matters referred to the king, for which his enemies have severely reproached him. It appears, however, from a note in the new edition of Burnet (ii. 299), that the duke had already sent the proofs of the first of the cases to the king, who in consequence had deprived his old confidant Lauderdale of all his employments ; and that Lauderdale was far from thinking James a friend to himself or his brother, appears from his opposition in England to the proceedings of the duke in Scotland.

which was exercised by the lords possessed of hereditary jurisdiction. But the most important act of the session was the imposition of a new test, which had been equally called for by the government to check the diffusion of the anti-monarchical doctrines preached by the Cameronians, and by the more zealous among the protestants, as a counterpoise to the influence of a catholic successor. But here a difficulty arose, how to define the protestant religion so as to give general satisfaction in a country, where episcopacy was, indeed, established by law, but presbyterianism retained its hold on the hearts of the people. For many years the Westminster confession of faith had formed the authorized creed of the Scottish kirk; but by the recissory act of 1661 this document had been stripped of its authority, and the only form of doctrine which still possessed the sanction of the legislature was the more ancient confession framed in 1560, and approved in the first parliament of James VI. in 1567. On the present occasion the lords of the articles, among whom was the earl of Argyle, proposed the ratification of this confession, and Dalrymple, the president of the court of session, moved that it should be recognized in the new test as the standard of the protestant religion. Paterson, bishop of Edinburgh, saw the difficulty, but after some opposition acquiesced; and an act was passed ordaining that all laws against papists and fanatical separatists from the national church

CHAP.
VII.
1681.

—
A new
test.
Aug. 31.

CHAP. VII. 1681. should be rigorously enforced, and that all persons in public trust, with the exception of the lawful brother and sons of the king, should take the test appended to the act, under the penalty of forfeiture and incapacity to hold office. That test consisted of—1. a profession of adhesion, and a promise to adhere, to the true protestant religion contained in the confession of faith recorded in the first parliament of James VI.; 2. the usual recognition of the king's supremacy over all persons civil and ecclesiastical, and a renunciation of all foreign jurisdiction; 3. a rejection of the doctrines and practices already condemned by the declaration prescribed in the eleventh act of the first parliament of the king, and lastly an acknowledgment that there "lay no obligation from the national covenant, or the solemn league and covenant, or any other manner of way whatsoever, to endeavour any alteration in the government in church or state, as it was then established by the laws of the kingdom ⁵¹."

Opposed
by the
clergy.

To the episcopal clergy the obligation of swearing adherence to a presbyterian confession of faith appeared at first an intolerable grievance. But their repugnance gradually wore away, when it was discovered that in point of church government this instrument contained no provision inconsistent with the established discipline; and

⁵¹ See it in State Trials, viii. 870; and Scottish statutes, 1681, c. vi.

when the council, to do away objections on the ground of a few speculative doctrines of minor importance, had published a declaration, that the test was not meant to apply to every part of the confession, but only to the “true protestant religion founded on the word of God, and contained therein, as opposed to popery and fanaticism,” and that it neither made nor intended to make any invasion of the intrinsic spiritual power of the church, nor offered any prejudice to the form of episcopal government. A feeble attempt was, indeed, set up to keep alive the opposition, by maintaining that in making such declaration the council had exceeded its legitimate authority: because no court inferior to the parliament could possess the right of explaining the intention of parliament. But the majority of the beneficed clergy were too prudent to sacrifice their emoluments to unfounded scruples: and the dissidents, who resigned their livings, did not amount to more than eighty, influenced not so much by their objection to the confession of faith, as to the recognition of the king’s supremacy, which, having been armed with the most arbitrary power by Lauderdale’s act of 1669, they considered as dangerous in the possession of a catholic successor.

CHAP.
VII.
1681.

Among the laity the recusants were confined chiefly to the small number of individuals connected with the Whig party in England, who

By some
of the
laity.

CHAP. looked on several clauses in the test as repug-
 VII. nant to the political principles which they
 1681. ——— cherished, and to the designs which they meditated. The dukes of Hamilton and Monmouth accordingly resigned their offices: but the man, whose determination was expected with the greatest impatience, was the earl of Argyle. He had many powerful enemies among the Scottish nobility: during the session the earl of Errol had presented a bill praying that Argyle might be compelled to settle the pecuniary claims of several parties against the family estates, and the king's advocate had disputed his right to the hereditary sheriffdoms, which he held, and to his office of justice-general of Argyleshire and the isles; and though James, by the interposition of the royal authority, had shielded him from these suits, yet the dismissal of the earl from the court of session showed that his conduct had given offence. By his adversaries it was hoped that he would refuse the test: for some time he hesitated; but the desire of preserving so many valuable hereditary jurisdictions prevailed; and he offered to take it with the following explanation: that he meant to bind himself by it, "only in as much as it was consistent with itself and the protestant religion; and not to debar himself from endeavouring, in a lawful way and in his station, to make such changes in church and state as he might judge beneficial." It is difficult to under-

It is taken
 by Argyle
 with limi-
 tations.
 Nov. 3.

stand the necessity of these limitations. His only object in the first part was, as he stated, “to clear himself from caviis,” for he had no notion that “the test imported any thing contrary to the protestant religion,” and the second could hardly be requisite, for the general denial of any obligation “to endeavour alterations in the government” could never be understood as a renunciation of the right belonging to him as a peer of parliament. The duke of York remarked to him, that such was the real meaning of the test, and that he deluded himself, if he thought that he had imparted to it any new signification.

When Argyle took the test with this explanation, many of the spectators betrayed their disappointment by their looks; but James was satisfied, and though the council maintained that he ought not to have suffered it, he resolved “to pursue the matter no further.” But new representations were made to him: the earl was summoned to qualify a second time as a commissioner of the treasury; then his explanation was refused; and, though he waited on the duke and satisfied him of the rectitude of his intention, he received an order to place himself in confinement in the castle of Edinburgh. Soon afterwards the king’s advocate, in consequence of instructions from England, accused him of treason, leasing-making, and perjury, charges raised on a slight foundation indeed, on nothing more than the explana-

CHAP.
VII.
1681.

Argyle is
imprison-
ed.

Nov. 4.

Nov. 5.

Nov. 9.

Nov. 20.

CHAP. tory clause which he had added to the test in pre-
 VII. sence of the council⁵².
 1681.

_____ The reader will perhaps imagine that the ob-
 And con- ject of the court was merely to intimidate Argyle,
 demmed, and the few who might feel disposed to follow
 but es- his example. But in the course of three weeks he
 capes.
 Dec. 12. was brought to trial. The crown lawyers con-
 tended that in his explanation he had claimed for
 each individual the authority of determining in
 what sense parliamentary tests were to be under-
 stood: that he had defamed the legislature by
 insinuating that it imposed contradictory oaths,
 and violated the protestant religion; that he had
 recommended to the people the doctrine of the
 rebels and covenanters, that every man pos-
 sesses a right to make, according to the dictates
 of his private judgment, alterations in church or
 state, "without any regard whether the king
 should disassent or not;" and that he had
 usurped the sovereign authority by declaring that
 he understood this his explanation to form a part
 of his oath. To such frivolous and captious rea-
 soning it was replied, that the earl, being called
 upon to qualify himself for office, had a right to
 state the real sense in which he meant to take
 the test: that his only motive was a wish to
 exonerate his conscience, and avoid all manner of

⁵² Stewart's case of the earl of Argyle with several other docu-
 ments in State Trials, vii. 866, 883.

evasion or equivocation; and that no reasonable man would confound a confidential communication to the council with an attempt to breed discord and sedition between the king and his subjects⁵³. But the lords of justiciary pronounced their opinion, that the offences charged amounted to the guilt of treason, leasing-making, and leasing-telling, but not to that of perjury; and the assize or jury, with the marquess of Montrose at their head, found the prisoner guilty. When Charles received the intelligence, he granted permission that judgment might follow, but added a strict injunction that the execution should be suspended till he had declared his further pleasure⁵⁴. But Argyle dared not trust to the mercy of the sovereign against the violence of his adversaries. He did not wait for the arrival of the letter; but left his cell in the disguise of a page bearing the train of his daughter-in-law, lady Sophia Lindsay. Though twice questioned, he contrived to lull the suspicion of the guards; and, as the king did not suffer any search to be made after him, found at first a secure asylum in

CHAP.
VII.
1681.

Dec. 12.

Dec. 18.

Dec. 21.

⁵³ State Trials, 908—944; and State Tracts, ii. 151—216. They were Collington, who was *non liquet*; Harcarss, who pronounced in favour of Argyle; Newton, Forret, and Nairn, who pronounced against him; and Queensberry, who gave no opinion, because the majority had already decided. Fountainhall, Dec. 12, 13.

⁵⁴ See the council's letter stating that the process would be imperfect without the judgment, and Charles's answer, State Trials, viii. 946, 980.

CHAP. VII. 1681. England, and thence repaired in safety to Holland⁵⁵.

His lands restored to his family. In 1662 the earl, then lord Lorn, had received judgment of death, because in a confidential letter he had used the words "the king will see the tricks of my enemies," which was pronounced an act of leasing-making between the sovereign and his parliament: now a similar condemnation was pronounced against him in his absence on a charge equally absurd and malicious. These instances show the degraded condition of the Scottish nobility at this period. So violent were the animosities engendered among them by family quarrels, so recklessly did they pursue their own advancement by the depression of their enemies, so complete was the dependence of both judges and jurors on the government, that each individual might be said to hold his life and estates at the pleasure of the sovereign. Nothing was more easy than to accomplish the ruin of an obnoxious nobleman. However innocent were his conduct, however cautious his language, something could still be discovered, which the ingenuity of the advocate might convert into the capital offence of leasing-telling or leasing-making. We are indeed assured that on the present

⁵⁵ State Trials, viii. 983—990. It was proposed the next day in council that lady Sophia for this offence should be whipped through the streets of the capital; but James cut short the discussion by remarking, "that they were not used to deal so cruelly with ladies in his country." James, i. 710.

occasion neither the king nor his advisers sought to take the life of Argyle. The object of the first was to obtain possession of certain extensive jurisdictions, which he deemed it dangerous to leave in the hands of a subject; of the others to gratify their revenge by the humiliation, and to improve their own fortunes out of the spoils of an opponent. This is probably the truth⁵⁶: but the motive can furnish no apology for the injustice and cruelty of the prosecution, which has left an indelible stain on the memory of the royal brothers, of the duke, who was persuaded to recommend it, and of the king, by whom his recommendation was approved. Argyle remained in banishment: to his son, the lord Lorn, Charles, having previously made provision for the satisfaction of his father's creditors and the support of the younger branches of the family, restored the forfeited estates. But the hereditary jurisdictions were retained in possession of the crown; and these, together with the sheriffdoms and regalities surrendered by Hamilton and Monmouth, were parcelled out among the supporters of the court, to be holden by them during the royal pleasure⁵⁷.

CHAP.
VII.
1681.

⁵⁶ It is positively asserted in the *Life of James* (709), and Macpherson's extracts (i. 123, 131), that the condemnation would have been followed by a pardon. So it was reported at the time, and Argyle himself believed that on this account both judges and jurors felt less scruple at their part in the proceedings. *State Trials*, viii. 949, 950.

⁵⁷ *James* (Memoirs), i. 711. It is, however, but justice to hear the duke's answer to Colonel Legge, who in a letter told him

CHAP.
VII.
1681.

The duke
is recalled
to Eng-
land.
Aug. 31.

But the administration of James in Scotland was now drawing to a close. Halifax, indeed, laboured to impress on the mind of the king a notion, that to recal the duke, as long as that prince professed himself a catholic, would be to forfeit his present popularity; and Charles hesitated not to inform his brother, that he must never expect to set his foot on English ground, till he had conformed to the established church⁵⁸. From the despondency caused by this message James was relieved by the intrigues of his former enemy, the duchess of Portsmouth. To mark his sense of her connexion with the popular leaders, Charles had made her feel his displeasure. She hastily retraced her steps: the king, after a short struggle, yielded to the arts and blandishments which she knew so well how to employ; and she re-established her empire over his heart, and retained it to the end of his reign. But experience taught her to consider the brittle tenure

that many people “taxed him with severity in the affair of lord Argyle.” “It is not the first wrong of that kind which has been done me, as those who are acquainted with the laws of this country know very well, and (he) has but to thank himself for what has happened to him. And to show you what wrong is done me, if I had not hindered his being fallen on in parliament, they had brought him there in as ill a condition as to his fortune as he is now.” In Burnet, ii. 318, note.

⁵⁸ “Besides that in conscience I cannot do what you so press me to, it would not be of that use or advantage to his majesty as some think. For the Shaftsburian and republican party would say it was only a trick, that I had a dispensation, and that I was still a catholic in my heart; and say there was more reason to be affeared of popery than ever.” Ibid, 304, note.

by which she held her present greatness. Were she to survive the king without provision for the future, she could expect nothing from his successor, whom she had so deeply offended, nor from the Whigs, whose interests she had now abandoned. Charles shared her apprehensions; it was resolved to secure to her an annuity out of the income granted by parliament to the duke of York; and James unexpectedly received an invitation to meet the king at Newmarket, for the purpose of making the necessary arrangements⁵⁹. In the correspondence which followed, a private assurance was given that he should be allowed to fix his residence in England; at Newmarket, where he visited his brother, it was repeated in defiance of the opposition of Halifax, and of Seymour who now supported Halifax. Elate with this success he again sailed for Edinburgh, on the sand called the Lemon-and-ore the Gloucester frigate, which carried him, was wrecked

CHAP.
VII.
1682.

