CHAPTER X

JAMES II AND THE GLORIOUS REVOLUTION

[1685–1689 A.D.]

> The government of James II will lose little by comparison with that of his father. It is indeed amusing to observe that many who scarcely put bounds to their eulogies of Charles I have been content to abandon the cause of one who had no faults in his public conduct but such as seemed to have come by inheritance The characters of the father and son were very closely similar, both proud of their judgment as well as their station, and still more obstinate in their understanding than in their purpose; both scrupulously conscientious in certain great points of conduct, to the sacrifice of that power which they had preferred to everything else; the one far superior in relish for the arts and for polite letters, the other more diligent and indefatigable in business; the father exempt from those vices of a court to which the son was too long addicted; not so harsh, perhaps, or prone to severity in his temper, but inferior in general sincerity and adherence to his word. They were both equally unfitted for the condition in which they were meant to stand — the limited kings of a wise and free people, the chiefs of the English commonwealth. — HALLAM.[p]

IMMEDIATELY on the demise of King Charles, the privy council assembled, and the new monarch addressed them, assuring them of his determination to follow the example of his late brother, "especially in that of his great clemency and tenderness to his people"; that "he would make it his endeavour to preserve this government, both in church and state, as it is by law established"; and, "that he would always take care to defend and support the church." His brother-in-law, Lord Rochester, requested that this address, which had filled them all with joy, might be made public. The king said he had no copy, but one of the council wrote it down from memory, and the king, who had not expected this result, found it necessary to consent to its publication. He was forthwith proclaimed, amid the loud acclamations of the populace.

The king's speech gave great satisfaction to those who called themselves the loyal part of the nation. It was regarded as a security greater than any law. "We have now the word of a king, and a word never broken," was the common phrase. The pulpits resounded as usual, loyal addresses poured in from all sides; the University of Oxford promised obedience, "without limitations or restrictions"; the London clergy, more sincere, said, "our religion established by law is dearer to us than our lives"; and this expression gave offence at court, a proof of what was the real feeling in the royal bosom.

The funeral of the late king was private (May 14th), for the successor was unwilling, as he says himself, to communicate with the Church of England in spiritual things, as he must have done had it been public.[c]

The funeral called forth much censure. It would, indeed, hardly have been accounted worthy of a noble and opulent subject. The tories gently blamed the new king's parsimony; the whigs sneered at his want of natural affection; and the fiery covenanters of Scotland exultingly proclaimed that the curse denounced of old against wicked princes had been signally fulfilled, and that the departed tyrant had been buried with the burial of an ass. Yet James commenced his administration with a large measure of public good will.[b]

JAMES ILLEGALLY LEVIES CUSTOMS; AND RELEASES CATHOLIC PRISONERS

James had not been more than three days king, when his government committed an illegal act. The grant of customs for the life of the king expired on the death of Charles. A proclamation was issued ordering that the duties on merchandise should be levied as usual, till the royal revenue had been settled by parliament. This was against the advice of the lord keeper, Guilford, who recommended that the duties should be collected and kept apart in the exchequer, till the parliament should dispose of them. But, says North,[d] "the temper of the public was, then, so propitious to the crown that almost anything would be borne with, which, in other times, would have raised a flame." The counsellors chosen by the king for his especial confidence were his brother-in-law, Rochester; Sunderland, who had been Charles' secretary of state; and Godolphin, who had been first lord of the treasury: Halifax, who had held the privy seal, was appointed to the unimportant office of president of the council. It was nominally a higher office, and therefore a witticism which he had used on the promotion of Rochester was applied to himself — he was kicked up-stairs. The king's other brother-in-law, Clarendon, was made privy seal. Sunderland had voted for the Exclusion Bill, and therefore his continuance in office was a matter of surprise. But, if we are to credit the king's own assertion, this crafty minister saw the policy of connecting himself, however secretly, with the Roman Catholic party. James, in his so-called *Memoirs*,[e] says that in a consultation soon after his accession to the throne between Lord Sunderland, Father Petre, Mr. Jermyn, and Lord Tyrconnel, "it was agreed that Father Petre should be a cardinal, Lord Sunderland lord treasurer, Lord Tyrconnel lord lieutenant of Ireland (who engaged to procure my lord Sunderland £5,000 per annum out of that kingdom, or £50,000 in money), and that Mr. Henry Jermyn should be made a lord, and captain of the horse guards." Tyrconnel and Jermyn were Roman Catholics. The king did not stand alone in his inclination to tread a path beset with dangers.

The apologists of James have endeavoured to induce a belief that, soon after his accession, "he limited his views to the accomplishment of two objects, which he called liberty of conscience and freedom of worship, and which, had he been successful, would have benefited not the Catholics only but every class of religionists." Doctor Lingard[f] expresses this opinion, after having stated that James "gave it in charge to the judges to discourage prosecutions in matters of religion, and ordered by proclamation the discharge of all persons confined for the refusal of the oaths of allegiance and supremacy."

It is implied that the "dissenters" were relieved by this tolerant disposition. The relief extended only to Roman Catholics and Quakers. The Puritan

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dissenters—Presbyterians, or Independents, or Baptists—had evinced no objection to the oath which renounced the authority of the pope. Those who continued in prison were there for offences under the Conventicle Acts and the Five Mile Act. The Roman Catholics would not take the oath of supremacy; the Quakers would not take any oath. "I have not been able," says Macaulay,[b] "to find any proof that any person, not a Roman Catholic or a Quaker, regained his freedom under these orders." The orders, signed by Sunderland, were issued on the 19th of April. The relief to the Roman Catholics was a natural manifestation of the disposition of the government. The relief to Quakers was the result of a conviction that they were a harmless sect. who carefully abstained from all political action, and avoided even political conversation. The influence of William Penn, who had returned home from Pennsylvania, was laudably exercised to obtain this relief for the society of which he was a member.

The number of Quakers liberated was estimated at above fourteen hundred. Roman Catholics were liberated, says Lingard,[f] "to the amount of some thousands." The real disposition of the government towards Protestant dissenters was at that period amply manifested by the proceedings in the Scottish parliament. The meeting of the estates preceded that of the English parliament by nearly a month. In obedience to a special letter from the king, calling for new penal laws against the covenanters, it was enacted on the 8th of May, that the punishment of death, and confiscation of land and goods, should be awarded against those who should preach in a conventicle under a roof, or should attend a conventicle in the open air, either as preacher or auditor.

The persecution of the times of Charles II was continued with increased fury. The soldiery were let loose upon the districts where the covenanters were still unsubdued, to kill and plunder. The tale of two unhappy women who were condemned to be drowned, and were tied to stakes when the tide had receded, there to await the lingering but certain death that would follow its return, is not a fiction.[g]

The king was resolved to make no secret of his own, or his brother's religion. With respect to the latter, he caused Huddleston to publish an account of the late king's reconcilement, and he gave to the world two papers in favour of popery found in that monarch's strong box, and written by his own hand. For himself, on the second Sunday of his reign, he caused the folding doors of the queen's private chapel to be thrown open while he was at mass, that his presence there might be seen. On Holy Thursday (April 16th) he was attended to the door of the chapel by his guards and the pensioners, and on Easter Sunday by the knights of the Garter and several of the nobility — a proceeding which caused great uneasiness in the minds of zealous Protestants. Their suspicions were further excited by a proclamation for the discharge of all recusants. They saw in this a manifest advance to the establishment of popery, which was in reality the object nearest to the king's heart. Meantime every effort was made to get Louis to continue the pension, in order that James might be independent of his parliament.

On the 3rd of May the king and queen were crowned with the usual ceremonies, the only part omitted being the communion. The king of course solemnly swore to maintain the true profession of the Gospel, and the rights and privileges of the church and clergy. Like a true Stuart, he told Barillon that he did so, as these rights and privileges were those which had been granted by King Edward the Confessor, of whose being a Catholic there was not the slightest doubt. During the whole ceremony he had been under apprehensions for his personal safety, though without any just cause.

On the 19th the parliament met. In consequence of the power which the surrender of charters had given to the crown, the returns had been so much to the royal satisfaction that James declared there were not forty members whom he would not have nominated himself. In his speech from the throne, he repeated his address to the privy council; he then called on them to give him a revenue for life such as his brother had enjoyed, and hinting that nothing else would content him, he added, "the best way to engage me to meet you often, is always to use me well": he concluded by informing them of the news he had just received of the landing of Argyll in Scotland, and again calling on them to give him his revenue as he desired it without delay.