1682.
Feb. 28.

March 12.

May 6.

⁵⁹ The duchess solicited from Charles the sum of 100,000*l.* to be invested in some foreign security. The king had not the money, but he persuaded himself that James might grant her an annuity of 5,000*l.* for fifty years out of the income of the post-office, and that she might sell it for the sum required. The duke was aware that the grant demanded of him could not be legally made without an act of parliament, but concealed this knowledge that he might have a pretence for coming to England. Of course the scheme failed: but the lady, having heard of the French pension, prevailed on Charles to give her 10,000*l.* out of each quarterly payment, till the aggregate should amount to 100,000*l.* At the king's death only one payment remained due. James (*Memoirs*), i. 729, 730. Macpherson, i. 133.

CHAP.
VII.
1682.

May 25.
Election
of lord
mayor
and she-
riffs.

with the loss of two hundred men. The prince himself escaped, reached his destination, and, bringing back his family, settled once more in the palace of St. James's⁶⁰.

By the Tories the return of the duke was hailed as a proof of their victory. The lord mayor and aldermen waited on him to express their joy, and addresses with thousands of signatures were presented in abhorrence of lord Shaftesbury's project of association. Charles, however, saw that to complete his triumph it was necessary to procure sheriffs of more courtly principles than Pilkington and Shute. In former times it had been usual for the lord mayor, at the bridge-house feast, to drink and send the cup to a citizen, who on midsummer-day was approved of course as one of the new sheriffs, while the livery selected the other of their own free choice without the interference of the chief magistrate. The real origin of this custom was unknown, some considering it as a compromise of their respective claims on the part of the lord mayor and the livery, others as a mere compli-

⁶⁰ The manner in which Burnet has related the duke's escape, shows how eager he was to retail any story to the prejudice of that prince. The truth may easily be learnt from the official letter of captain Berry (*Clar. Corresp.* i. 72), the letter of sir James Dick, provost of Edinburgh (*Ellis, Original Letters, second series, iv. 67; Dalrymple, ii. App. 68*), and that of lord Dartmouth, whose father accompanied the duke in the boat. Burnet, ii. 401, note. James gave eleven months' pay to the widow of every seaman who perished, and a sum of money to each child of such seaman. *Loyal Protestant, No. 189, 193.*

ment to the chief magistrate from the livery, who still retained the power of admitting or rejecting his nomination. From the commencement of the late rebellion the practice had been laid aside, and both sheriffs had been annually elected by the common-hall. Now, however, at the recommendation of the king, sir John Moore drank and sent the cup to a brother of the chief justice, Dudley North, who had previously consented to accept the office: but the opposite party, alarmed at the nomination, resolved to dispute the claim of the lord mayor. On the morning of midsummer-day the hall was crowded with the retainers of the two factions: their clamour and violence terrified the mayor: North, the chief justice, and serjeant Jeffries were privately in attendance to aid him with their advice; and lord Grey, with the members of the green ribbon club, directed the proceedings of his opponents. The show of hands was against the nominee of the chief magistrate, who after a long debate adjourned the hall to another day: but Pilkington and Shute declared the proceeding irregular, continued to poll for some hours, and then adjourned the court. Thus a new question arose. On the one part it was contended that the lord mayor, as he called and dissolved, had also the right of adjourning the common-hall; and that the sheriffs had no authority to preside in any civic court, because, though chosen by the city, they were in effect officers of the crown. On

CHAP. VII. 1682. the other, that the lord mayor merely held the office of chairman, that the livery were the judges, and that the hall could not be adjourned without their consent. The dispute engrossed the public attention for several months. Breaches of the peace were committed and prosecutions instituted; the poll was renewed; opposite polls were opened, one by the mayor and the other by the sheriffs; and in conclusion the first declared North and Rich, the second Papillion and Dubois duly elected. All four demanded to be sworn; but the oaths were administered only to North and Rich, and the same afternoon the old sheriffs surrendered to them the custody of the gaols and prisons⁶¹. This victory was accompanied by another. At the election of the lord mayor, Gould the opposition candidate appeared to have a majority of fifty votes; but a scrutiny turned the balance in favour of Pritchard, his competitor⁶², and the court obtained a complete ascendancy in the city, where the king had both mayor and sheriffs at his devotion.

⁶¹ Compare North, 595—624, with the extract from Narcissus Luttrell in *State Trials*, ix. 211—219. That much irregularity occurred in these proceedings cannot be doubted: but the presumption is, that the election of the court candidates was legal, because, after the revolution, when men were eager in pursuit of vengeance, and the question was brought by petition before parliament, each house, after a separate examination of Moore and North, deemed it advisable to drop the inquiry.

⁶² Ralph, 697.

1. Under these circumstances Sunderland, who had already learned to condemn, hastened to repair, his error. He sought a reconciliation with the duke of York, who consented to join with the duchess of Portsmouth in soliciting the king in his favour. It was not that James at this period entertained any esteem for the versatile statesman, who had so ungratefully abandoned his interests; but he feared to hazard his own influence in a contest with the duchess, who, as she had brought Sunderland into disgrace, made it a point of honour to restore him to favour. The easy monarch, happy to gratify his mistress without displeasing his brother, accepted the earl's protestations of repentance, admitted him into the council, and soon afterwards restored him to his former office of secretary of state⁶³.

CHAP.
VII.
1682.

Sunderland reconciled to the duke.

Sept. 20.

2. Another nobleman, of still greater importance to the party, began to waiver. Monmouth remarked the rapid decline of the Whig interest; unwelcome anticipations were awakened in his mind; and he gave a tardy assent that his wife should offer his dutiful services to the king, as an opening to a reconciliation with both Charles and James. But the bitter reproaches of Shaftesbury, lord Russell, and his other friends made him ashamed of this weakness; he recalled his word, and, under the pretence of visiting the earl of Macclesfield, began a progress into the north

Jan. 28.
Monmouth held to bail.

⁶³ James (Memoirs), i. 735, 736.

CHAP. with the view of reviving the affection, and of
VII. adding to the number of his partisans. He
1682. travelled with one hundred attendants on horse-
back, divided into two bodies, of which one pre-
ceded, the other followed the duke. In the open
space between them, Monmouth rode alone on a
spirited charger, acknowledging with bows and
smiles the courtesy of the spectators. In some
places the higher classes deemed it prudent or
loyal to shun his approach; but wherever the
Whig interest prevailed, the gentlemen met him
at the head of their respective tenants, and the
populace were taught to welcome him with the
ringing of bells, discharges of musketry, and
shouts of "a Monmouth, a Monmouth and no
York." He was careful to appear at the principal
fairs, races, and public sports; at Liverpool he
assumed the royal office of touching for the evil;
and wherever he dined in public, covers were laid
for two hundred guests, and the people, conducted
by proper officers, passed in a constant stream
through the apartment, that all might gratify
their curiosity with a sight of their favourite.
But the jealousy of the king narrowly watched
his progress; daily reports were forwarded to the
council; some partial disturbances in Cheshire
added to the alarm; and a warrant was issued
for his apprehension on the charge of "passing
through the kingdom with multitudes of riotous
people to the disturbance of the peace and the
terror of the king's subjects." He was walking

in the streets of Stafford at the time he was taken into custody. Had Shaftesbury been at his ear, he would probably have returned into Cheshire, and have called on his friends to protect the king's son from the malice of his enemies; but he surrendered to the sergeant-at-arms, was conducted to the capital, and admitted to bail, himself in the sum of 10,000*l.* and his five sureties in the sum of 2,000*l.* each ⁶⁴.

3. From Monmouth we may proceed to Shaftesbury, whose conduct, ever since his discharge, had been to the popular leaders a subject of increasing solicitude. His temper was soured; his judgment seemed to be impaired. The growing popularity of the king, and the rapid diffusion of the doctrine of non-resistance filled his mind with terrors, and led him to the approval of projects the most fanciful and dangerous. Under the conviction that he was marked out to be made the first victim to the ascendancy of the court, he looked on nothing as impracticable, which offered a chance of shielding him from the royal vengeance; and with this view he was constantly employed in forming plans of insurrection with his subordinate agents, men of desperate fortunes, and equally desperate councils. They were Walcot, formerly an officer in the Irish army under Cromwell, and afterwards

CHAP.
VII.
1682.

Flight
and death
of Shaftes-
bury.

⁶⁴ James (Memoirs), i. 737. Macpherson, 136. Bulstrode, 319. Lord Grey's Confession, 18. West's examination in Sprat, 33. Somers' Tracts, viii. 404. Dalrymple, Mem. i. 73.

CHAP. engaged in several conspiracies ; Rumsey, a mili-
VII. tary adventurer, who had distinguished himself
1682. in the war in Portugal ; Ferguson, an inde-
pendent minister from Scotland, animated with
the most bitter hatred of the royal brothers ; and
West, a practitioner in the law, and a diligent
collector and distributor of reports in the coffee-
houses. These, having formed connexions with
men of similar habits and principles, persuaded
him that they could raise the city at his nod ;
but the other leaders entertained a more correct
notion of his resources, and apprehensive that a
premature rising might plunge the whole party
into destruction, shunned his company, and
objected to his proposals. The renewal of the
contest for the appointment of the sheriffs, the
perseverance, and finally the victory, of the king
multiplied his alarms. He saw that his life
would be in jeopardy the moment that the nomi-
nation of jurors fell into the hands of officers
devoted to the crown. Once he thought of seek-
ing a reconciliation with the duke of York : but
the overture was made in language so ambiguous
that James returned this cautious answer,
“ though lord Shaftesbury has been the most
bitter of my enemies, all his offences will be
forgotten, whenever he becomes a dutiful subject
to his majesty.” The earl did not pursue the
attempt. Leaving his own house, he concealed
himself in different parts of the city, and by
repeated messages urged the duke of Monmouth,

the earl of Essex, and their friends to rise in arms. But disappointment followed disappointment: his fears of discovery increased; and embarking at Wapping he sailed in the company of Walcot and Ferguson to the coast of Holland. Amsterdam received the fugitive; where he was afterwards visited by Oates and Waller; but anxiety and vexation had impaired his health; the gout fixed itself in his stomach, and he expired about three months after his departure from England ^{1683.}⁶⁵

CHAP.
VII.
1682.

Oct. 19.

Dec.

1683.
Jan. 21.

4. Under the Whig sheriffs the Whigs triumphed in the courts of justice. Their adherents were invariably acquitted; and the only chance of safety for their opponents lay in the change of the venue to an indifferent county, the grant of which by the judges was constantly followed by the abandonment of the action on the part of the prosecutor. But now the Tories were lords of the ascendant, and the Whigs in their turn learned to quail before the juries summoned by Tory sheriffs. Pilkington had scarcely laid down his office when an action of *scandalum magnatum* was brought against him by the duke of York, for having said, on occasion of a dinner given to that prince by the artillery company, "The duke has burnt the city, and has now come

Prosecu-
tions.

⁶⁵ James (Memoirs), i. 734. Burnet, ii. 339, 340. Lord Howard's information, Sprat, 67—76. Lord Grey's Confession, 15, 40. D'Avauz (i. 126, 139), who fixes his death on the 24th of January. Rawleigh Redivivus, 123—125.

CHAP. VII. 1683. to cut our throats." The cause was tried before a special jury of the county of Hertford, who awarded damages to the amount of 100,000*l*.
 1682. Nov. 24. That the libel was most atrocious, will be granted; but the punishment was severe beyond reason, and equivalent to imprisonment for life at the pleasure of the prosecutor⁶⁶. In like manner sir Patience Ward was convicted of perjury, and the late sheriffs, Pilkington and Shute, Bethel and Cornish, with Ford, lord Grey, and several others, of a riot and assault on the lord mayor at the last election⁶⁷.

Judgment
 against
 the city.

But that which excited the most intense interest was the argument on the *quo warranto* against the city of London, before sir Edmund Sanders, the chief, and the other judges of the King's Bench. Sawyer, the attorney-general, rested his case on two facts: that the city had imposed an arbitrary tax on merchandize brought to public market, and had circulated a printed petition charging the king "with having interrupted by the prorogation of parliament the making of provisions necessary for the preservation of himself and his protestant subjects." The first of these, he contended, was contrary to law, the second a libel on the sovereign; whence it followed that, since the city had abused its franchises, it had forfeited them into the hands of the

⁶⁶ See the extract from Narcissus Luttrell, *State Trials*, viii. 823—825.

⁶⁷ *State Trials*, ix. 187—351.

authority from which they originally emanated. CHAP. VII. 1683. His opponents argued, that the rates were reasonable, and as such authorized by custom and different charters; that the publication of the petition, a thing lawful in itself, had been ordered, not to raise a clamour against the king, but to appease the agitated minds of the citizens; and that if, in either of these acts, any offence had been committed, it should be visited on the offenders themselves, and not on the innocent body of freemen, amounting to fifty thousand individuals.

After a long delay, in the hope that the city would avert the infliction of punishment by an offer of submission, the attorney-general demanded, and the court pronounced, judgment, June 12. "that the franchise and liberty of the city of London should be taken and seized into the king's hands⁶⁸". To leave, however, an opening for repentance, no entry was made; and the common council presented a petition to the king, expressive of their deep sorrow and contrition for the acts which had drawn upon the city the royal

⁶⁸ Ibid. 1263; and extract from Luttrell's MS. If we may believe Hawles, Kemet, and their followers, the judgment was given by two judges only, one of whom had heard but half of the argument. But the fact is the contrary. Sanders, indeed, was not in court—he was confined to his bed by a stroke of apoplexy—but he had previously given his opinion, and his three brethren, Jones, Raymond, and Withens, in delivering judgment, asserted that the same was to their knowledge the opinion of the chief justice. See State Trials; and Luttrell, *supra*.

CHAP. displeasure, and begging his majesty to grant
 VII. them his pardon, and extend to them his com-
 1683. ——— passion. The answer returned by North, who,
 on the death of the lord chancellor, had been
 appointed lord keeper, openly acknowledged the
 real grounds of the proceeding. The king, he
 said, had patiently borne the seditious meetings
 in the coffee-houses, the publication of libels,
 the riots in the streets, and the insults offered to
 the courts of justice. He never thought of ques-
 tioning their charter till the government both of
 church and state was brought into danger by a
 factious party, who, to secure their own impunity,
 had by violence usurped the election of the magis-
 trates. It was to put an end to these evils, and
 not to punish the city, that he had proceeded by
 a *quo warranto*: and even now that judgment
 had been pronounced, he sought not to deprive it
 of its former franchises, but merely as a measure
 of prevention, to obtain a veto on the appoint-
 ment of the lord mayor, sheriffs, recorder, com-
 mon serjeant, town-clerk, coroner of London,
 and steward of Southwark. Let them arrange
 this with the law officers of the crown, and all
 their liberties should be again confirmed. The
 common council assented to the condition: but
 difficulties occurred, delays were created, and at
 last the judgment was entered. The king imme-
 diately empowered the late lord mayor to continue
 in office, appointed a new court of aldermen, from
 which eight of the former aldermen were ex-

June 20.

Oct. 4.

cluded, and granted commissions to the sheriffs and other officers of the defunct corporation to execute their respective duties in the usual manner. The consequence was that the income of the city, its form of government, and the administration of justice were preserved: the change which took place, affected not the duties of office, but the choice and character of the magistrates: hitherto they had generally been the opponents, now they were selected from the advocates, of the court ⁶⁹.

5. At the same time occurred a most important discovery which gave to the king the undisputed superiority over his opponents during the remainder of his reign. The sudden flight and subsequent death of lord Shaftesbury had made little alteration in the councils of his friends or dependents. Walcot and Ferguson returned to London: the agitation caused by the discussion of the *quo warranto* reanimated their hopes; frequent consultations were held, and measures were proposed by the more violent, not only for an insurrection in the city, but also for the assassination of the royal brothers at Whitehall, or in the theatre, or at a farm belonging to one of the conspirators, called the Rye-house, and situate in a lonely spot near Hoddesdon, on the road by which the king usually returned from Newmarket to London. By means of lord Howard of Escrick an indirect

CHAP.
VII.
1683.

The Rye-house
plot.

⁶⁹ State Trials, 1273—1283. North, 633. Echard, 1036.

CHAP. VII. communication had all along been maintained
 1683. between these men, and the more discontented
 among the Whig leaders, the duke of Monmouth,
 the earl of Essex, the lord Grey, lord William
 Russell, Algernon Sidney, and Mr. Hampden,
 who, though they refused to hear any mention of
 assassination, were willing to employ the services
 of those among whom it was proposed. To
 these, the higher class of conspirators, a simul-
 taneous rising in the city, in several counties, and
 in Scotland, appeared the most likely plan to
 gain the superiority, and extort the royal assent
 to their proposals; and for this purpose they
 renewed the negotiation with the exiled earl of
 Argyle, which had been begun by the earl of
 Shaftesbury. Of Shaftesbury Argyle had de-
 manded 30,000*l.* towards the attempt; he now
 reduced his demand to 8,000*l.* on the receipt of
 which he would send arms and ammunition from
 Holland, and proceeding to Scotland, place him-
 self at the head of his friends. There is reason
 to believe that the proposal was accepted: the
 intelligence received by the government stated
 that the lords Grey and Russell undertook to
 raise the money; and, if credit can be given to
 Grey, a considerable portion of it was actually
 furnished by the latter.

Arrests. It chanced, however, that on the 1st of June a
 June 1. Scotsman was arrested at Newcastle, the bearer
 of an enigmatical letter, calculated to awaken
 June 12. suspicion; and that on the 12th, the day on

which judgment was pronounced against the city, Josiah Keeling, one of the inferior conspirators, offered to reveal the plans and proceedings of his associates to Legge, lately created lord Dartmouth, and a member of the privy council. Hints of the discovery of a plot were immediately whispered through the city: the guilty, disappointed of the means of escape by the river, absconded; and a proclamation appeared offering a reward of 100*l.* for the apprehension of each out of nine persons therein mentioned, who all belonged to the class of inferior conspirators. The same day West, and the next Runsey rendered; but the king refused them a pardon, because he would not, as had been done in the investigation of the popish plot, purchase the testimony of informers. It made, however, but little difference. The very uncertainty as to their fate, in which the prisoners were left, prompted them to deserve mercy by the importance of their disclosures; and Runsey gave in successively five, West not fewer than fourteen informations. Shepherd came next: he betrayed the meeting of the Whig leaders at his house; Russell, Sydney, and Wildman were arrested and committed to the Tower; and a second proclamation was published with the offer of a reward of 500*l.* for the apprehension of the duke of Monmouth, or Ford, lord Grey, or sir Thomas Armstrong, or Robert Ferguson. All four had the good fortune to escape; but lord Howard of Escrick, and the

CHAP.
VII.
1683.

June 18.

June 23.

June 24.

June 25.

June 26.

June 28.

July 8.

July 10.

CHAP. earl of Essex, were taken and confined in the
 VII. Tower ⁷⁰.
 1683.

These proclamations and arrests furnished a new stimulus to the loyalty of the Tories, who hastened with addresses of congratulation to the foot of the throne. At the same time the crown lawyers proceeded with unwonted celerity. In a few days Hone, Walcot, and Rouse, three of the minor conspirators, were tried, and convicted on the evidence of their associates: nor did they so much deny their guilt, as complain of their hard fortune in being betrayed by the very men, who had drawn them into the commission of the offence. The trial of lord William Russell excited more general interest, as it promised a solution of the important question, whether the Whig leaders were implicated or not in the plans of the minor conspirators. The witnesses against him were Rumsey, Shepherd, and lord Howard. Rumsey deposed that the prisoner had attended a consultation at the house of Shepherd, of which the object was to determine the possibility of surprising the king's guards at the Savoy and the Mews; and Shepherd, that lord Russell was certainly present at a meeting in his house of the persons named by Rumsey. When lord Howard was called, a rumour ran through the court, that lord Essex had that very morning committed

⁷⁰ See Lord Grey's Confession, and the numerous depositions in Sprat's history of the Rye-house plot.

suicide in the Tower⁷¹. By the judges, the jury, the spectators, the fact was taken as a proof of the guilt of that unfortunate nobleman : and with such impression on the mind it was difficult not to form the same conclusion as to his intimate friend and associate, the prisoner at the bar. As soon as the shock had subsided, Howard gave his evidence in an artful narrative, which, while it detailed at length the plans and proceedings of Shaftesbury and his immediate accomplices, touched but sparingly and tenderly on the conduct of lord William Russell. That the disclosure was wrung from him by the hope, perhaps the secret promise, of pardon, cannot be doubted ; that he deserved all the obloquy which it has entailed on his character, may likewise be true ;

CHAP.
VII.
1683.

⁷¹ Lord Essex was of a melancholy temperament, and disposed in company to defend the practice of self-murder. On his apprehension he laboured under such confusion of mind before the council that he knew not how to express himself. His countess succeeded in calming his spirits ; but when he saw from the window of his cell lord Russell led to trial, he relapsed into the same state of depression, and bolted the door of his closet ; in which he was soon afterwards found with his head nearly separated from the body. It was supposed that he had been driven to this desperate act by self reproach, by the consciousness that to him was owing the danger in which lord Russell then stood : for the latter had always refused to have any communication with lord Howard, till he was unknowingly led into the company of that nobleman by lord Essex. See Burnet's journal, in App. to the Life of William Lord Russell, ii. 262. I shall not detain the reader with the story of the murder of lord Essex by the king and the duke of York, a story so utterly improbable that it could never have obtained circulation had it not been for the violence of party.

CHAP. but there exists no pretence for charging him
VII. with false testimony. It is plain that he was
1683. a reluctant witness ; that he knew more than he
was willing to disclose ; that he sought not to
establish, but rather to extenuate the offence of
the accused. The only point in his evidence
which could affect lord Russell, was that he had
twice assembled with Monmouth, Essex, Grey,
Howard, Sydney, and Hampden, the first time to
consult on the most proper place for the com-
mencement of an insurrection, and the second on
the propriety of sending an agent to form a party
in Scotland, a measure which was accordingly
adopted. Lord Russell made but a feeble defence.
He acknowledged that he was present at the
meeting at Shepherd's : but it was by mere acci-
dent ; he stepped in for the purpose of tasting
some wine ; and heard no mention of any design
of surprising the guards. He was also present
at the meetings described by lord Howard : but
recollected no other subject of conversation than
the public news of the day. He denied that
credit was due to the witnesses against him,
because they laboured to save their own lives by
bringing his into danger : and he proved that
lord Howard had on some occasions denied the
existence of any plot, and on another had asserted
the innocence of lord William Russell upon oath.
At the request of the jury lord Howard was
re-examined. He replied that he had done
nothing, which any other man in his situation

would not have done. As long as he was at liberty, it was plainly his interest to ridicule the plot as a forgery; and when the design of assassinating the king was mentioned in his presence, he hesitated not to assert with an oath, what he could assert with truth, that lord Russell was innocent of any such offence.

The chief argument alleged by the prisoner was drawn from the statute of the 25th of Edward III. That statute pronounced the act of levying of war, not the intention of levying war, to be treason. By confining the guilt of treason to the act, it removed it from the intention. Now supposing all the evidence against him to be true, it might prove his intention; but not one of the witnesses asserted that he had proceeded to any open act. The same reply was made which would be made to the same arguments at the present day: that it was the doctrine of the courts of law, that actually to levy war against the king amounts in all cases to the guilt of treason; and that to conspire to levy war is also treason, when the object of such conspiracy is to destroy, or depose, or restrain and control the king; and that, whether such was or was not the object of the consultations at which lord Russell attended, was a question for the determination of the jury. The jury returned a verdict of guilty⁷².

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1683.

He is
found
guilty.

⁷² State Trials, 578—636. Burnet, ii. 365—369. After the revolution the sheriffs, the secondaries and their clerk, and the

CHAP. VII. 1683. If we may credit report, a strong appeal was made to the indigence of Charles in favour of the unfortunate prisoner. The duchess of Portsmouth received a hint that a large sum, 50,000*l.*, perhaps 100,000*l.*, would be given in return for a pardon. But the king treated the proposal as an insult. "I will not," he hastily replied, "sell my own and my subjects' blood at so cheap a rate"⁷³. Lord Russell himself was drawn, by the earnest entreaties of his wife, to petition the king, and to solicit the intercession of the duke of York. To the former he most solemnly maintained that he never cherished a thought against his life or against the government. At the same time he confessed with humility and sorrow, that he had been present through ignorance and inadvertence at meetings which were unlawful in themselves, and provoking to his sovereign; and

Petitions
for his
life.

ten surviving jurors, were examined before a committee of the house of lords: but the result of their answers is that the jury were fairly selected, and that no attempt was made to influence their verdict. *Lords' Journals*, xiv. 381, 382, 383, 389, 392. His attainder was, however, reversed on account of "undue and illegal return of jurors, he having been refused his lawful challenge to the said jurors for want of freehold, and of partial and unjust constructions of law," Stat. 1 William and Mary.

⁷³ Luttrell, in *State Trials*, 1010. Burnet, ii. 369. This story receives some confirmation from a passage in the earl of Bedford's petition: that he never had the presumption to think that the royal mercy could be obtained by indirect means: but should think himself, his wife, and children much happier to be left with but bread and water than to lose his dear son for so foul a crime against the best of princes. See it in *Life of William Lord Russell*, ii. 78.

he therefore declared himself ready to spend the remainder of his days wherever the king might appoint, and promised never more to interfere in political matters without his majesty's command⁷⁴. Lord Russell indulged no hope of success from this petition. It could not be expected that Charles should extend to one whom he thought guilty of treason that mercy, which the same individual and his associates had by intimidation prevented him from extending to so many victims whom he believed to be innocent. It cost the unfortunate prisoner still more to solicit the favour of the duke of York, whom for several years he had pursued with the most bitter and unrelenting hostility. It was to the influence of lord Russell's authority, as much as to the contrivance of Shaftesbury, that the duke owed his banishment from the council and the country: lord Russell had moved and supported in successive parliaments the bill of exclusion, and it was in reality to deprive him of the succession, and perhaps of life, that he had engaged in those intrigues for which he had been condemned. In his letter to that prince he made no attempt to disguise the part which he had taken, but declared that his conduct did not arise from any personal animosity, or evil design; he had acted with sincerity, and under the persuasion that the bill of exclusion was the most eligible way of pre-

CHAP.
VII.
1683.