THE CONVICTION OF OATES AND BAXTER

There were two remarkable trials at this period, which must have had a considerable influence upon public opinion. The one was the prosecution of Titus Oates for perjury; the other the prosecution of Richard Baxter for libel. Of the justice of the conviction of Oates there can be little doubt. The atrocious severity of his punishment was to gratify the revenge of the Roman Catholics, who crowded Westminster Hall on his trial, on the 7th of May. The chief witness to the popish plot had long been lying in prison, heavily ironed, in default of payment of the excessive fine imposed upon him on his conviction for libelling the duke of York. He had been accustomed to browbeat juries, and to be lauded to the skies by judges. He had now to bear all the tyrannous invective which judges thought it decent to use in state prosecutions; and, what to his unabashed impudence was far more terrible, he was to be pilloried in Palace Yard, and at the Royal Exchange. He was to be whipped from Aldgate to Newgate on one day, and then again to be whipped from Newgate to Tyburn. He was to be imprisoned for life. He was to stand in the pillory five times every year. His conviction, says Reresby,[h] "was a grateful hearing to the king." His Majesty said that, Oates being thus convicted, the popish plot was dead.

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Oates was tortured in a way which even the haters of his perjuries must have thought excessive. He was flogged at the cart's tail on the first day, almost to death. Intercession was made to the king to remit the second flogging. The answer was, "He shall go through with it, if he has breath in his body." He did go through with it, and survived even seventeen hundred lashes. It is clear that the judges meant him to be flogged to death. He could not be executed for his offence; but he could be subjected to the torments of a lingering execution. Flogging, under the government of James II, became a favourite punishment. Another of the plot witnesses, Dangerfield, was scourged for a libel, and he died. His death was laid upon a violent man who struck him with a cane, injuring his eye, as he was carried in a coach back to Newgate after his flogging; and that man, Francis, was hanged for murder. The lacerated body of Dangerfield showed that the brutal assault of Francis was a secondary cause of Dangerfield's death.

If Titus Oates was unmercifully scourged for the satisfaction of the papists, Richard Baxter was harassed, insulted, fined, and imprisoned, for the terror of the Puritans. Baxter was tried for a seditious libel, contained in his *Paraphrase on the New Testament*, in which he somewhat bitterly complained of the wrongs of the dissenters. Baxter's counsel moved for a postponement of the trial. "I would not give him a minute more to save his life," exclaimed the brutal Chief-justice Jeffreys: "Yonder stands Oates in the pillory, and if Baxter stood by his side the two greatest rogues and rascals in England would be there." The trial, if trial it could be called, went on. The barristers who defended the venerable man, now in his seventieth year, were insulted by the ermined slave of the crown. Baxter himself attempted to speak, and he was thus met by Jeffreys: "Richard, Richard! dost thou think we will hear thee poison the court? Richard, thou art an old fellow, an old knave; thou hast written books enough to load a cart; every one is as full of sedition (I might say treason), as an egg is full of meat; hadst thou been whipt out of thy writing trade forty years ago it had been happy. Thou pretendest to be a preacher of the gospel of peace, and thou hast one foot in the grave; it is time for thee to begin to think what account thou intendest to give; but leave thee to thyself, and I see thou wilt go on as thou hast begun; but, by the grace of God, I'll look after thee. I know thou hast a mighty party, and I see a great many of the brotherhood in corners, waiting to see what will become of the mighty don; but by the grace of Almighty God I will crush you all." The famous non-conformist — he who, in the earnestness of his piety and the purity of his life, was unsurpassed by the greatest of the great divines of the English church from which he differed so little — was of course found guilty. He was surrounded by friends and admirers, who wept aloud. "Sniveling calves!" exclaimed Jeffreys. He was anxious, it was said, that the prisoner should be whipped at the cart's tail, but that was overruled by the three other judges. Baxter was unable to pay his fine of 500 marks; and he remained in prison for eighteen months; when his pardon was obtained.[g]

MONMOUTH'S REBELLION (1685 A.D.)

In most respects the commons proved as dutiful as the king could have desired. By a unanimous vote, they settled on him for life the same revenue that the late king had enjoyed. They accompanied it with a declaration that they had implicit confidence in his promise to support the church, which, they added, was dearer to them than their lives. On the intelligence of the land-

ing of Monmouth, they made an additional grant of 400,000*l.* and passed a bill for the security of the king's person, in which they enlarged the original statute of treason. In the midst of this exuberant loyalty, however, it was manifest that the parliament, with all its servility, was jealous on the subject of religion.

Immediately on the accession of James, the English and Scottish exiles began to consult on the mode of delivering their country from the yoke of popery and despotism, which they were persuaded the new monarch would endeavour to impose upon it. They met at Rotterdam, whither Argyll and Monmouth, who were at Brussels, repaired at their invitation, and it was arranged that these noblemen should simultaneously head expeditions to England and Scotland: to keep up the union between them, Argyll was to be attended by two Englishmen, Ayloffe and Rumbold; and Monmouth by two Scots, Ferguson and Fletcher of Saltoun.

Argyll sailed on May 2nd, 1685. He stopped at Orkney Isles, where two of his party were captured, and the government thus got information of his strength and destination. He landed in his own country on the 17th, and forthwith issued two declarations, and sent the fiery cross, according to Highland usage to summon his clansmen to arms.[c] The ill success of his adventure, his capture and brave death on the scaffold are described in the history of Scotland, where one must seek the account of the remarkable events of this reign.[a]

Various circumstances detained Monmouth so long, that it was the 11th of June when he landed at Lyme in Dorset. He was attended by Lord Grey of Werk, and about eighty other exiles and their attendants. He forthwith raised his standard, and published a declaration styling James a usurper and charging him with the burning of London and every atrocity which had been laid to the account of the papists, adding that of poisoning the late king. This declaration drew numbers of the people to his standard, and on the fourth day (June 15th) he marched from Lyme at the head of four thousand men. At Taunton he was received with acclamations and presented with a splendid stand of colours; and twenty young ladies in their best attire came to offer him a naked sword and a pocket Bible. He here caused himself to be proclaimed king on the 20th; and, in proof of his royalty, touched for the king's evil. He thence proceeded to Bridgewater, where he was also well received. The militia everywhere retired before him, and he proposed to cross the Avon near Bath and advance against Bristol.

But it was now ascertained that the royal troops, under the earl of Feversham, were at hand; that project therefore was abandoned, and it was debated in his council whether to march for Salop and Cheshire, where he expected good support, or to direct their course into Wiltshire, where he was led to hope for powerful assistance. This last was preferred, and the army arrived on the 26th at Philip's-Norton on the confines of that county, where they had an encounter with a part of the royal forces in which they had rather the advantage. They fell back however to Frome, and here Monmouth first learned of the defeat of Argyll.

He had been for some time desponding; for he saw that none of the nobility or gentry, without whose aid no civil movements have ever succeeded in England, had declared in his favour, and he therefore had begun to view his cause as hopeless. It was proposed that the army should be disbanded, and Monmouth and his friends should endeavour to escape by sea; but this course was vehemently opposed by Lord Grey and others, and the army was led back to Bridgewater, July 1st.

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As the royal forces were reported to be encamped at no great distance on the edge of a morass named Sedgemoor, it was resolved to try the effect of a nocturnal attack. The duke led out his forces, the horse being commanded by Lord Grey, whose courage was very dubious. They reached the moor at about one in the morning of the 6th, but found themselves stopped by a deep drain in front of the royal camp. Grey, on coming to the ditch and perceiving the troops to be on the alert, turned after a brief stand and led his men off the field. The whole plan was now disconcerted; a firing was kept up till daylight, when Feversham ordered his infantry to cross the drain, while his horse took the insurgents in flank. The half-armed peasants made a gallant but ineffectual resistance, then broke and fled in all directions. Their loss was five hundred slain and fifteen hundred taken; the victors had three hundred killed and wounded.