July 16.

⁷⁴ Ibid.

CHAP. serving the religion established by law : now,
VII.
1683. ————— however, he was ready to engage, “ never any more to meddle in the least opposition to his royal highness ;” and he promised that the interference of the duke on his behalf, as it was a favour beyond what he could expect, should make on him the deepest impression, and lay him under the most lasting obligation⁷⁵. Both princes were inexorable. James, indeed, consented to hear what his friends could urge in his favour : but Charles listened to their prayers with impatience ; and when lord Dartmouth represented to him the influence of the Russell family, whom it was better policy to conciliate than offend, and his personal obligations to the earl of Southampton, whose daughter lord Russell had married, he briefly replied : “ all that is true : but it is as true, that if I do not take his life, he will soon have mine.” It was, indeed, thought that Charles might have relented, if lord Russell could have been induced to admit the doctrine of passive obedience : but the arguments and entreaties of Burnet and of Tillotson were equally fruitless ; he persisted in his former opinion of the lawfulness of resistance to the encroachments of authority ; and, as he was known to hold the existing circumstances called for such resistance, Charles might thence infer that the pardon of the prisoner was irreconcilable with the safety of his own

⁷⁵ Ibid. 79—81. Burnet's Journal, 262.

person⁷⁶. But though he refused his life, he gave him to understand that no advantage should be taken of his forfeiture to the prejudice of his wife or children⁷⁷.

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⁷⁶ Burnet, Hist. ii. 370, note.

⁷⁷ Burnet's Journal, 274. Lord Russell's Life, 129. It appears from the life of Tillotson by Birch, that on the 16th Burnet argued with lord Russell respecting the question, whether the people "might defend their religion and liberties, when invaded and taken from them, though under pretence and colour of law." Burnet believed that he had convinced him of the unlawfulness of resistance, and communicated the fact to Tillotson, Tillotson to lord Halifax, and Halifax to the king. On Charles it made a deeper impression than any thing which had been said in lord Russell's favour before. When, however, Tillotson visited the prisoner on Thursday, he found him fixed in his former opinion, and the utmost that he could extract from him was the assertion that, if he had done wrong in this persuasion, he had sinned through ignorance. The dean administered the sacrament to him the next morning, but afterwards appears to have been induced by his own scruples to write to him a letter, which he delivered in person. "My end," he said, "is to convince your lordship that you are in a very great and dangerous mistake; and, being so convinced, that which before was a sin of ignorance, will appear of a much more heinous nature, *as in truth it is*, and call for a very particular and deep repentance. . . . I am loth to give your lordship any disquiet in the distress you are in . . . but am much more concerned that you do not leave the world in a delusion and false peace, to the hinderance of your eternal happiness." His arguments against lord Russell's opinion are, 1. The Christian religion doth plainly forbid the resistance of authority. 2. The law which has established the protestant religion, hath declared that it is not lawful on any pretence whatsoever to take up arms, &c. 3. The opposite opinion is contrary to the declared doctrine of all protestant churches. Lord Russell, taking the letter, retired to another apartment, and returning after some time, said that he was not convinced, but that, as he was willing to be so, he hoped God would forgive him if he were in error. It is worthy of remark that Burnet makes no mention of his con-

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VII.
1683.

His execution.

July 20.

Lord Russell met his fate with resignation and fortitude. It was not that he felt no pang at the thought of being separated from all that he valued in life—for in discourse of his wife a tear would occasionally steal into his eye and betray the emotion which he strove to conceal—but he sought and found consolation in the assurance of the divine mercy, and in the persuasion that his conduct had been justified by the principles which he conscientiously approved. He sometimes mentioned lord Howard, but with scorn, pronouncing himself, even with sentence of death suspended over his head, more happy than the man who, to purchase life, had descended to the disgrace of betraying his associates. In conversation he was calm, and frequently chearful; of lady Russell, her noble qualities, and her exertions for his life, he spoke in terms of tenderness and gratitude; and, when he had parted for the last time from that admirable woman, who had the fortitude to control her own feelings that she might not add to the poignancy of his, turning to Burnet, he

ference with lord Russell on this subject in his journal, though he pronounces that journal “a punctual and true relation of all that he could remember between the noble prisoner and himself.” (Journal, 279.) After the revolution he alludes to it in his history: but at that time passive obedience was no longer in favour; and therefore, instead of owning that he and Tillotson endeavoured to impress that doctrine on the mind of lord Russell, he only represents them as maintaining that “the party had gone too quick in their consultations, and that resistance, in the condition in which they were then, was not lawful.” Burnet, ii. 372.

exclaimed, "now the bitterness of death is passed." The next morning, attended by Tillotson and Burnet, he was conveyed in his own carriage to Lincoln's Inn-fields, the place appointed for the execution. The crowd was immense, and a strong military force had been called out in aid of the civil authorities. Lord Russell said little on the scaffold, but delivered a written speech to the sheriffs. He exhibited no symptom of perturbation, and after the example of lord Stafford, refused to give any sign to the executioner, who, having deliberately taken his aim, at two strokes severed the head from the body ⁷⁸.

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VII.
1683.

July 21.

By the industry of lady Russell her husband's written speech was already printed, and circulated through the capital. It was the result of much consideration, and had been submitted to the inspection of Burnet. In it lord Russell stated that he died a protestant, and in the communion of the church of England, "though he could never rise up to all the heights of many people:" that in the prosecution of the popish plot he had acted on the conviction of its reality, which conviction he still retained, and that he knew nothing of any practices to suborn and instruct the witnesses: that he had taken an active part in favour of the bill of exclusion, because he thought that measure necessary to free the nation from the pollution of popery, and to secure the king's life from the danger

Publica-
tion of his
speech.

⁷⁸ State Trials, 683, 1010.

CHAP. to which it was exposed through the expectation
 VII. of a popish successor ; that, in the meeting at Mr.
 1683. Shepherd's, there was some discourse of surprising
 the guards, but without any engagement to make
 the attempt, and that many things were said with
 more heat than judgment, which, though he dis-
 approved in his mind, he did not sufficiently dis-
 countenance in words ; and that this was not an
 actual levying of war against the king, which alone
 is declared treason by the statute of Edward III.
 whence it followed that he was innocent of the
 crime for which he stood condemned. He con-
 cluded in the following words, “ and now, to sum
 all up, as I had not any design against the king's
 life, or the life of any man whatsoever, so I never
 was in any contrivance of altering the government.
 What the heats, passions, and vanities of other
 men have occasioned, I ought not to be responsible
 for, nor could I help them, though now I suffer
 for them. But the will of the Lord be done, into
 whose hands I commend my spirit ⁷⁹”.

This paper was calculated to create a strong per-
 suasion of his innocence ; but on a close examina-
 tion it will be found to savour more of the cun-
 ning of Burnet, than of the ingenuity of lord
 Russell ⁸⁰. From the crimes which it denies, pos-

⁷⁹ State Trials, 685.

⁸⁰ Both Charles and many others thought Burnet the author, who as well as Tillotson was examined on the subject, and dismissed. Lady Russell wrote to the king in favour of Burnet, stating that she had often heard her husband say all that was contained in the paper. After the revolution, however, Burnet

terity has long ago absolved the unfortunate victim. He was too honourable a man to dip his hands in the blood of the king, or to seek the life of any other individual unless by course of law: and his predilections in favour of monarchy forbid him to aim at the subversion of that constitution under which his family enjoyed such rank and influence. But there were other charges against him. Was he not a party to the design of compelling the king by force to banish and disinherit the presumptive heir to the crown? Had he not attended meetings of which this was the only real object? Did he not concur in the design of raising an insurrection in Scotland to co-operate with another in England for the same purpose? On these questions, which hardly admit of doubt⁸¹, he is studiously silent; probably because he could neither deny them with any regard to truth, nor admit them without danger to his associates. That he justified such attempts to his own conscience cannot be questioned: they were consonant to the principles which he maintained, and which in a few years led to the revolution of 1688. But when he embarked in them, he must have been aware that he staked his life on the result. Never was any government, however liberal, known to admit in

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1683.

acknowledged that the plan and order was his. See Burnet, iii. 372. Lady Russell's letter in life of lord Russell, ii. 124; and Burnet's journal, *ibid.* 266. Also Luttrell, *State Trials*, 1011.

⁸¹ See Burnet, ii. 314—317, 360, 362.

CHAP. practice that insurrection against itself ought to
 VII. be suffered with impunity.
 1683.

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 The Ox-
 ford de-
 cree.

The 21st of July is a day memorable in our annals. On it perished lord William Russell, a martyr to the doctrine of the lawfulness of resistance, and on the same day the university of Oxford published its celebrated decree in support of passive obedience. “To the honour of the Holy and Undivided Trinity, the preservation of catholic truth in the church, and that the king’s majesty might be secured both from the attempts of open bloody enemies, and the machinations of treacherous heretics and schismatics,” that learned and orthodox body consigned to everlasting reprobation the following doctrines, that civil authority is originally derived from the people; that there exists any compact, tacit or express, between the prince and his subjects, from the obligation of which, if one party resile, the other is of course discharged; and that, if the sovereign govern not, as by the law of God and man he is bound to govern, he forfeits the right which he previously had to the government. In addition they enjoined “that all and singular the readers, tutors, and catechists should diligently instruct and ground their scholars in that most necessary doctrine, which in a manner is the badge and character of the church of England, of submitting to every ordinance of man for the Lord’s sake, teaching that this submission and obedience is to be clear, absolute, and

without exception of any state or order of men⁸².”

Five years did not elapse before the framers of this decree were called upon to practise the doctrine which it taught. They felt its inconvenience: “the badge and character of the church of England” were thrown away; and the university made a present of its plate to the invader, who sought to deprive the reigning sovereign of his crown.

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VII.
1683.

Previously to the succeeding trial, that of Algernon Sydney, a new chief justice was appointed, sir George Jeffreys of infamous memory. During the sickness of Sanders, his predecessor, he had been recommended by Sunderland to the king;

Jeffreys
chief justice.
June 16.

⁸² To these propositions are added four-and-twenty others taken from the works of Buchanan, Bellarmine, Milton, Goodwin, Baxter, Owen, Knox, Hobbes, Goodman, Cartwright, and others, asserting that the king has but a co-ordinate authority with the other two estates, and may be overruled by them, that it is lawful to exclude the next heir from the succession, that subjects may lawfully enter into leagues, covenants, and associations without the permission and against the prohibition of the sovereign, that possession and power give right, that oaths are unlawful, that dominion is founded on grace, that kings are bound to submit to presbyterian government as the sceptre of Christ's kingdom, that wicked kings and tyrants ought to be put to death, that it is lawful for a private man, having a call from God, to kill a tyrant, and that Charles I., having made war on his parliament, ceased to be king, and might lawfully be put to death. The decree pronounced “all and every of these propositions false, seditious, and impious; most of them heretical and blasphemous, infamous to the christian religion, and destructive of all government in church and state,” and ordered the books containing them to be burnt. Wilkins, con. iv. Somers' Tracts, viii. 420—424. State Tracts, ii. 153.

CHAP. VII. 1683. but Charles expressed a doubt whether his knowledge were equal to so elevated an office, and some reluctance to place a serjeant over the heads of the other judges⁸³. By what arguments the objections of the monarch were removed, is unknown: but Sept. 28. three months after the death of Sanders, Jeffreys took his seat as chief on the bench. During his practice at the bar he had proved himself a shrewd and intelligent lawyer, able to discern at the first glance the real merits of a cause, and possessing a greater portion of legal learning than could have been expected from a man so habitually devoted to the pleasures of the table. But other qualities are supposed to have influenced the choice of the government. Jeffreys was servile to men in power; he hated the Whigs who had deprived him of the recordership of London: his arrogance and violence would enable him to bear down all opposition in his court, and public opinion, the best and most effective check on the passions of those who administer the laws, was held by him in sovereign contempt.

Trial of
Sydney.
Nov. 21.

At the trial of Sydney the eyes of the spectators watched alternately the conduct of the judge and of the prisoner, who stood before them as the two champions of the opposite parties. On the one hand, the cool judgment, the undaunted spirit, and the eloquent defence of Sydney excited admiration: on the other Jeffreys showed that he was able to

⁸³ See Sunderland's letter in *Clar. Corresp.* i. 82.

control the impetuosity of his temper, adopting a courtesy of language, and a tone of impartiality which no man would have anticipated from his previous character⁸⁴. The principal witness was lord Howard, who repeated his former testimony, and declared that Sydney was a member of the council of six; that he had attended one meeting at the house of Hampden, and another at that of lord Russell; and that he had undertaken to send Aaron Smith to Scotland, to confer with the discontented in reference to an insurrection in that kingdom, and to prevail on some of them to come to London under pretence of proceeding to Carolina. The prisoner contended with considerable force, that the evidence of Howard deserved no credit. He was a prisoner lying under the same charge; he sought to earn his own pardon by establishing the guilt of others; and he had solemnly asserted, occasionally with the sanction of an oath, as was proved by ten irreproachable witnesses, that the whole story of the conspiracy was a mere fiction. To this the crown lawyers replied that, if the testimony of accomplices were to be rejected, few conspiracies would ever be proved; that the denials of lord Howard were made when he was at large, and when it was his interest to create a disbelief of the plot; and that

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1683.