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Monmouth fled, it is not known at what time: his first thought was to get over to Wales; but Grey, who was his evil genius, dissuaded him from it, and with him and a German named Busse he directed his course toward the New Forest. As a reward had been set on his head, an active search was kept up for them. Early the next morning Grey was captured, and though Monmouth and Busse then escaped, the latter was taken the following morning; and as he owned that he had parted only four hours before from the duke, the search for him was made with redoubled activity. In a couple of hours that unfortunate prince was found in a ditch, covered with fern and nettles. He was in the dress of a peasant, and in his pockets were some green peas, the only sustenance he appears to have had. Broken in mind and body, he wrote a most humble letter to the king, entreating a personal interview and promising to make some important discovery. He was therefore, the very evening he reached London (July 13th), led into the royal presence with his arms pinioned. He threw himself on his knees, confessed his guilt, casting the blame on others, and implored for mercy in the humblest terms, but made no discovery. James, reminding him of his early education, asked him if he would have a priest. "Is there then no hope?" said he. The king made no reply, but ordered him to be taken away to the Tower, where he was told to prepare for death on the second day. When Monmouth was gone, Grey was brought into the royal presence, and he behaved with more spirit than the unfortunate duke.

James is usually condemned for inhumanity on this occasion. It is said that he should not have seen Monmouth, if he was resolved not to pardon him; but there is no proof of this resolution; he saw the prisoner at his own desire, and was led to expect disclosures which he did not receive. Surely Monmouth, after his invasion, his declaration, and his assumption of the title of king, had no claims to mercy. As to his being the king's nephew, this was a dubious

point, and James appears to have always doubted his being his brother's son.

The next morning (July 14th) Monmouth was visited by his duchess, the heiress of Buccleuch, whom he had abandoned to live with Lady Harriet Wentworth. The meeting was a cold one; her object was, for the sake of herself and children, to get him to declare that she was ignorant of his projects. On this subject he gave her ample satisfaction, and she then withdrew. He wrote again to the king and to the queen and the queen-dowager (which last kindhearted princess earnestly interceded for him), and to others, but with no effect. The bishops Ken and Turner came to prepare him for death. When they were announced he was overwhelmed with terror; but it passed away, and henceforth his mind was serene and composed. They found him in a religious frame of mind in general; but on two points he proved immovable; he strenuously maintained the right of resistance to oppression, and he would not allow that there was anything morally wrong in the connection between him and Lady Harriet Wentworth, though she had borne him a child: she, he said, was his real, the duchess was only his legal wife; his love for her had weaned him from vice; both had prayed to God to root out their affection if displeasing to him, but it had only increased with time. The prelates therefore declined giving him the sacrament.

In the morning of the 15th they returned with doctors Hooper and Tenison; but none could make any impression on his mind. The duchess and his children came to take their final leave of him: he was kinder than before; she sank to the ground, and was carried away in a swoon. At ten o'clock he entered the carriage which was to convey him to Tower Hill. The concourse was immense; tears, sighs, and groans were succeeded by an awful silence. On the scaffold the divines conscientiously but cruelly pressed him on the two above-named points: he was still inflexible. He made no speech, but gave a paper to the sheriff. He laid down his head, telling the executioner to do his work better than in the case of Lord Russell. The man, unnerved, it would seem, by the charge, gave but a feeble stroke; the duke raised himself, and turned his head as if to upbraid him; he struck twice more, and then flung down the axe, swearing that his heart failed him. The sheriff made him resume it, and at the fifth blow the head was severed; and thus perished, in his thirty-sixth year, James duke of Monmouth.[c]

CRUELTIES OF THE SOLDIERS IN THE WEST; KIRKE'S "LAMBS" (1685 A.D.)

While the execution of Monmouth occupied the thoughts of the Londoners, the counties which had risen against the government were enduring all that a ferocious soldiery could inflict. Feversham had been summoned to the court, where honours and rewards which he little deserved awaited him. He was made a knight of the Garter and captain of the first and most lucrative troop of life guards: but court and city laughed at his military exploits; and the wit of Buckingham gave forth its last feeble flash at the expense of the general who had won a battle in bed. Feversham left in command at Bridgewater Colonel Percy Kirke, a military adventurer whose vices had been developed by the worst of all schools, Tangier. Kirke had during some years commanded the garrison of that town, and had been constantly employed in hostilities against tribes of foreign barbarians, ignorant of the laws which regulate the warfare of civilised and Christian nations. Within the ramparts of his fortress he was a despotic prince. The only check on his tyranny was the fear of being called to account by a distant and a careless government. He

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might therefore safely proceed to the most audacious excesses of rapacity, licentiousness, and cruelty. He lived with boundless dissoluteness, and procured by extortion the means of indulgence. No goods could be sold till Kirke had had the refusal of them. No question of right could be decided till Kirke had been bribed. Once, merely from a malignant whim, he staved all the wine in a vintner's cellar. On another occasion he drove all the Jews from Tangier. Two of them he sent to the Spanish Inquisition, which forthwith burned them. Under this iron domination scarce a complaint was heard; for hatred was effectually kept down by terror. Two persons who had been refractory were found murdered; and it was universally believed that they had been slain by Kirke's order. When his soldiers displeased him he flogged them with merciless severity; but he indemnified them by permitting them to sleep on watch, to reel drunk about the streets, to rob, beat, and insult the merchants and the labourers.

When Tangier was abandoned, Kirke returned to England. He still continued to command his old soldiers, who were designated sometimes as the 1st Tangier regiment, and sometimes as Queen Catharine's regiment. As they had been levied for the purpose of waging war on an infidel nation, they bore on their flag a Christian emblem, the Paschal Lamb. In allusion to this device, and with a bitterly ironical meaning, these men, the rudest and most ferocious in the English army, were called Kirke's Lambs. The regiment, now the second of the line, still retains this ancient badge, which is however thrown into the shade by decorations honourably earned in Egypt, in Spain, and in the heart of Asia.

Such was the captain and such were the soldiers who were now let loose on the people of Somersetshire. From Bridgewater Kirke marched to Taunton. He was accompanied by two carts filled with wounded rebels whose gashes had not been dressed, and by a long drove of prisoners on foot, who were chained two and two. Several of these he hanged as soon as he reached Taunton, without the form of a trial. They were not suffered even to take leave of their nearest relations. The sign post of the White Hart inn served for a gallows. It is said that the work of death went on in sight of the windows where the officers of the Tangier regiment were carousing, and that at every health a wretch was turned off. When the legs of the dying men quivered in the last agony, the colonel ordered the drums to strike up. He would give the rebels, he said, music to their dancing. The tradition runs that one of the captives was not even allowed the indulgence of a speedy death. Twice he was suspended from the sign post, and twice cut down. Twice he was asked if he repented of his treason; and twice he replied that, if the thing were to do again, he would do it. Then he was tied up for the last time.

So many dead bodies were quartered that the executioner stood ankle deep in blood. He was assisted by a poor man whose loyalty was suspected, and who was compelled to ransom his own life by seething the remains of his friends in pitch. The peasant who had consented to perform this hideous office afterwards returned to his plough. But a mark like that of Cain was upon him. He was known through his village by the horrible name of Tom Boilman. The rustics long continued to relate that, though he had, by his sinful and shameful deed, saved himself from the vengeance of the Lambs, he had not escaped the vengeance of a higher power. In a great storm he fled for shelter under an oak, and was there struck dead by lightning.

The number of those who were thus butchered cannot now be ascertained. Nine were entered in the parish registers of Taunton: but those registers contain the names of such only as had Christian burial. Those who were hanged

in chains, and those whose heads and limbs were sent to the neighbouring villages, must have been much more numerous. It was believed in London, at the time, that Kirke put a hundred captives to death during the week which followed the battle.

Cruelty, however, was not this man's only passion. He loved money and was no novice in the arts of extortion. A safe conduct might be bought of him for thirty or forty pounds; and such a safe conduct, though of no value in law, enabled the purchaser to pass the posts of the Lambs without molestation, to reach a seaport, and to fly to a foreign country. The ships which were bound for New England were crowded at this juncture with so many fugitives from Sedgemoor that there was great danger lest the water and provisions should fail.

Kirke was also, in his own coarse and ferocious way, a man of pleasure; and nothing is more probable than that he employed his power for the purpose of gratifying his licentious appetite. It was reported that he conquered the virtue of a beautiful woman by promising to spare the life of one to whom she was strongly attached, and that, after she had yielded, he showed her suspended on the gallows the lifeless remains of him for whose sake she had sacrificed her honour. This tale an impartial judge must reject. It is unsupported by proof. The earliest authority for it is a poem written by Pomfret. The respectable historians of that age, while they expatiate on the crimes of Kirke, either omit all mention of this most atrocious crime, or mention it as a thing rumoured but not proved. Those who tell the story tell it with such variations as deprive it of all title to credit. Some lay the scene at Taunton, some at Exeter. Some make the heroine of the tale a maiden, some a married woman. The relation for whom the shameful ransom was paid is described by some as her father, by some as her brother, and by some as her husband.