⁸⁴ Sydney in his apology (State Trials, ix. 823.) complains that the chief justice would not allow his exceptions to the jurors. Yet the pannel contains the names of eighty-nine persons (p. 824), of whom fifty-five were challenged, or absent, or excused.

CHAP. VII. 1683. the earnestness with which he laboured to produce this effect, could have sprung from no other source than his own consciousness of guilt. The jury believed him, nor has time brought anything to light, which can throw discredit on his testimony. Though Russell, Sydney, and Hampden attempted to show that in some particulars it was improbable, not one of them, either at his trial or after judgment, ventured to pronounce it substantially false; and Hampden subsequently to the revolution boasted before the committee of the house of lords that, "the coming into England of king William was nothing else but the continuation of the council of six"⁸⁵.

To corroborate the testimony of lord Howard the attorney-general proved by several witnesses, that the persons mentioned by him actually arrived in London from Scotland, and gave out as the cause of their arrival the pretence suggested at the meeting. He then proceeded from parole to written evidence, exhibiting, "as another overt act of treason," a manuscript apparently in the hand-writing of the prisoner, calculated to excite the people to sedition. By Sydney it was argued, that the identity of hands ought not in criminal cases to be in-

⁸⁵ See his examination, *L. Journ.* xiv. 378. Burnet, indeed, in his journal, says, "Lord Russell, the night before his death, said to me in my lady's hearing that my lord Howard in several particulars had sworn falsely and done him wrong. But I did not reckon them up." It is not probable that, if these particulars had affected the substance of the charge, so warm a partisan as Burnet would have omitted to insert them in his journal or his history.

ferred from conjectural evidence ; that the manuscript, a refutation of Filmer's work upon government, being composed many years ago, could have no relation to a conspiracy supposed to be set on foot in the preceding month of January ; that a private writing was not an overt act within the meaning of the statute ; and that to every overt act the testimony of two witnesses was required by law. His adversaries replied, that from the comparison of the manuscript with the admitted letters of Sydney neither court nor jury could entertain a doubt of the writer ; that though the body of the work had been written some years before, the corrections in it appeared from the colour of the ink to have been recently made ; that these corrections, combined with its position on Sydney's desk at the moment of his arrest, showed that he intended to make use of it at that very time ; that the crime laid to the charge of the prisoner was not actual insurrection, but a design to take away the king's life, of which design a seditious writing might be considered a sufficient proof ; and that it had already been decided in the case of lord Stafford that two witnesses were required, not to each act of treason, but only to the treasonable intention from which those acts proceeded.

The chief justice in his charge to the jury summed up the evidence in a tone of candour and moderation, not often heard in those ages from that bench. But when he came to expound the law,

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1683.

Charge of
the chief
justice.

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1683.

he laid down doctrines from which the common sense of mankind will instinctively revolt. Lord Howard, he said, had proved the traitorous design with which Sydney had sent for certain individuals from Scotland; others had proved that these very individuals had arrived in town: here then were the two witnesses required by the statute: for all the judges had solemnly resolved before the king in council that, to comply with that statute nothing more was necessary than to prove by one witness an act of treason, and by another some circumstance contributing to the completion of that act. But, supposing this proof not sufficient, there was the manuscript found on Sydney's desk, a document equal in value to the testimony of two-and-twenty witnesses. It was indeed true that it remained still in the possession of the prisoner, that there was no evidence of his intention to publish it, that it bore not any necessary relation to the intended insurrection: yet in law *scribere* was *agere*, and the writing of a treasonable, though private, paper amounted to an overt act of treason. The other judges signified their concurrence in this opinion, and the jury, subdued by their authority, returned, after a deliberation of half an hour, a verdict of guilty⁸⁶.

Condemnation of
Sydney.
Nov. 26.

When Sydney was brought up to receive judgment, he repeated but in vain the arguments, which he had urged during the trial; and the

⁸⁶ State Trials, ix. 818—895.

moment sentence was pronounced, burst into the following exclamation: "Then, O God! O God! I beseech thee to sanctify my sufferings, and impute not my blood to the country or the city: let no inquisition be made for it: but if any, and the shedding of blood, that is innocent, must be revenged, let the weight of it fall only on those, that maliciously persecute me for righteousness' sake." This passionate apostrophe, which was probably prepared for the occasion, ruffled the composure of the chief justice, who rose and said, "I pray God to work in you a temper fit to go unto the other world, for I see you are not fit for this." "My lord," replied Sydney, stretching out his arm, "feel my pulse, and see if I am disordered. I bless God, I never was in better temper than I am now ⁸⁷."

The conviction of Sydney was followed by the pardon of Monmouth, a benefit for which that nobleman was indebted to the policy, rather than the friendship, of the marquess of Halifax, who, that he might strengthen himself against the ascendancy of the duke of York in the cabinet, sought to set up an opposite interest by reconciling Monmouth with the king. Having sounded the royal inclination, he communicated with Monmouth in his retreat, assured him of his father's affection, and prevailed on him to address to the monarch a penitent and supplicatory letter.

CHAP.
VII.
1683.

Pardon of
Mon-
mouth.

Oct. 13.

⁸⁷ Ibid. 896—903.

- CHAP. VII. 1658
 Oct. 14. In it the duke solicited pardon both of the king and his uncle, and, by confining his protestations of innocence to the charge of an intent to murder, tacitly acknowledged his participation in the design of exciting insurrection. He also promised that his future life should be spent in proving the sincerity of his repentance, and begged to be admitted to the presence of his father, "because," he added, "I have that to say to you, sir, that will for ever, I hope, settle you quiet in your kingdom, and the duke after you, whom I intend to serve to the uttermost of my power"¹⁷.
- Oct. 22. Charles immediately relented; he met Monmouth in secret at the house of major Long in the city; receiving him, indeed, with an air of displeasure, but the displeasure of a parent who seeks the reformation of his child. He reproved the duke for following counsels which must lead to his ruin: spoke with severity of the character of his associates, and left him with some gracious expressions, but still in uncertainty as to the result.
- Nov. 4. Another private interview and several messages followed. Charles assured him of pardon, but insisted that he should previously submit without reserve to the royal pleasure. It required all the address of Halifax to bend the reluctant mind of Monmouth to this condition. He represented it as necessary to conceal the intrigue from the duke of York; he promised that it should lead to

¹⁷ See it in *ibid.*, 197.

nothing humiliating or dishonourable, and he dictated a second letter which Monmouth with some difficulty consented to transcribe⁸⁹. In this, after several protestations of regret for his past offences, he was made to throw himself "at the feet of the king to be disposed of as he should direct for the remainder of his life," to beg that he might be spared the ignominy of a prison and a trial, and to request advice how he might best implore the forgiveness of the duke of York, "which he would do, not as an outward form, but with all the sincerity in the world"⁹⁰. With this letter in his hand Charles ventured to break the matter to his brother, who declared himself perfectly satisfied: and a note was sent to Monmouth stating that, "if he desired to render himself capable of mercy, he must place himself in the custody of the secretary, and resolve to disclose whatever he knew, resigning himself entirely to the royal pleasure"⁹¹. The duke obeyed; he was introduced to the two brothers: to his father he protested on his knees that he was innocent of any design against the royal life, but confessed and condemned the part which he

CHAP.
VII.
1685.

Nov. 13.

Nov. 22.

Nov. 24.

⁸⁹ Halifax also informed him that the queen had interceded in his favour with the duke and duchess, for which the king had thanked her. Welwood, 321. This will furnish a reason why he solicited her intercession afterwards when he was a prisoner in the reign of James.

⁹⁰ See it in Sprat, 189.

⁹¹ See it in Howell's State Trials, copied from the original in the king's hand in the State Paper office, xi. 1097.

CHAP. had taken in the disloyal plans and practices of
 VII. the conspirators; then turning to his uncle, he
 1683. acknowledged himself guilty of many offences
 against him, solicited forgiveness, and promised
 that, if James should survive the king, he him-
 self would be the first man to draw the sword
 in defence of his right whenever occasion might
 require. He subsequently confirmed the truth
 of lord Howard's testimony with the exception of
 one unimportant particular, named the chief per-
 sons on whom the conspirators depended in
 Cheshire, Yorkshire, and the west, and unfolded
 the designs of Argyle in Scotland⁹². Both
 Charles and James assured him of forgiveness
 and favour: the king presented him to the queen,
 Nov. 25. the duke to the duchess; and as soon as his con-
 fession had been entered in the council book, the
 proceedings for outlawry were withdrawn, and a
 full pardon was prepared. To add to the benefit,
 the king sent him a present of 6,000*l*⁹³.

⁹² See the extract in Sprat (136); another from the Memoirs of James, in his Life (i. 742); the letter of that prince to the prince of Orange, Nov. 27, in Dalrymple (App. 53); and Reresby from the testimony of Halifax, 168, 175.

⁹³ James, *ibid.* State Trials, ix. 1015. Secretary Jenkins to Bulstrode, in Bulstrode's Memoirs, 352. And for the whole intrigue, Monmouth's journal, in the appendix to Welwood, 319—322. That this journal is authentic, as far as it goes, I have no doubt. It bears its origin on its face, and agrees with every other credible document. That it is considerably mutilated is acknowledged by Welwood himself, who was unwilling or afraid to publish passages which might be thought to reflect on certain characters.

The joy which Monmouth might have felt at this reconciliation was troubled by the reproaches of his own conscience. He had condescended to become an informer; he had purchased his own safety by betraying his associates; and his infamy had been announced to the world by the publication of his submission and confession in the Gazette. Till he received his pardon under the great seal, he was silent; but then, conceiving himself free from danger, he began to throw out hints in conversation that he had revealed nothing to the king, which could be deemed confirmatory of the guilt of those who had been brought to trial. This falsehood excited the anger of his father, who, at the suggestion of Ormond, required from him a written contradiction of the report. He obeyed; but his letter was deemed evasive, and Charles gave him another form, composed or at least written by himself. In it Monmouth was made to assert, "in consequence of reports that he had gone about to discredit the evidence in the late trials, that the king and the duke knew how ingenuously he had owned the conspiracy, and that, though he was not conscious of any design against his majesty's life, yet he lamented the great share which he had in the other part of the conspiracy"⁹¹. After many a pang, and at the earnest solicitation of lord Halifax, he copied this form, and presented it to

CHAP.
VII.
1683.

Who re-
cants and
is banish-
ed from
court.

Nov. 26.

Dec. 4.

Dec. 5.

⁹¹ See it in Sprat, 111.

CHAP. the king: but the moment he communicated its
 VII. contents to his friends, he was overwhelmed with
 1683. reproaches: lord Anglesey sent him written re-

marks on its dangerous tendency, and Hampden declared that he considered it as his death war-

Dec. 6. rant. Agitated by shame and remorse, Monmouth passionately demanded back the paper from his father, and Charles, to soothe his feelings, assured him that it should never be produced in any court of justice, and advised him to wait a few hours, and think seriously on the consequences of

Dec. 7. his conduct. In the morning he renewed his demand, and the king, having exchanged it for the original, forbid him by the vice-chamberlain, ever more to come into the royal presence. He retired to his seat in the country, where the advice or entreaty of the duchess drew from him an offer to retrace his steps, and sign again a similar paper. But it was too late; Charles instantly rejected the proposal⁹⁵.

Death of
 Sydney.

A belief prevailed that this conduct of Monmouth hastened, perhaps occasioned the death of Sydney, who had petitioned for life, not in the supplicatory tone of a criminal conscious of guilt, but with the spirit and dignity of an injured

⁹⁵ See the king's own narrative of the whole proceeding in council (State Trials, ix. 1097—1099), the examinations of Hampden, sir James Forbes, and colonel Godfrey (*L. Journal*, xiv. 378, 380, 382); Bulstrode, 354; James, 743; Reresby, 171; Dalrymple, 54; Carte's Ormond, ii. 532. I have described this occurrence the more minutely, as it tends to display the real characters both of Charles and Monmouth.

man appealing to the justice of his sovereign. Charles was thought to waver; nor did he suffer the fatal warrant to be issued, till it was apprehended that to spare the life of the prisoner, would be to countenance the false reports circulated by the partisans of Monmouth⁹⁶. On the same day on which the latter was banished from the presence of his father, Sydney was led to the scaffold erected on Tower-hill. Never did man face the terrors of death with less parade or greater indifference. He suffered no friend to accompany him; he refused the aid of the ministers of religion; and, when he was asked, if he did not intend to address the spectators, he replied, that "he had made his peace with God, and had nothing to say to man." Having made himself ready, he placed his neck on the block, and bade the executioner perform his duty.

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1683.

It was the persuasion of Sydney that civil liberty could flourish only under a republican government. After the death of Charles I. his birth and abilities raised him to the highest rank among the parliamentary leaders: but thence by the usurpation of Cromwell he was driven into retirement, where his promises of patient submission could not shield him from the jealousy and precautions of the protector. The re-establish-

His character.

⁹⁶ "Sydney's life could not then have been spared, but that the mercy would have been interpreted to proceed from the satisfaction the duke of Monmouth had given the king that there was no real conspiracy." Ormond to the earl of Arran, Carte, ii. 533.