Lastly the story is one which, long before Kirke was born, had been told of many other oppressors, and had become a favourite theme of novelists and dramatists. Two politicians of the fifteenth century, Rhynsault, the favourite of Charles the Bold of Burgundy, and Oliver le Dain, the favourite of Louis XI of France, had been accused of the same crime. Cintio had taken it for the subject of a romance; Whetstone had made out of Cintio's narrative the rude play of *Promos and Cassandra;* and Shakespeare had borrowed from Whetstone the plot of the noble tragi-comedy of *Measure for Measure.* As Kirke was not the first, so he was not the last to whom this excess of wickedness was popularly imputed. During the reaction which followed the Jacobin tyranny in France, a very similar charge was brought against Joseph Lebon, one of the most odious agents of the committee of Public Safety, and, after inquiry, was admitted even by his prosecutors to be unfounded.

The government was dissatisfied with Kirke, not on account of the barbarity with which he had treated his needy prisoners, but on account of the interested lenity which he had shown to rich delinquents. He was soon recalled from the west. A less irregular and at the same time a more cruel massacre was about to be perpetrated. The vengeance was deferred during some weeks. It was thought desirable that the western circuit should not begin till the other circuits had terminated. In the meantime the jails of Somersetshire and Dorsetshire were filled with thousands of captives. The chief friend and protector of these unhappy men in their extremity was one who abhorred their religious and political opinions, one whose order they hated, and to whom they had done unprovoked wrong, Bishop Ken. That good prelate used all his influence to soften the gaolers, and retrenched from his own Episcopal state that he might be able to make some addition to the

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coarse and scanty fare of those who had defaced his beloved cathedral. His conduct on this occasion was of a piece with his whole life. His intellect was indeed darkened by many superstitions and prejudices: but his moral character, when impartially reviewed, sustains a comparison with any in ecclesiastical history, and seems to approach, as near as human infirmity permits, to the ideal perfection of Christian virtue.

His labour of love was of no long duration. A rapid and effectual jail delivery was at hand. Early in September, Jeffreys, accompanied by four other judges, set out on that circuit of which the memory will last as long as our race and language. The officers who commanded the troops in the districts through which his course lay had orders to furnish him with whatever military aid he might require. His ferocious temper needed no spur.[b]

To Jeffreys, who now enters into his full infamy, it will be well to devote some attention. Lord Campbell,[i] the biographer of the lord chancellors, says of him: "It is hardly known to the multitude that this infamous person ever held the great seal of England; as, from the almost exclusive recollection of his presiding on criminal trials, he has been execrated under the designation of Judge Jeffreys — which is as familiar in our mouths as household words. Yet was he chancellor a considerably longer time than chief justice — and in the former capacity, as well as the latter, he did many things to astonish and horrify mankind.

"He has been so much abused that I began my critical examination of his history in the hope and belief that I should find that his misdeeds had been exaggerated, and that I might be able to rescue his memory from some portion of the obloquy under which it labours; but I am sorry to say that, in my matured opinion, although he appears to have been a man of high talents, of singularly agreeable manners, and entirely free from hypocrisy, his cruelty and his political profligacy have not been sufficiently exposed or reprobated; and that he was not redeemed from his vices by one single solid virtue."[a]

MACAULAY'S ACCOUNT OF JUDGE JEFFREYS AND THE BLOODY ASSIZES

The depravity of Sir George Jeffreys[1] has passed into a proverb. Both the great English parties have attacked his memory with emulous violence: for the whigs considered him their most barbarous enemy; and the tories found it convenient to throw on him the blame of all the crimes which had sullied their triumph. A diligent and candid inquiry will show that some frightful stories which have been told concerning him are false or exaggerated. Yet the dispassionate historian will be able to make very little deduction from the vast mass of infamy with which the memory of the wicked judge has been loaded.

He was a man of quick and vigorous parts, but constitutionally prone to insolence and to the angry passions. When just emerging from boyhood he had risen into practice at the Old Bailey bar, a bar where advocates have always used a license of tongue unknown in Westminster Hall. Here, during many years, his chief business was to examine and cross-examine the most hardened miscreants of a great capital. Daily conflicts with prostitutes and thieves called out and exercised his powers so effectually that he became the

[1 The name is spelled no fewer than eight different ways: "Jeffries," "Jefferies," "Jefferys," "Jeffereys," "Jefferyes," "Jeffrys," "Jeffryes," and "Jeffreys," and he himself spelled it differently at different times of his life; but the last spelling is that which is found in his patent of peerage, and which he always used afterwards. — LORD CAMPBELL. f]

most consummate bully ever known in his profession. All tenderness for the feelings of others, all self respect, all sense of the becoming were obliterated from his mind. He acquired a boundless command of the rhetoric in which the vulgar express hatred and contempt. The profusion of maledictions and vituperative epithets which composed his vocabulary could hardly have been rivalled in the fish market or the bear garden. His countenance and his voice must always have been unamiable. But these natural advantages — for such he seems to have thought them — he had improved to such a degree that there were few who, in his paroxysms of rage, could see or hear him without emotion. Impudence and ferocity sat upon his brow. The glare of his eyes had a fascination for the unhappy victim on whom they were fixed. Yet his brow and his eye were said to be less terrible than the savage lines of his mouth. His yell of fury, as was said by one who had often heard it, sounded like the thunder of the judgment day.

These qualifications he carried, while still a young man, from the bar to the bench. He early became common sergeant and then recorder of London. As a judge at the city sessions he exhibited the same propensities which afterwards, in a higher post, gained for him an unenviable immortality. Already might be remarked in him the most odious vice which is incident to human nature, a delight in misery merely as misery. There was a fiendish exultation in the way in which he pronounced sentence on offenders. Their weeping and imploring seemed to titillate him voluptuously; and he loved to scare them into fits by dilating with luxuriant amplification on all the details of what they were to suffer. Thus, when he had an opportunity of ordering an unlucky adventuress to be whipped at the cart's tail: "Hangman," he would exclaim, "I charge you to pay particular attention to this lady! Scourge her soundly, man. Scourge her till the blood runs down! It is Christmas, a cold time for madam to strip in! See that you warm her shoulders thoroughly!" He was hardly less facetious when he passed judgment on poor Lodowick Muggleton, the drunken tailor who fancied himself a prophet. "Impudent rogue!" roared Jeffreys, "thou shalt have an easy, easy, easy punishment!" One part of this easy punishment was the pillory, in which the wretched fanatic was almost killed with brickbats.

By this time the heart of Jeffreys had been hardened to that temper which tyrants require in their worst implements. He had hitherto looked for professional advancement to the corporation of London. He had therefore professed himself a roundhead, and had always appeared to be in a higher state of exhilaration when he explained to popish priests that they were to be cut down alive and were to see their own bowels burned, than when he passed ordinary sentences of death. But, as soon as he had got all that the city could give, he made haste to sell his forehead of brass and his tongue of venom to the court. Chiffinch, who was accustomed to act as broker in infamous contracts of more than one kind, lent his aid. He had conducted many amorous and many political intrigues; but he assuredly never rendered a more scandalous service to his masters than when he introduced Jeffreys to Whitehall.

The renegade soon found a patron in the obdurate and revengeful James, but was always regarded with scorn and disgust by Charles, whose faults, great as they were, had no affinity with insolence and cruelty. "That man," said the king, "has no learning, no sense, no manners, and more impudence than ten carted streetwalkers." Work was to be done, however, which could be trusted to no man who reverenced law or was sensible of shame; and thus Jeffreys, at an age at which a barrister thinks himself fortunate if he is em-

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ployed to conduct an important cause, was made chief justice of the King's Bench.

His enemies could not deny that he posessed some of the qualities of a great judge. His legal knowledge, indeed, was merely such as he had picked up in practice of no very high kind. But he had one of those happily constituted intellects which, across labyrinths of sophistry, and through masses of immaterial facts, go straight to the true point. Of his intellect, however, he seldom had the full use. Even in civil causes his malevolent and despotic temper perpetually disordered his judgment. To enter his court was to enter the den of a wild beast, which none could tame, and which was as likely to be roused to rage by caresses as by attacks. He frequently poured forth on plaintiffs and defendants, barristers and attorneys, witnesses and jurymen torrents of frantic abuse, intermixed with oaths and curses. His looks and tones had inspired terror when he was merely a young advocate struggling into practice. Now that he was at the head of the most formidable tribunal in the realm, there were few indeed who did not tremble before him. Even when he was sober, his violence was sufficiently frightful. But in general his reason was overclouded and his evil passions stimulated by the fumes of intoxication.

His evenings were ordinarily given to revelry. People who saw him only over his bottle would have supposed him to be a man gross indeed, sottish, and addicted to low company and low merriment, but social and good humoured. He was constantly surrounded on such occasions by buffoons selected, for the most part, from among the vilest pettifoggers who practised before him. These men bantered and abused each other for his entertainment. He joined in their ribald talk, sang catches with them, and, when his head grew hot, hugged and kissed them in an ecstacy of drunken fondness. But, though wine at first seemed to soften his heart, the effect a few hours later was very different. He often came to the judgment seat, having kept the court waiting long, and yet having but half slept off his debauch, his cheeks on fire, his eyes staring like those of a maniac. When he was in this state, his boon companions of the preceding night, if they were wise, kept out of his way; for the recollection of the familiarity to which he had admitted them inflamed his malignity; and he was sure to take every opportunity of overwhelming them with execration and invective. Not the least odious of his many odious peculiarities was the pleasure which he took in publicly browbeating and mortifying those whom, in his fits of maudlin tenderness, he had encouraged to presume on his favour.

The services which the government had expected from him were performed, not merely without flinching, but eagerly and triumphantly. His first exploit was the judicial murder of Algernon Sidney. What followed was in perfect harmony with this beginning. Respectable tories lamented the disgrace which the barbarity and indecency of so great a functionary brought upon the administration of justice. But the excesses which filled such men with horror were titles to the esteem of James. Jeffreys, therefore, after the death of Charles, obtained a seat in the cabinet and a peerage. This last honour was a signal mark of royal approbation. For, since the judicial system of the realm had been remodelled in the thirteenth century, no chief justice had been a lord of parliament.

Guilford now found himself superseded in all his political functions, and restricted to his business as a judge in equity. At council he was treated by Jeffreys with marked incivility. The whole legal patronage was in the hands of the chief justice; and it was well known by the bar that the surest way to

propitiate the chief-justice was to treat the lord keeper with disrespect. So deeply was Guilford humbled that, when he appeared for the last time in Westminster Hall in 1685 after the failure of Monmouth's rebellion, he took with him a nosegay to hide his face, because, as he afterwards owned, he could not bear the eyes of the bar and of the audience. The prospect of his approaching end seems to have inspired him with unwonted courage. He determined to discharge his conscience, requested an audience of the king, spoke earnestly of the dangers inseparable from violent and arbitrary counsels, and condemned the lawless cruelties which the soldiers had committed in Somersetshire. He soon after retired from London to die. He breathed his last a few days after the judges set out for the west. It was immediately notified to Jeffreys that he might expect the great seal as the reward of faithful and vigorous service.

Trial of Alice Lisle

At Winchester the chief-justice first opened his commission. Hampshire had not been the theatre of war; but many of the vanquished rebels had, like their leader, fled thither. Two of them, John Hickes, a non-conformist divine, and Richard Nelthorpe, a lawyer who had been outlawed for his share in the Rye House Plot, had sought refuge at the house of Alice, widow of John Lisle. John Lisle had sat in the Long Parliament and in the high court of justice, had been a commissioner of the great seal in the days of the commonwealth, and had been created a lord by Cromwell. The titles given by the protector had not been recognised by any government which had ruled England since the downfall of his house; but they appear to have been often used in conversation even by royalists. John Lisle's widow was therefore commonly known as the lady Alice.

The same womanly kindness which had led her to befriend the royalists in their time of trouble would not suffer her to refuse a meal and a hiding place to the wretched men who now entreated her to protect them. She took them into her house, set meat and drink before them, and showed them where they might take rest. The next morning her dwelling was surrounded by soldiers. Strict search was made. Hickes was found concealed in the malt house, and Nelthorpe in the chimney. If Lady Alice knew her guests to have been concerned in the insurrection, she was undoubtedly guilty of what in strictness is a capital crime. For the law of principal and accessory as respects high treason, then was, and is to this day, in a state disgraceful to English jurisprudence. The feeling which makes the most loyal subject shrink from the thought of giving up to a shameful death the rebel who, vanquished, hunted down, and in mortal agony, begs for a morsel of bread and a cup of water, may be a weakness: but it is surely a weakness very nearly allied to virtue. No English ruler, the savage and implacable James alone excepted, has had the barbarity even to think of putting a lady to a cruel and shameful death for so venial and amiable a transgression.

Odious as the law was, it was strained for the purpose of destroying Alice Lisle. She could not, according to the doctrine laid down by the highest authority, be convicted till after the conviction of the rebels whom she had harboured. She was, however, set to the bar before either Hickes or Nelthorpe had been tried. It was no easy matter in such a case to obtain a verdict for the crown. The witnesses prevaricated. The jury, consisting of the principal gentlemen of Hampshire, shrank from the thought of sending a fellow creature to the stake for conduct which seemed deserving rather of

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praise than of blame. Jeffreys was beside himself with fury. This was the first case of treason on the circuit; and there seemed to be a strong probability that his prey would escape him. He stormed, cursed, and swore in language which no well bred man would have used at a race or a cockfight.

After the witnesses had been thus handled, the lady Alice was called on for her defence. She began by saying, what may possibly have been true, that, though she knew Hickes to be in trouble when she took him in, she did not know or suspect that he had been concerned in the rebellion. He was a divine, a man of peace. It had, therefore, never occurred to her that he could have borne arms against the government; and she had supposed that he wished to conceal himself because warrants were out against him for field preaching. The chief justice began to storm: "But I will tell you. There is not one of those lying, snivelling, canting Presbyterians but, one way or another, had a hand in the rebellion. Presbytery has all manner of villany in it. Nothing but Presbytery could have made Dunne such a rogue. Show me a Presbyterian; and I'll show thee a lying knave." He summed up in the same style, declaimed during an hour against whigs and dissenters, and reminded the jury that the prisoner's husband had borne a part in the death of Charles I, a fact which was not proved by any testimony, and which, if it had been proved, would have been utterly irrelevant to the issue. The jury retired, and remained long in consultation. The judge grew impatient. He could not conceive, he said, how, in so plain a case, they should even have left the box. He sent a messenger to tell them that, if they did not instantly return, he would adjourn the court and lock them up all night. Thus put to the torture, they came, but came to say that they doubted whether the charge had been made out. Jeffreys expostulated with them vehemently, and, after another consultation, they gave a reluctant verdict of guilty.

On the following morning sentence was pronounced. Jeffreys gave directions that Alice Lisle should be burned alive that very afternoon. This excess of barbarity moved the pity and indignation even of the class which was most devoted to the crown. The clergy of Winchester cathedral remonstrated with the chief justice, who, brutal as he was, was not mad enough to risk a quarrel on such a subject with a body so much respected by the tory party. He consented to put off the execution five days. During that time the friends of the prisoner besought James to show her mercy. Ladies of high rank interceded for her. Clarendon, the king's brother-in-law, pleaded her cause. But all was vain. The utmost that could be obtained was that her sentence should be commuted from burning to beheading. She was put to death on a scaffold in the market-place of Winchester, and underwent her fate with serene courage.

The Bloody Assizes

In Hampshire Alice Lisle was the only victim, but, on the day following her execution, Jeffreys reached Dorchester, the principal town of the county in which Monmouth had landed, and the judicial massacre began. The court was hung, by order of the chief justice, with scarlet; and this innovation seemed to the multitude to indicate a bloody purpose. It was also rumoured that, when the clergyman who preached the assize sermon enforced the duty of mercy, the ferocious mouth of the judge was distorted by an ominous grin. These things made men augur ill of what was to follow.

More than three hundred prisoners were to be tried. The work seemed heavy; but Jeffreys had a contrivance for making it light. He let it be under-

stood that the only chance of obtaining pardon or respite was to plead guilty. Twenty-nine persons, who put themselves on their country and were convicted, were ordered to be tied up without delay. The remaining prisoners pleaded guilty by scores. Two hundred and ninety-two received sentence of death. The whole number hanged in Dorsetshire amounted to seventy-four.