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1683.

ment of the commonwealth called him once more into political life; and he was employed on a mission to the court of Copenhagen, when Charles II. took possession of the throne. Sydney was again prepared to submit to necessity: but his avowed hostility to the Stuarts had made him an object of more than ordinary aversion⁹⁷; and he preferred the evil of a voluntary exile to the disgrace of asking pardon of the sovereign. From Italy he watched the progress of events: the war of 1663 summoned him from his retreat; he tendered his services to the enemies of his country, he offered to raise a rebellion in England, and he endeavoured to persuade Louis XIV. that it was for his interest to re-establish the commonwealth. Though Charles was well acquainted with his intrigues and hostility, he afterwards allowed him to visit his father, the earl of Leicester, during the last sickness of that nobleman, and ultimately granted him a pardon for his past offences, a favour which, if we may believe him,

⁹⁷ "It is said," writes the earl of Leicester to his son Algernon, "that the University of Copenhagen brought their album to you, desiring you to write something therein, and that you did write in albo these words:—

Manus hæc inimica tyrannis,

and put your name to them." Sydney answers: "That which I am reported to have written in the book at Copenhagen is true, and never having heard that any sort of men weare soe worthily the objects of enmity as thoes I mentioned, I did never in the least scrupule avowing myself to be an enemy unto them." Biencowe's Sydney Papers, 209, 216.

“ he valued not at a lower rate than the saving of his life.” But his gratitude soon evaporated, and he employed the benefit against the benefactor. Faithful to his principles, he entered into every opposition to the government, and the English reformer became the hireling of the French ambassador. His apologists have remarked that if he took the money of France, he still persisted in that line of conduct which he deemed most beneficial to his country ; which is much the same as to assert that he was mean enough to accept the wages of infamy for doing the work of righteousness. To his last breath the establishment of his beloved commonwealth was the idol of his heart, and the written speech which he delivered to the sheriff on the scaffold concluded with a prayer of thanksgiving to God, “ that he died for that *good old cause* in which he was engaged from his youth, and for which God had so often and so wonderfully declared himself.” This speech the government was careful to publish, and the concluding paragraph inflicted on the cause of the Whigs an injury, which they were unable to repair by the publication of Sydney’s apology, a tract dated by him on the day of his death, in which he severely animadverts on the testimony of lord Howard, and on the conduct of the judge ⁹⁸.

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⁹⁸ See both the speech and apology in State Trials, ix. 907, 916. Also Dalrymple, App. 56. State Tracts, ii. 266, 267.

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Trial of
Hamp-
den.

1684.
Feb. 6.

Three of the council of six had paid the forfeit of their lives : of the survivors Hampden alone remained in custody ; and against him the charge of treason had been abandoned, and in its place a bill of indictment for a misdemeanour had been found. Monmouth, to his surprise, was served with a subpoena to give evidence on the approaching trial : nor could he avail himself of the royal promise that no use should be made of his confession ; for the king replied that he was released from that engagement by the breach of contract on the part of his son⁹⁹. The proceeding opened the eyes of the duke to the difficulties in which he had entangled himself. He suddenly disappeared from his house in Holborn ; and a few days later he was seen in Zealand, on his way to the city of Antwerp. The chief witness against Hampden was lord Howard : but the crown lawyers took the opportunity to fortify their former charge against Sydney, and proved beyond contradiction the mission of Aaron Smith to Scotland, and his return to the capital. Hampden, after a long, and apparently an impartial trial, was found guilty, and adjudged to pay a fine of 40,000*l.*, which, considering his circumstances, was equivalent to a sentence of imprisonment pending the life of his father¹⁰⁰.

⁹⁹ Carte's Ormond, ii. 533. State Trials, 1017.

¹⁰⁰ State Trials, 1053—1126. It was complained that the fine was excessive, and contrary to the *salvo contentemento* of Magna Charta ; but was answered that an offence which in reality

During the course of the year two other individuals, Halloway and Armstrong, suffered death on account of the plot. Both had fled beyond the sea, and were in consequence outlawed. Halloway being apprehended in the West Indies, was brought back to England, and petitioned for mercy. The benefit of a trial, which was offered, he refused, and suffered death on the outlawry, confessing his participation in the design of insurrection, but not in that of assassination¹. The other, sir Thomas Armstrong, had been taken by the civil authorities at Leyden, and delivered to Chudleigh, the English ambassador, at the Hague. At the bar of the King's Bench he demanded a trial, founding his claim on the statute of the 6th of Edward VI., which gave to the outlaw for treason, if he resided beyond the sea, the right of traversing the indictment, provided he yielded himself to the chief justice within the term of one year from the date of the outlawry. But Jeffreys replied that, though the term was not expired, his case came not within the statute. The favour was granted only to those outlaws, who, being at large in foreign lands, spontaneously surrendered themselves to trial, for the purpose of

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1684.

Execution
of Hallo-
way and
Arm-
strong.

April 21.

April 30.

June 11.

amounted to high treason, required a severe punishment, and that the provision in Magna Charta regarded amercements, and not fines.

¹ State Trials, x. 1—30. Burnet, ii. 405. James in a letter to the prince of Orange says that the trial was offered him, because it would afford another opportunity of proving from his confession the existence of the plot. Dalrymple, 49.

CHAP. proving their innocence. But he was not at
 VII. large. He was a prisoner: he came not of his
 1684. own will; he was brought there by force to suffer
 the punishment of his crime. Armstrong still
 insisted: he claimed as his right the benefit of the
 law: to which Jeffreys had the barbarity to reply;
 "And the benefit of the law you shall have, by
 the grace of God. See that execution be done on
 Friday next according to law." Why, it may be
 asked, was that grace refused to Armstrong which
 had been offered to Halloway? The former had
 sinned more deeply. In return for the royal fa-
 vour, which he formerly enjoyed, he had sold
 himself to the French ambassador to oppose the
 government of his benefactor, he had been the
 adviser of Monmouth in his undutiful conduct to
 his father, and had proved one of the most active
 and dangerous agents in the late conspiracy.
 Charles resented his ingratitude, and refused to
 listen to any representation in his favour. On
 the scaffold Armstrong imitated lord Russell.
 June 20. The charge of designing to assassinate the king,
 and change the form of government, he denied in
 the strongest terms: on the minor charge of in-
 surrection he said nothing, and his silence was
 considered equivalent to an avowal².

Marriage
 of the
 princess
 Anne.

The discovery of the plot, and the subsequent
 punishment of the conspirators, had completed
 the triumph of the court. The Whigs retired

² State Trials, x. 105—124. Burnet, ii. 407.

from the contest ; the liberal principles of govern- CHAP.
ment, which they advocated, were excluded from VII.
general conversation ; the duty of passive obe- 1684.
dience was inculcated at the bar, on the bench,
and from the pulpit, and addresses were daily
presented to the throne, expressive of the firmest
attachment to the royal person, and of unbounded
submission to the royal will. After a long and
hazardous struggle, the king found himself in-
vested with almost absolute power by the sponta-
neous declarations of his subjects ; and he was
careful to cultivate and improve the change, by
gratifying them in a point which they deemed of
the first importance to the safety of their religion.
His brother was a catholic ; but it was not prob-
able that he could survive the king many years,
and his presumptive heir the princess Mary had
been educated a protestant and married to a pro-
testant. To add to this security Charles had in-
sisted that her sister, the princess Anne, should
also be bred in the protestant faith, and he now
resolved to give her a protestant husband. For
this purpose he selected George, the brother to
the king of Denmark. His religion constituted
the sole merit of that prince : but the announce-
ment of the king's intention gave universal satis-
faction, and the nuptials were celebrated with the
applause and congratulation of the whole king-
dom³.

³ I should perhaps notice the severe frost at the beginning of 1681. On the 24th of January Evelyn writes thus : " The frost

CHAP. VII. 1684. Charles enjoyed uninterrupted tranquillity during the remainder of his reign. Relieved from the constant assaults of a powerful faction, he employed his attention in strengthening his power, and in guiding the opposite parties which sprung up among his own ministers. 1. In the course of time several boroughs, by the exercise of those exclusive privileges which had been conferred on them by ancient grants from the crown, had grown into nests or asylums of public malefactors, and on that account were presented as nuisances by the grand jurors at the county assizes. Writs of *quo warranto* were issued: the corporations thought it prudent to submit; and the old were replaced by new charters, which while they preserved to the inhabitants the more useful of their former liberties, cut off the great source of the evil by giving to the county magistrates a concurrent jurisdiction with those of the borough. But the reformation of abuse was

continuing more and more severe, the Thames before London was still planted with booths in formal streets, all sorts of trades and shops furnished and full of commodities, even to a printing press . . . Coaches plied from Westminster to the Temple, and from several other stairs to and fro as in the streets, slides, sliding with skates, a bull-baiting, horse and coach races, puppet plays and interludes, cooks, tipling, and other lewd places, so that it seemed to be a Bacchanalian triumph or carnival on the water. . . . London, by reason of the excessive coldness of the air hindering the ascent of the smoke, was so filled with fuliginous steam of the sea-coal, that hardly could one see cross the streets, and this filling the lungs with its gross particles, exceedingly obstructed the breast." Evelyn, iii. 109

quickly made the pretext for increasing the influence of the crown, and the success with which this was effected in a few instances, excited a wish of extending the alteration to every part of the country. Hitherto for several years the Whigs had possessed in many places the power of returning individuals of their own party as members of parliament; by the new charters an adverse interest was established in each borough, and the choice of representatives was confined to persons attached to the court. On this account the inducements of promises and threats were held out to corporations, to prevail on them to part with their ancient privileges; every surrender of a charter was received with expressions of gratitude by the ministers; and the persons who had been instrumental in procuring such surrenders received assurances of favour and reward. Of these Jeffreys, as he was the most eminent in office, became the most distinguished by his success. When he departed from court for the northern circuit, Charles gave him publicly a ring from his finger: notice of the royal gift was published in the Gazette; and the hope of profiting by the influence of so distinguished a favourite led the corporate bodies, whom he addressed, to submit implicitly to his suggestions. Neither had the boroughs much reason to complain. By the renewal of their charters they lost no franchise which it was reasonable that they should retain; many acquired rights which they did not previ-

CHAP. ously possess: but individuals suffered, because
 VII. the exercise of authority was restricted to a
 1684. smaller number of burgesses, and these, according
 ————— to custom, were in the first instance named by the
 crown. The surrender of charters continued to
 the end of this, and during great part of the next
 reign ⁴.

New pro-
 secutions.

2. At the same time a succession of prosecu-
 tions at the instance of government intimidated
 and silenced its adversaries. Some persons were
 brought to trial for seditious or slanderous words,
 several for the publication of libels; Braddon and
 Speke for a conspiracy to fasten on the royal
 brothers the guilt of the murder of Essex; and
 Dutton Colt and Titus Oates for *scandalum mag-*
natum against the duke of York. That these
 men were guilty of the offences imputed to them,
 cannot be disguised: but in many cases the
 punishments inflicted of fine and the pillory were
 unjustifiably severe; and it would have been more
 magnanimous in the duke to have despised the
 habitual slander of two miscreants, than to have
 them immured in prison in consequence of the
 damages awarded to him to the amount of
 100,000*l*. The last prosecution of consequence
 was that of Rosewell a dissenting minister for the
 offence of high treason. The jury found him
 guilty: but a doubt existed of the credit due to
 the witnesses, and, as Jeffreys countenanced his

Nov. 18.

Nov. 27.

⁴ North, 624—627. Bulstrode, 388. Echard, 1043, 1045.

objections against the accuracy of the indictment, the king granted him a full pardon⁵.

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3. Five years had elapsed since the committal of the earl of Danby and the catholic lords to the Tower. Of the unparalleled hardship of their case, no doubt can exist; but the king had hitherto shrunk from any measure, which by relieving them, might revive the clamour of his enemies; and prudence taught the judges not to interfere with the jurisdiction of the high court of parliament. Now, however, the ascendancy of the Tories seemed to be firmly established; the death of lord Petre, whose constitution sunk under the rigour of a long confinement, awakened the compassion of the public⁶; and Charles signified his wish that some expedient might be devised for the relief of the survivors. For some time the question was kept in suspense by the arts of those whose ambition feared that Danby, were he restored to liberty, might recover his former influence with the king, and supplant

Jan. 28.
Discharge
of the
lords in
the Tow-
er.

⁵ The reader will be surprised to hear from the lips of Jeffreys the following humane opinion, which he expressed during the arguments on this case. "I think it is a hard case that a man should have counsel to defend him for a two-penny trespass, and his witnesses examined upon oath; but if he steal, commit murder or felony, nay high treason, where life, estate, honour and all are concerned, he shall neither have counsel nor his witnesses examined upon oath." State Trials, x. 267.

⁶ From his death-bed he sent a letter to the king, in which he declared his attachment to the sovereign, his forgiveness of his accusers, and his innocence of the plot. See it in Somers, Tracts, viii. 121.

CHAP. VII. 1684. them in the cabinet. But his conduct with respect to the revelations of Oates had alienated both the royal brothers; nor would it have been decorous to give the administration of affairs to a man under impeachment by the house of commons. The opposition gradually wore away: on the last day of term the earls of Danby and Powis, and the lords Arundel and Belasyse, were brought by writ of *habeas corpus* before the court of King's Bench; the judges severally delivered their opinions that "in justice and conscience" the prisoners ought long ago to have been admitted to bail; and each was discharged having previously entered into a recognizance of 10,000*l.* for himself, and produced four sureties of 5,000*l.* each, that he would appear at the bar of the house of lords in the next session of parliament, and not depart without the permission of that court⁷.

Feb. 12.

Intrigues
of Halifax.

4. The power of the lord privy seal had been on the wane ever since the return of the duke of York. His successful efforts against the bill of exclusion deserved the gratitude of that prince; but the memory of the benefit had been obliterated by his subsequent conduct. Halifax had suggested and advocated the different expedients to deprive the duke of power, if he came to the throne, had advised his banishment, and had

⁷ Luttrell in State Trials, ix. 1019. Reresby, 177. Dalrymple, 73.

strenuously opposed his recal. But that, which James resented still more keenly, was his recent intrigue in favour of Monmouth, and his perseverance in the attempt to reconcile the father and son even after the fresh disobedience and flight of the latter⁸. Hence to fortify himself against the dislike of James, the wily statesman resolved to advise the calling of a parliament. It would be a popular measure at a moment when the national jealousy had been aroused by the new aggressions of the French king on the Spanish Netherlands⁹; and he represented to Charles that had he summoned a parliament on the discovery of the Rye-house plot, the loyalty of the people would have returned a house of commons anxious to meet all his wishes: that it was not yet too late; for the flame still continued to burn, though it was insensibly wasting away; that the interval allowed by the triennial act had already expired; and that delay would disappoint the expectation of the people, disappointment might breed discontent, and discontent would lead to the revival of the popular party. But the very name of parliament sounded gratingly in the ears of a monarch who contrasted his present tranquillity with the disquiet, alarm, and exasperation which he had so often endured from that assembly; and instead

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⁸ Reresby, 174.

⁹ His object was to extort from Spain the cession of the "dependencies" which he claimed.

CHAP. of yielding to the reasons adduced by the minister, he accepted his very courtly offer, of sacrificing his own opinion to the pleasure of his sovereign, and of making it his study to invent some excuse, which should satisfy the minds of the people¹⁰.

The duke of York recalled to the council.

James at first appeared to take no part in the conduct of government; by degrees he was re-established in his former pre-eminence. His services in the office of lord high admiral had always been acknowledged; and the indolence, or incapacity, or corruption of those by whom he was succeeded, had become a subject of popular complaint. Charles dissolved the commission, and placed the whole business of the admiralty under the control of his brother, but to shield him from the penalties enacted by the test act, exercised the office himself, signing all those papers to which the signature of the lord high admiral was required¹¹. The approbation with which this arrangement was received encouraged him to go a step farther. He felt himself strong enough to set the test act at defiance; and introducing his brother into the council, bade him take his seat among the members. This proceeding, however, excited some murmurs.

May 11.

May 28.

¹⁰ Reresby, 176.

¹¹ "Every one was glad of this change, those in the late commission being utterly ignorant of their duty to the great damage of the navy." Evelyn, iii. 115.

Even the Tories could not discover, by what right he had thus of his own authority set aside an act of parliament¹².

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1684.

Hyde was deservedly the chief favourite of the duke. He had recently been created earl of Rochester, held the place of first commissioner of the treasury, and was destined in the opinion of the court to be raised to the office of lord high treasurer. To prevent the elevation of this dangerous competitor, Halifax charged him with negligence or embezzlement, and after a long contest Rochester was removed from the treasury board to the office of president of the council, from a post of considerable influence to one of higher honour but comparative insignificance. He was, in the language of Halifax, "kicked up stairs:" but the royal brothers had a more distinguished office for him in view. Desirous to place the army in Ireland under the immediate control of the crown, they resolved to appoint Rochester lord lieutenant of Ireland in the place of the duke of Ormond; but at the same time to separate the military command from the civil government, entrusting the latter only to the care of the new viceroy. Rochester accepted the offer, nor did Halifax object to an appointment which relieved him from the presence of a rival¹³.

Promo-
tion of
Hyde.

Aug. 24.

Attempt
at tolera-
tion.

About the same time an abortive attempt was

¹² Bulstrode, 377. Dalrymple, 50. Reresby, 181.

¹³ Reresby, 185. Bulstrode, 385, 389. Burnet, ii. 432.

CHAP. made to obtain relief for the catholics and dissen-
VII. ters. The persecution of the former, though it
1684. — had abated in violence, did not end with the reign
of Titus Oates, but had been kept alive by the
proclamation of the king, and the circular of the
archbishop in 1681. The number of those, who
during the last five or six years had been pre-
sented and convicted of recusancy, amounted to
some thousands. To have inflicted on all these
the legal penalties would have demanded addi-
tional places of confinement ; but those who were
suffered to remain at large, enjoyed their liberty
only at the caprice or pleasure of their neigh-
bours, paid for the benefit by fees and presents to
the inferior officers, and were subject to restraints
which made them feel as prisoners in their own
houses. The dissenters, indeed, as long as the
Whig leaders were triumphant, had been spared
as useful and zealous auxiliaries ; but, when vic-
tory inclined to the court, they became equally
obnoxious to the orthodoxy of the conquerors,
and were made to suffer the penalties enacted
against recusants, and the frequenters of conven-
ticles. A measure of relief for both classes was
now devised, or at least patronized, by the duke
of York, who, though he probably felt more for
the sufferings of men of his own faith, sufferings
chiefly inflicted on his account, had constantly
assured the dissenters of his abhorrence of all
penal laws on matters of conscience. According
to a preconcerted plan, Jeffreys, who had lately

been admitted into the council, placed one morning on the table a huge mass of papers. They were, he said, rolls of the names of convicted recusants, which he had collected during the last circuit: the gaols were crowded with them to suffocation; it would be an act of mercy to restore these prisoners for conscience' sake to air and liberty, and on that account he recommended the subject to the royal consideration. A long pause ensued: the silence was broken by North, the lord keeper, who, aware of the real inclination of the king and his brother, sought to defeat the measure without giving offence. Among the recusants were, he observed, many nonconformists, men hostile by principle to the monarchy. If it were wished to show favour to any of the catholic recusants, it might be done by particular pardons: but a general pardon would set at ease the king's enemies no less than his friends, and free a turbulent and seditious class of subjects from the wholesome restraint of the laws. When he had done, a second pause occurred; and the council passed to other business of the day; but the slumbering zeal of the bishops was awakened by this dangerous attempt, and they were careful to inculcate in charges to the clergy the duty of presenting all the recusants in their respective parishes, whether they were protestants or catholics¹⁴. In one respect, however, the king followed his own inclination. He granted their lives to

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1684.

Dec. 29.

¹⁴ Life of North, 235. Ralph, 831. MS. papers in my possession.

CHAP. VII. several catholic priests, under sentence of death
 1684. for having taken orders in the church of Rome,
 ——— and sent them out of the kingdom ¹⁵.

Proceed-
 ings of
 Mon-
 mouth.

Halifax could not conceal from himself the rapid decline of his influence. He was still, indeed, consulted, but chiefly on matters connected with his office : Charles continued to speak to him with kindness, and gave him assurances of favour, but, as he significantly observed, “ though he knew what the king said to *him*, he knew not what he might say to others.” His sole reliance was on the renewal of that intrigue, which had been broken by the obstinacy of Monmouth ; he again undertook to supplant the duke of York by reconciling the king and his son, a task the sole difficulty of which arose in his judgment not from disinclination on the part of the father, but from his unwillingness to embroil himself with the duke of York. With this view Halifax advocated the cause of the exile in private, and supported his hopes by letters and messages. Monmouth had retired to Brussels, whence, after some stay, he proceeded to Holland. In Brussels he was treated by De Grana, the Spanish governor, and in Holland by the prince of Orange, as if they were anxious to secure his friendship. He ate at their tables ; their troops were ordered to receive him with military honours, and provision was carefully made for his wants and pleasures. The prince invited him to hunt at Diren,

July 5.

¹⁵ Barillon, 8 Janv.

and at the Hague the princess paid the most marked attention to his mistress, the lady Harriet Wentworth. It was in vain that the duke of York complained to his daughter and her husband in no very measured terms of their conduct, and that Charles remonstrated in person to the foreign ambassadors in England, and by his envoys to the prince, the States, and the Spanish government. The usual reply was, that foreigners knew nothing of any real offence which Monmouth might have committed. It was enough for them that he was the king's son: the attention which they paid to him in this capacity grew out of the respect which they entertained for his father¹⁶. This answer, however, could not explain the obstinacy, with which they persisted in the same conduct after repeated expostulations on the part of Charles: and the truth was that they gave no credit to the assertion of his displeasure: they had received private assurances that "he loved Monmouth as his own eyes," and that he was gratified with those demonstrations of respect to him, which might serve to relieve the tedium of his exile; and they persuaded themselves that, when the duke should be publicly restored to favour, they should reap the benefit by a change of counsels with respect to the foreign policy of England¹⁷. At length, Van Citters, the Dutch

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Oct. 31.

¹⁶ D'Avaux, iii. 52; iv. 8, 17, 28, 43, 59. Dalrymple, 56, 57. Bulstrode, 376, 377, 384, 390.

¹⁷ "The marquis de Grana told me, he knew from whence the king's displeasure came; that it was the duke of York, who was

CHAP. VII. 1684. ambassador, at the request of Charles, repaired to the Hague; a new, but in all probability a counterfeit negotiation ensued: the prince appeared to submit to the pleasure of his uncle, and Monmouth departed under the pretence of returning to Brussels. But he soon disappeared, came privately to England, had a secret interview with his father, and went back to the Hague with a promise that within three months he should be publicly received at court, and the duke of York be banished in his turn into Flanders or Scotland¹⁸. With his visit to England, and his clandestine correspondence with Halifax, James was perfectly acquainted; but of the king's promise he probably knew nothing. Charles had requested him to go and hold a parliament in Scotland, to which he had assented, looking on the proposal as a fresh proof of the friendship and confidence of his brother¹⁹.

Danger of Halifax.

Concurrent with this intrigue there existed another, which had for its object the disgrace of

the great enemy of the duke of Monmouth, whom the king loved as his own eyes." Bulstrode, 390. "Je sais que dans le fonds du cœur il a toujours quelque amitié pour lui, et que le roi ne peut être fâché, que je lui aye fait des civilités." The prince to Bentinck, Dalrymple, 62.

¹⁸ D'Avaux, iv. 67. Dalrymple, 58, 74, 94. Welwood, 322. "Feb. 3. A letter from L. (Halifax) that my business was almost as well as done, but must be so sudden as not to leave room for 39's (the duke's) party to counterplot; that it is probable he would chuse Scotland rather than Flanders or this country, which was all one to 29 (the king)." Monmouth's diary in Welwood, 323.

¹⁹ D'Avaux, iv. 71, 72, 88, 94. Fox, App. viii.

Halifax himself. In council he had advised the king to give to the English colonies in America local legislatures in imitation of that in the mother country, and in support of his argument had expatiated on the superiority of a representative over a despotic government. His words were noticed by his adversaries, who insinuated to the king, that the old leaven still fermented in his breast; that he still cherished antimonarchical principles; and that he was a dangerous man to be trusted with so important an office as that of the privy seal. Charles listened or appeared to listen to these suggestions; they were repeated by the duke of York, the duchess of Portsmouth, and lord Sunderland; and an assurance was obtained that on the first fitting opportunity the obnoxious minister should be removed from office, if he did not previously retire of his own accord²⁰. It is probable that the king equally dissembled with both parties. He suffered their intrigues, cajoled them with the hope of victory, promised to the duke the dismissal of Halifax, to Halifax the banishment of the duke; and thus, by abusing their credulity, purchased for himself a momentary relief from disquietude, and removed to a future and uncertain day the task of deciding between their conflicting claims and recriminations.

That day, however, he was not destined to see. On Monday, the second of February, after a Last sickness of the king.

²⁰ Fox, App. vii—ix; and a letter of Barillon, 1 Janv.

- CHAP. feverish and restless night, he rose at an early
 VII. hour. To his attendants he appeared drowsy
 1685. and absent: his gait was unsteady, his speech
 Feb. 2. embarrassed. About eight, as he walked across
 his room, he fell on the floor in a state of insen-
 sibility, with his features strongly convulsed. It
 fortuned that two physicians were within call, of
 whom one, who had practised as a surgeon,
 instantly opened a vein. The blood flowed freely:
 the most stimulating remedies were subsequently
 applied ²¹, and the royal patient gradually reco-
 vered his consciousness and the use of his speech.
 In the evening he suffered a relapse, but unex-
 Feb. 3. pectedly rallied the next morning, and improved
 so much in the course of the day, that his physi-
 cians began to cherish the hope of his recovery.
 But in twenty-four hours the prospect changed.
 The king's strength was exhausted. He repeat-
 edly fell into a state of stupor, and on the fifth
 Feb. 4. evening it became evident that his dissolution
 was rapidly approaching. The impression which
 these changes made on the public mind furnishes
 a strong proof that Charles, with all his faults,
 was beloved by his subjects. The announcement
 of his malady spread a deep gloom over the
 metropolis: the report of his convalescence the
 next day was received by the citizens with expres-
 sions of joy, the ringing of bells, and numerous

²¹ " On lui mit des poëles chaudes sur la tête, sans qu'il parût les sentir . . . on lui a appliqué des vesicatoires à la tête, aux épaules, aux bras, et aux jambes ; on lui a donné des vomitifs en quantité, qui ont fait quelque effet." Barillon, 12, 14 Fev.

bonfires. When at last the danger became manifest, crowds hastened to the churches to solicit from heaven the health of their sovereign, and we are assured that repeatedly the service was interrupted by the sighs and sobs of the congregation. In the two royal chapels the ministers succeeded each other in rotation; and the prayers were continued without intermission till his death.