From Dorchester Jeffreys proceeded to Exeter. The civil war had barely grazed the frontier of Devonshire. Here, therefore, comparatively few persons were capitally punished. Somersetshire, the chief seat of the rebellion, had been reserved for the last and most fearful vengeance. In this county two hundred and thirty-three prisoners were in a few days hanged, drawn, and quartered. At every spot where two roads met, on every market place, on the green of every large village which had furnished Monmouth with soldiers, ironed corpses clattering in the wind, or heads and quarters stuck on poles, poisoned the air, and made the traveller sick with horror. In many parishes the peasantry could not assemble in the house of God without seeing the ghastly face of a neighbour grinning at them over the porch.

The chief-justice was all himself. His spirits rose higher and higher as the work went on. He laughed, shouted, joked, and swore in such a way that many thought him drunk from morning to night. But in him it was not easy to distinguish the madness produced by evil passions from the madness produced by brandy. A prisoner affirmed that the witnesses who appeared against him were not entitled to credit. One of them, he said, was a papist, and another a prostitute. "Thou impudent rebel," exclaimed the judge, "to reflect on the king's evidence! I see thee, villain, I see thee already with the halter round thy neck." Another produced testimony that he was a good Protestant. "Protestant!" said Jeffreys; "you mean Presbyterian. I'll hold you a wager of it. I can smell a Presbyterian forty miles." One wretched man moved the pity even of bitter tories. "My lord," they said, "this poor creature is on the parish." "Do not trouble yourselves," said the judge, "I will ease the parish of the burden."

It was not only on the prisoners that his fury broke forth. Gentlemen and noblemen of high consideration and stainless loyalty, who ventured to bring to his notice any extenuating circumstance, were almost sure to receive what he called, in the coarse dialect which he had learned in the pot-houses of Whitechapel, "a lick with the rough side of his tongue." Lord Stawell, a tory peer, who could not conceal his horror at the remorseless manner in which his poor neighbours were butchered, was punished by having a corpse suspened in chains at his park gate. In such spectacles originated many tales of terror, which were long told over the cider by the Christmas fires of the farmers of Somersetshire. Within the last forty years peasants, in some districts, well knew the accursed spots, and passed them unwillingly after sunset.

Jeffreys boasted that he had hanged more traitors than all his predecessors together since the conquest. It is certain that the number of persons whom he executed in one month, and in one shire, very much exceeded the number of all the political offenders who have been executed in our island since the Revolution. The rebellions of 1715 and 1745 were of longer duration, of wider extent, and of more formidable aspect than that which was put down at Sedgemoor. It has not been generally thought that, either after the rebellion of 1715, or after the rebellion of 1745, the house of Hanover erred on the side of clemency. Yet all the executions of 1715 and 1745 added together will appear to have been few indeed when compared with those which disgraced the Bloody Assizes. The number of the rebels whom Jeffreys hanged

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on this circuit was three hundred and twenty. Lord Lonsdale[i] says seven hundred; Burnet[k] six hundred. We have followed the list which the judges sent to the treasury, and which may still be seen there in the letter book of 1685.

Such havoc must have excited disgust even if the sufferers had been generally odious. But they were, for the most part, men of blameless life and of high religious profession. They were regarded by themselves, and by a large proportion of their neighbours, not as wrongdoers, but as martyrs who sealed with blood the truth of the Protestant religion. Very few of the convicts professed any repentance for what they had done. Many, animated by the old Puritan spirit, met death, not merely with fortitude but with exultation. It was in vain that the ministers of the established church lectured them on the guilt of rebellion and on the importance of priestly absolution. The claim of the king to unbounded authority in things temporal, and the claim of the clergy to the spiritual power of binding and loosing, moved the bitter scorn of the intrepid sectaries. Some of them composed hymns in the dungeon, and chanted them on the fatal sledge. Christ, they sang while they were undressing for the butchery, would soon come to rescue Zion and to make war on Babylon, would set up his standard, would blow his trumpet, and would requite his foes tenfold for all the evil which had been inflicted on his servants. The dying words of these men were noted down; their farewell letters were kept as treasures; and, in this way, with the help of some invention and exaggeration, was formed a copious supplement to the Marian martyrology.

Yet those rebels who were doomed to death were less to be pitied than some of the survivors. Several prisoners to whom Jeffreys was unable to bring home the charge of high treason were convicted of misdemeanours, and were sentenced to scourging not less terrible than that which Oates had undergone. A woman for some idle words, such as had been uttered by half the women in the districts where the war had raged, was condemned to be whipped through all the market towns in the county of Dorset. She suffered part of her punishment before Jeffreys returned to London: but, when he was no longer in the west, the gaolers, with the humane connivance of the magistrates, took on themselves the responsibility of sparing her any further torture.

A still more frightful sentence was passed on a lad named Tutchin, who was tried for seditious words. He was, as usual, interrupted in his defence by ribaldry and scurrility from the judgment seat. "You are a rebel; and all your family have been rebels since Adam. They tell me that you are a poet. I'll cap verses with you." The sentence was that the boy should be imprisoned seven years, and should, during that period, be flogged through every market town in Dorsetshire every year. The women in the galleries burst into tears. The clerk of the arraigns stood up in great disorder. "My lord," said he, "the prisoner is very young. There are many market towns in our county. The sentence amounts to whipping once a fortnight for seven years." "If he is a young man," said Jeffreys, "he is an old rogue. Ladies, you do not know the villain as well as I do. The punishment is not half bad enough for him. All the interest in England shall not alter it." Tutchin in his despair petitioned, and probably with sincerity, that he might be hanged. Fortunately for him he was, just at this conjuncture, taken ill of the smallpox and given over. As it seemed highly improbable that the sentence would ever be executed, the chief justice consented to remit it, in return for a bribe which reduced the prisoner to poverty. The temper of Tutchin, not originally very mild, was exasperated to madness by what he had undergone. He lived to be known as one of the most acrimonious and pertinacious enemies of the house of Stuart and of the tory party.

Rebels Transported

The number of prisoners whom Jeffreys transported was eight hundred and forty-one. These men, more wretched than their associates who suffered death, were distributed into gangs, and bestowed on persons who enjoyed favour at court. The conditions of the gift were that the convicts should be carried beyond sea as slaves, that they should not be emancipated for ten years, and that the place of their banishment should be some West Indian island. This last article was studiously framed for the purpose of aggravating the misery of the exiles. In New England or New Jersey they would have found a population kindly disposed to them and a climate not unfavourable to their health and vigour. It was therefore determined that they should be sent to colonies where a Puritan could hope to inspire little sympathy, and where a labourer born in the temperate zone could hope to enjoy little health. Such was the state of the slave market that these bondmen, long as was the passage, and sickly as they were likely to prove, were still very valuable. It was estimated by Jeffreys that, on an average, each of them, after all charges were paid, would be worth from ten to fifteen pounds. There was therefore much angry competition for grants. Some tories in the west conceived that they had, by their exertions and sufferings during the insurrection, earned a right to share in the profits which had been eagerly snatched up by the sycophants of Whitehall. The courtiers, however, were victorious.

The misery of the exiles fully equalled that of the negroes who in the nineteenth century were carried from Congo to Brazil. It appears from the best information which is at present accessible that more than one-fifth of those who were shipped were flung to the sharks before the end of the voyage. The human cargoes were stowed close in the holds of small vessels. So little space was allowed that the wretches, many of whom were still tormented by unhealed wounds, could not all lie down at once without lying on one another. They were never suffered to go on deck. The hatchway was constantly watched by sentinels armed with hangers and blunderbusses. In the dungeon below all was darkness, stench, lamentation, disease, and death.

Of ninety-nine convicts who were carried out in one vessel, twenty-one died before they reached Jamaica, although the voyage was performed with unusual speed. The survivors when they arrived at their house of bondage were mere skeletons. During some weeks coarse biscuit and fetid water had been doled out to them in such scanty measure that any one of them could easily have consumed the ration which was assigned to five. They were, therefore, in such a state that the merchant to whom they had been consigned found it expedient to fatten them before selling them.