After the first attack, the moment the king recovered his speech, he had asked for the queen, who came immediately, and continued to wait on him with the most affectionate attention, till the sight of his sufferings threw her into fits, and the physicians forbade her to leave her own apartment. Interest, as well as affection, prompted the duke of York to be present: nor did he ever quit the bed-side of his brother, unless it were for a few minutes to receive reports concerning the state of the city, and to give orders for the maintenance of tranquillity and the securing of his own succession. In like manner the archbishop of Canterbury and the bishops of London, Durham, Ely, and Bath and Wells, were constantly in attendance, and one of them watched in his turn during the night in the king's chamber. Early on the Thursday morning Kenn, of Bath and Wells, seized a favourable moment to warn the monarch of his danger; and the air of resignation with which the announcement was received, encouraged him to read the office appointed for the visitation of the sick. When he came to the rubric respecting confession, he

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CHAP. VII. 1685. paused—observed that it was a matter not of obligation, but of choice—and, receiving no answer, asked whether the king repented of his offences against the law of God. Charles replied in the affirmative, and the prelate having pronounced the usual form of absolution, asked if he might proceed to the administration of the sacrament. The king appeared to take no notice of the question; but Kenn renewed the proposal with a louder voice, and Charles replied in a faint tone, that there was still time enough. The elements were, however, brought and placed on a table; and the question was repeatedly asked by the bishop, who could extort no other answer from the dying man but that “he would think of it.”

He is reconciled to the church of Rome.

The duke of York, though aware of his brother's preference of the catholic worship, and reminded of it by the French ambassador at the instance of the duchess of Portsmouth²², had hitherto abstained from speaking to him on the subject of religion. He heard, however, the discourse between him and the prelate, and perfectly understood the import of the king's reluctant and evasive language. Motioning to the company to withdraw to the other end of the room, he approached the pillow of the sick monarch, and asked in a whisper, if he might send for a catholic priest. “For God's sake do,”

²² Dalrymple, 91. Fox, App. 12. Had James so little of the zeal of proselytism, that he cared not in what religion his brother died; or has Barillon exaggerated his services on this occasion, that he might ingratiate himself with his sovereign?

was the king's reply, "but," he immediately added, "will it not expose you to danger?" alluding to the penalties enacted against those who were instrumental in the reconciliation of others to the church of Rome. The foreign clergyman, to whom the duke sent, could not be found; but Huddleston, the same who waited on the king at Moseley after the battle of Worcester, was desired to supply his place. James ordered all present to quit the room except the earl of Bath, lord of the bed-chamber, and the earl of Feversham, captain of the guard, whose attendance he thought necessary to prevent any sinister reports; and then introduced Huddleston with the words, "Sir, this worthy man once saved your life; he now comes to save your soul." The priest threw himself on his knees, and offered the monarch the aid of his ministry. To his inquiries Charles replied, that it was his desire to die in the communion of the Roman catholic church; that he heartily repented of all his sins, and in particular of having deferred his reconciliation to that hour; that he hoped for salvation from the merits of Christ his Saviour; that he pardoned all his enemies, asked pardon of all whom he had offended, and was in peace with all men; and that he purposed, if God should spare him, to prove the sincerity of his repentance by a thorough amendment of life. Huddleston, having received his confession, anointed him, administered the eucharist, and withdrew. It was desirable that the object of his visit should be concealed. But

CHAP. the eyes of all had been fixed on the royal bed-
 VII. chamber: the exclusion of the physicians and
 1685. attendants during three quarters of an hour
 awakened suspicion; and in a short time the real
 fact was whispered throughout the palace.

His death. During that night the king suffered at times
 the most distressing pain: but in the intervals
 between the paroxysms his mind was calm and
 collected, and he spoke of his approaching death
 with composure and resignation. The queen by
 a messenger excused her absence, and begged him
 to pardon her any offence which she might have
 given. "Alas poor woman!" he exclaimed,
 "she beg my pardon? I beg hers with all my
 heart: take back to her that answer." Looking
 on the duke, who was kneeling at the bedside and
 kissing his hand, he called him the best of friends
 and brothers, desired him to forgive the harsh
 treatment, which he had sometimes received, and
 prayed that God might grant him a long and
 prosperous reign. The name of Monmouth never
 passed his lips; but he sent for his other ille-
 gitimate sons, recommended them to James, and
 drawing each to him by the hand, successively
 gave them his blessing. At this sight one of the
 prelates observed that the king, the Lord's
 anointed, was the common father of all his
 subjects; every one present instantly threw him-
 self on his knees, and Charles, being raised up,
 pronounced a blessing over them. He then ex-
 pressed a hope to his brother that "poor Nelly
 (Gwyn) would not be left to starve," recommended

the duchess of Cleveland to his protection, and spoke warmly in favour of the duchess of Portsmouth, who might, he feared, on account of her political conduct, incur the resentment of his successor. Thus the night passed away; in the morning he lost the faculty of speech, and about noon calmly expired²³.

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In person Charles was tall and well-proportioned, his complexion swarthy, his features singularly austere and forbidding. He inherited from his father a sound and robust constitution, which in his youth he had impaired by indulgence, and afterwards laboured to restore by attention to diet and exercise. In health he was wont to purchase at exorbitant prices the secrets of empirics: but in sickness his good sense taught him to rely on the skill of his physicians.

His character.

The disposition of his mind presented an extraordinary contrast to the harsh and repulsive lines traced on his countenance. He was kind, familiar, communicative. He delighted in social converse, narrated with infinite humour; and, as he was the first to seize and expose what might be ridiculous in others, so he never refused to join in the laugh when it was raised at his own expense. Parade and ceremony he held in aver-

²³ See the account given by James (Memoirs, i. 746); Barillon (Dalrymple, App. 90); Huddleston (Brief Account in "short and plain way," 84—91; and State Tracts, 280); Ellis (Letters, first series, iii. 333, and second series, iv. 74—80); and Evelyn (iii. 128—132). If the reader compare Burnet (ii. 454—460) with these authorities, he will observe how strangely truth and falsehood are mixed up together in the narrative of that prelate.

CHAP. sion : to act the part of a king was to him a
 VII. tiresome and odious task, and he would gladly
 1685. burst from the trammels of official greatness, that
 he might escape to the ease and comfort of collo-
 quial familiarity.

With talents, said to be of the highest order, he joined an insuperable antipathy to application; whence it happened, that to the scanty stock of knowledge, which he acquired in his youthful days, he made but few additions in a more advanced age. He sought amusement, and displayed taste in planting, gardening, and building: sometimes solicitude for his health led him to attend anatomical dissections, and sometimes a spirit of curiosity engaged him in chemical experiments: but the subject of his favourite study, if study it may be called, was naval architecture; in which he had the credit, not only of being a proficient, but of having made some valuable improvements.

Impatient of trouble, and fearful of opposition, he looked upon the practice of dissimulation as the grand secret in the art of reigning. A king, he argued, was surrounded by men, who made it their object, as it was their interest, to deceive him. His only protection consisted in the employment of the same weapon: it was necessary for him to deceive, that he might not be deceived. But Charles practised this doctrine to an extent which marred his own purpose. Experience taught others to disbelieve him as much as he disbelieved them. They distrusted his most

solemn promises and asseverations ; they paid no attention to his words, but studied his looks to ascertain his real meaning ; and the result repeatedly proved that in seeking to impose on others he had in reality imposed on no one but himself.

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From the commencement to the close of his reign he was the slave of women : but, though he tolerated their caprice, though he submitted to their intrigues, he was neither jealous nor fastidious, freely allowing to them that latitude of indulgence which he claimed to himself. His example in this respect exercised the most pernicious influence on the morals of the higher classes of his subjects. His court became a school of vice, in which the restraints of decency were laughed to scorn, and the distinctions which he lavished on his mistresses, with the bold front which he enabled them to put on their infamy, held out an encouragement to crime, and tended to sap in youthful breasts those principles of modesty which are the best guardians of female virtue. There may have been other periods of our history, in which immorality prevailed ; but none in which it was practised with more ostentation, or brought with it less disgrace.

Of his pecuniary transactions with the king of France no Englishman can think without feelings of shame, or speak but in the language of reprobation. He may have attempted to justify them to his own conscience ; he may have persuaded himself that he only took the money of another for doing that which it was his own duty

CHAP. VII. 1685. to do: but it is plain that from the moment in which he became a pensioner, he ceased to be an independent agent. The possession or forfeiture of a considerable income must necessarily have had great weight in the deliberations of a needy and prodigal monarch. But this was not an age of public virtue. We shall look for it in vain either in the sovereign, or in the patriots who opposed him. Both sacrificed at the shrine of the same idol, their own interest.

It was the persuasion of Charles that his political adversaries sought the re-establishment of a commonwealth, theirs that *he* cherished designs subversive of the liberties of the subject. These jealousies, founded perhaps in prejudice more than in truth, produced their natural effect. They led each party to the adoption of measures which it was not easy to justify: they provoked on the one side the extortion of charters, forced constructions of law, and unwarrantable severity of judgment from the bench, and on the other the false and factious votes of the house of commons, the arbitrary arrests of the individuals called abhorrers, and the disgraceful proceedings arising out of the imposture of Titus Oates. As far as regards despotic power, whatever might have been the inclination of Charles, he certainly was not the man to win it by force. To a prince of his indolent disposition and attached so much to his own ease, the acquisition would not appear worth the trouble and the risk of the attempt. We are told by one who knew him well, by

Barillon in a confidential despatch to Louis XIV., that " he viewed such plans with reluctance ; that he cared not much for additional authority ; and that in reality his wish was to live at ease, and to improve his revenue ²⁴ . "

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With respect to his religion, if we believe two noble writers who were much in his company, the marquess of Halifax, and Sheffield duke of Buckingham, he was in fact a deist ; while others have represented him as a most accomplished hypocrite, who had embraced the catholic worship before the restoration, and yet for five-and-twenty years held himself out to his subjects as an orthodox protestant. Each of these assertions is incorrect. Charles never abandoned the belief of christianity, nor was he ever reconciled to the church of Rome before the eve of his death. If we compare his proceedings in consequence of the secret treaty of 1670 with his subsequent conduct in relation to his brother, whom he sought with the aid of the bishops to recal within the pale of the establishment, and in relation to his nieces, whom he took from their father that they might be educated in the protestant faith, and whom he married to protestants that he might secure a succession of protestant princes, we shall perhaps come to the conclusion that for the greater part of his reign he looked on religion as a political question, and cared little to which of the two churches he might belong. It is true that afterwards, in 1683, he

²⁴ Dalrymple, App. 142.

CHAP. gave to the subject more attentive deliberation²⁵;
 VII. yet even then he did no more than deliberate, and
 1685. never came to a decision till he learned from his
 physicians that in a few hours he would cease to
 live.

In conclusion it may be proper to remark that during his reign the arts improved, trade met with encouragement, and the wealth and comforts of the people increased. To this flourishing state of the nation we must attribute the acknowledged fact, that, whatever were the personal failings or vices of the king, he never forfeited the love of his subjects. Men are always ready to idolize the sovereign under whose sway they feel themselves happy.

Charles left no issue by his queen Catherine of Portugal. Of his illegitimate children he acknowledged James duke of Monmouth, by Lucy Walters; Charlotte countess of Yarmouth, by Lady Shannon; Charles duke of Southampton, Henry duke of Grafton, George duke of Northumberland, and Charlotte countess of Lichfield, by the duchess of Cleveland; Charles duke of St. Albans, by Eleanor Gwyn; Charles duke of Richmond, by the duchess of Portsmouth; and Mary countess of Derwentwater, by Mary Davies.

²⁵ James (Memoirs), i. 736.

NOTE [A], Page 103.

ON Feb. 11, 1687, Oates, and on Feb. 15, Bedloe, delivered in accounts of the expenses incurred by them “on occasion of the service of his majesty and the kingdom.” It is impossible to read them, without admiring the effrontery of these men. Oates, an acknowledged pauper, had the face to insert the following charges. “*Item*, for a watch to present to the archbishop of Tuam when at Madrid, £8 10s.—*Item*, for gloves and knives to present to the rector of St. Omers, £2 1s.—*Item*, for books which the jesuits had of me, £40.—Money owed to me by the jesuits, £80.—*Item*, my manuscript of the Alexandrian version of the Septuagint, which I gave them, £50.—*Item*, for my expenses from the 17th of June to February 8, £336 16s.” Making with several other charges the sum of £678 12s. 6d. Bedloe’s account is equally curious, but more moderate. It amounts only to £213.—See Brief History, iii. 121—124.

END OF VOL. XIII.



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