Confiscation and Extortion

Meanwhile the property, both of the rebels who had suffered death and of those more unfortunate men who were withering under the tropical sun, was fought for and torn in pieces by a crowd of greedy informers. By law a subject attainted of treason forfeits all his substance; and this law was enforced after the Bloody Assizes with a rigour at once cruel and ludicrous. The broken-hearted widows and destitute orphans of the labouring men whose corpses hung at the cross roads were called upon by the agents of the treasury to explain what had become of a basket, of a goose, of a flitch of bacon, of a keg of cider, of a sack of beans, of a truss of hay. While the humbler retainers of the government were pillaging the families of the slaughtered peasants, the

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chief justice was fast accumulating a fortune out of the plunder of a higher class of whigs. He traded largely in pardons. His most lucrative transaction of this kind was with a gentleman named Edmund Prideaux. The unfortunate man lay long in gaol, and at length, overcome by fear of the gallows, consented to pay £15,000 for his liberation. This great sum was received by Jeffreys. He bought with it an estate, to which the people gave the name of Aceldama, from that accursed field which was purchased with the price of innocent blood.

Some courtiers contrived to obtain a small share of this traffic. The ladies of the queen's household distinguished themselves pre-eminently by rapacity and hard-heartedness. Part of the disgrace which they incurred falls on their mistress: for it was solely on account of the relation in which they stood to her that they were able to enrich themselves by so odious a trade; and there can be no question that she might with a word or a look have restrained them. But in truth she encouraged them by her evil example, if not by her express approbation. She seems to have been one of that large class of persons who bear adversity better than prosperity. While her husband was a subject and an exile, shut out from public employment, and in imminent danger of being deprived of his birthright, the suavity and humility of her manners conciliated the kindness even of those who most abhorred her religion. But when her good fortune came her good nature disappeared. The meek and affable duchess turned out an ungracious and haughty queen. The misfortunes which she subsequently endured have made her an object of some interest; but that interest would be not a little heightened if it could be shown that, in the season of her greatness, she saved, or even tried to save, one single victim from the most frightful proscription that England has ever seen. Unhappily the only request that she is known to have preferred touching the rebels was that a hundred of those who were sentenced to transportation might be given to her.

The profit which she cleared on the cargo, after making large allowance for those who died of hunger and fever during the passage, cannot be estimated at less than a thousand guineas. We cannot wonder that her attendants should have imitated her unprincely greediness and her unwomanly cruelty. They exacted a thousand pounds from Roger Hoare, a merchant of Bridgewater, who had contributed to the military chest of the rebel army. But the prey on which they pounced most eagerly was one which it might have been thought that even the most ungentle natures would have spared. Already some of the girls who had presented the standard to Monmouth at Taunton had cruelly expiated their offence. One of them had been thrown into a prison where an infectious malady was raging. She had sickened and died there. Another had presented herself at the bar before Jeffreys to beg for mercy. "Take her, gaoler," vociferated the judge, with one of those frowns which had often struck terror into stouter hearts than hers. She burst into tears, drew her hood over her face, followed the gaoler out of court, fell ill of fright, and in a few hours was a corpse.

Most of the young ladies, however, who had walked in the procession, were still alive. Some of them were under ten years of age. All had acted under the orders of their schoolmistress, without knowing that they were committing a crime. The queen's maids of honour asked the royal permission to wring money out of the parents of the poor children; and the permission was granted. An order was sent down to Taunton that all these little girls should be seized and imprisoned. The maids of honour were at last forced to content themselves with less than a third part of what they had demanded.

"Odious Mercy"

No English sovereign has ever given stronger proofs of a cruel nature than James II. Yet his cruelty was not more odious than his mercy. Or perhaps it may be more correct to say that his mercy and his cruelty were such that each reflects infamy on the other. Our horror at the fate of the simple clowns, the young lads, the delicate women, to whom he was inexorably severe, is increased when we find to whom and for what considerations he granted his pardon.

The rule by which a prince ought, after a rebellion, to be guided in selecting rebels for punishment is perfectly obvious. The ringleaders, the men of rank, fortune, and education, whose power and whose artifices have led the multitude into error, are the proper objects of severity. The deluded populace, when once the slaughter on the field of battle is over, can scarcely be treated too leniently. This rule, so evidently agreeable to justice and humanity, was not only not observed, it was inverted. While those who ought to have been spared were slaughtered by hundreds, the few who might with propriety have been left to the utmost rigour of the law were spared. This eccentric clemency has perplexed some writers, and has drawn forth ludicrous eulogies from others. It was neither at all mysterious nor at all praiseworthy. It may be distinctly traced in every case either to a sordid or to a malignant motive, either to thirst for money or to thirst for blood.

In the case of Grey there was no mitigating circumstance. He was suffered to redeem himself by giving a bond for £40,000 to the lord treasurer, and smaller sums to other courtiers. Sir John Cochrane had held among the Scotch rebels the same rank which had been held by Grey in the west of England. His father, Lord Dundonald, offered a bribe of £5,000 to the priests of the royal household; and a pardon was granted.[1]

None of the traitors had less right to expect favour than Wade, Goodenough, and Ferguson. These three chiefs of the rebellion had fled together from the field of Sedgemoor, and had reached the coast in safety. But they had found a frigate cruising near the spot where they had hoped to embark. They had then separated. Wade and Goodenough were soon discovered and brought up to London. Deeply as they had been implicated in the Rye House Plot, conspicuous as they had been among the chiefs of the western insurrection, they were suffered to live, because they had it in their power to give information which enabled the king to slaughter and plunder some persons whom he hated, but to whom he had never yet been able to bring home any crime.

How Ferguson escaped was, and still is, a mystery. Of all the enemies of the government he was, without doubt, the most deeply criminal. He was the original author of the plot for assassinating the royal brothers. He had written that declaration which, for insolence, malignity, and mendacity, stands unrivalled even among the libels of those stormy times. He had instigated Monmouth first to invade the kingdom and then to usurp the crown. It was reasonable to expect that a strict search would be made for the arch traitor, as he was often called; and such a search a man of so singular an aspect and dialect could scarcely have eluded. It was confidently reported in the coffee houses of London that Ferguson was taken; and this report found credit with men who had excellent opportunities of knowing the truth. The next thing that was heard of him was that he was safe on the Continent. It was strongly suspected that he had been in constant communication with the government against which he was constantly plotting, that he had, while

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urging his associates to every excess of rashness, sent to Whitehall just so much information about their proceedings as might suffice to save his own neck, and that therefore orders had been given to let him escape.

JEFFREYS MADE LORD CHANCELLOR

And now Jeffreys had done his work, and returned to claim his reward. He arrived at Windsor from the west, leaving carnage, mourning, and terror behind him. The hatred with which he was regarded by the people of Somersetshire has no parallel in our history. It was not to be quenched by time or by political changes, was long transmitted from generation to generation, and raged fiercely against his innocent progeny. When he had been many years dead, when his name and title were extinct, his granddaughter the countess of Pomfret, travelling along the western road, was insulted by the populace, and found that she could not safely venture herself among the descendants of those who had witnessed the Bloody Assizes.

But at the court Jeffreys was cordially welcomed. He was a judge after his master's own heart. James had watched the circuit with interest and delight. In his drawing-room and at his table he had frequently talked of the havoc which was making among his disaffected subjects with a glee at which the foreign ministers stood aghast. With his own hand he had penned accounts of what he facetiously called his lord chief justice's campaign in the west. Some hundreds of rebels, his majesty wrote to the Hague, had been condemned. Some of them had been hanged, more should be so; and the rest should be sent to the plantations. It was to no purpose that Ken wrote to implore mercy for the misguided people, and described with pathetic eloquence the frightful state of his diocese. He complained that it was impossible to walk along the highways without seeing some terrible spectacle, and that the whole air of Somersetshire was tainted with death. The king read, and remained, according to the saying of Churchill, hard as the marble chimney pieces of Whitehall.

At Windsor the great seal of England was put into the hands of Jeffreys, and in the next *London Gazette* it was solemnly notified that this honour was the reward of the many eminent and faithful services which he had rendered to the crown. At a later period, when all men of all parties spoke with horror of the Bloody Assizes, the wicked judge and the wicked king attempted to vindicate themselves by throwing the blame on each other. Jeffreys, in the Tower, protested that, in his utmost cruelty, he had not gone beyond his master's express orders, nay, that he had fallen short of them. James, at St. Germain, would willingly have had it believed that his own inclinations had been on the side of clemency, and that unmerited obloquy had been brought on him by the violence of his minister. But neither of these hard-hearted men must be absolved at the expense of the other. The plea set up for James can be proved under his own hand to be false in fact. The plea of Jeffreys even if it be true in fact, is utterly worthless.

THE SLAUGHTER IN LONDON

The slaughter in the west was over. The slaughter in London was about to begin. The government was peculiarly desirous to find victims among the great whig merchants of the city. They had, in the last reign, been a formidable part of the strength of the opposition. They were wealthy; and their wealth was not, like that of many noblemen and country gentlemen, protected

by entail against forfeiture. One of the most considerable among them was Henry Cornish. He had been an alderman under the old charter of the city, and had filled the office of sheriff when the question of the Exclusion Bill occupied the public mind. In politics he was a whig: his religious opinions leaned towards Presbyterianism: but his temper was cautious and moderate. It is not proved by trustworthy evidence that he ever approached the verge of treason. He had, indeed, when sheriff, been very unwilling to employ as his deputy a man so violent and unprincipled as Goodenough. When the Rye House Plot was discovered, great hopes were entertained at Whitehall that Cornish would appear to have been concerned: but these hopes were disappointed. One of the conspirators, indeed, John Rumsey, was ready to swear anything: but a single witness was not sufficient; and no second witness could be found. More than two years had since elapsed. Cornish thought himself safe: but the eye of the tyrant was upon him. Goodenough, terrified by the near prospect of death, and still harbouring malice on account of the unfavourable opinion which had always been entertained of him by his old master, consented to supply the testimony which had hitherto been wanting. Cornish was arrested while transacting business on the exchange, was hurried to jail, was kept there some days in solitary confinement, and was brought altogether unprepared to the bar of the Old Bailey. The case against him rested wholly on the evidence of Rumsey and Goodenough. Both were, by their own confession, accomplices in the plot with which they charged the prisoner. Both were impelled by the strongest pressure of hope and fear to criminate him. Evidence was produced which proved that Goodenough was also under the influence of personal enmity. Rumsey's story was inconsistent with the story which he had told when he appeared as a witness against Lord Russell. But these things were urged in vain. On the bench sat three judges who had been with Jeffreys in the west; and it was remarked by those who watched their deportment that they had come back from the carnage of Taunton in a fierce and excited state. It is indeed but too true that the taste for blood is a taste which even men not naturally cruel may, by habit, speedily acquire. The bar and the bench united to browbeat the unfortunate whig. The jury, named by a courtly sheriff, readily found a verdict of guilty; and, in spite of the indignant murmurs of the public, Cornish suffered death within ten days after he had been arrested. That no circumstance of degradation might be wanting, the gibbet was set up where King street meets Cheapside, in sight of the house where he had long lived in general respect, of the exchange where his credit had always stood high, and of the Guildhall where he had distinguished himself as a popular leader.

Black as this case was, it was not the blackest which disgraced the sessions of that autumn at the Old Bailey. Among the persons concerned in the Rye House Plot was a man named James Burton. By his own confession he had been present when the design of assassination was discussed by his accomplices. When the conspiracy was detected, a reward was offered for his apprehension. He was saved from death by an ancient matron of the Baptist persuasion, named Elizabeth Gaunt. This woman, with the peculiar manners and phraseology which then distinguished her sect, had a large charity. Her life was passed in relieving the unhappy of all religious denominations, and she was well known as a constant visitor of the gaols. Her political and theological opinions, as well as her compassionate disposition, led her to do everything in her power for Burton. She procured a boat which took him to Gravesend, where he got on board of a ship bound for Amsterdam. At the moment of parting she put into his hand a sum of money which, for her means,

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was very large. Burton, after living some time in exile, returned to England with Monmouth, fought at Sedgemoor, fled to London, and took refuge in the house of John Fernley, a barber in Whitechapel. Fernley was very poor. He was besieged by creditors. He knew that a reward of £100 had been offered by the government for the apprehension of Burton. But the honest man was incapable of betraying one who, in extreme peril, had come under the shadow of his roof. Unhappily it was soon noised abroad that the anger of James was more strongly excited against those who harboured rebels than against the rebels themselves. James had publicly declared that of all forms of treason the hiding of traitors from his vengeance was the most unpardonable. Burton knew this. He delivered himself up to the government; and he gave information against Fernley and Elizabeth Gaunt. They were brought to trial. The villain whose life they had preserved had the heart and the forehead to appear as the principal witness against them. They were convicted. Fernley was sentenced to the gallows, Elizabeth Gaunt to the stake. Even after all the horrors of that year, many thought it impossible that these judgments should be carried into execution. But the king was without pity. Fernley was hanged. Elizabeth Gaunt was burned alive at Tyburn on the same day on which Cornish suffered death in Cheapside. She left a paper written, indeed, in no graceful style, yet such as was read by many thousands with compassion and horror. "My fault," she said, "was one which a prince might well have forgiven. I did but relieve a poor family, and lo! I must die for it." To the last she preserved a tranquil courage, which reminded the spectators of the most heroic deaths of which they had read in Foxe. When she calmly disposed the straw about her in such a manner as to shorten her sufferings, all the bystanders burst into tears. It was much noticed that, while the foulest judicial murder which had disgraced even those times was perpetrating, a tempest burst forth, such as had not been known since that great hurricane which had raged round the death bed of Oliver. The oppressed Puritans reckoned up, not without a gloomy satisfaction, the houses which had been blown down, and the ships which had been cast away, and derived some consolation from thinking that heaven was bearing awful testimony against the iniquity which afflicted the earth. Since that terrible day no woman has suffered death in England for any political offence.

CRUEL PERSECUTION OF THE PROTESTANT DISSENTERS

Never, not even under the tyranny of Laud, had the condition of the Puritans been so deplorable as at that time. Never had spies been so actively employed in detecting congregations. Never had magistrates, grand jurors, rectors, and churchwardens been so much on the alert. Many dissenters were cited before the ecclesiastical courts. Others found it necessary to purchase the connivance of the agents of the government by presents of hogsheads of wine, and of gloves stuffed with guineas. It was impossible for the separatists to pray together without precautions such as are employed by coiners and receivers of stolen goods. The places of meeting were frequently changed. Worship was performed sometimes just before break of day and sometimes at dead of night. Round the building where the little flock was gathered together sentinels were posted to give the alarm if a stranger drew near. The minister in disguise was introduced through the garden and the back yard. In some houses there were trap doors through which, in case of danger, he might descend. Where non-conformists lived next door to each other, the walls were often broken open, and secret passages were made from dwelling

to dwelling. No psalm was sung; and many contrivances were used to prevent the voice of the preacher, in his moments of fervour, from being heard beyond the walls. Yet, with all this care, it was often found impossible to elude the vigilance of informers. In the suburbs of London, especially, the law was enforced with the utmost rigour. Several opulent gentlemen were accused of holding conventicles. Their houses were strictly searched, and distresses were levied to the amount of many thousands of pounds.

Through many years the autumn of 1685 was remembered by the nonconformists as a time of misery and terror. Yet in that autumn might be discerned the first faint indications of a great turn of fortune; and before eighteen months had elapsed, the intolerant king and the intolerant church were eagerly bidding against each other for the support of the party which both had so deeply injured.[b]

THE KING AT ODDS WITH PARLIAMENT (1685 A.D.)

The suppression of the rebellion had elated James, and led him to think that nothing now could oppose his will. He had three objects in view as the means of establishing despotism; these were, the abolition of the Test, which would enable him to fill all offices with papists; the repeal of the Habeas Corpus Act, which the late king and himself had often declared to be subversive of government, *i.e.* of despotism; to keep up the army, which now amounted to nearly twenty thousand men, and in which there were several Catholic officers, as a permanent force. As he knew that Halifax was opposed to all these projects, he lost no time in dismissing him from the council.

When the parliament met (November 9th, 1685) James addressed them from the throne. Late events, he said, had shown that the militia was inadequate to the defence of the country, and that a permanent force was necessary; he had, therefore, increased the regular army, and he now called on them for the funds for maintaining it. He then noticed the employment of Catholics. "And I will deal plainly with you," said he: "after having had the benefit of their services in such a time of need and danger, I will not expose them to disgrace, nor myself to the want of them, if there should be another rebellion."

From this haughty tone, it is plain that James reckoned on absolute submission, and that the parliament would simply register his edicts; but here, as on most occasions, his blind fatuity led him astray. The dread and the hatred of popery were implanted in every Protestant bosom; and, in the revocation of the Edict of Nantes by Louis, at this very time, they had had a specimen of good faith and tolerance. The commons, therefore, when voting a supply of 700,000*l.*, coupled with it a bill for the improvement of the militia; and while offering to pass a bill of indemnity for the Catholic officers, prayed that they might be discharged. The danger of a standing army and the employment of Catholic officers was also strongly exposed in the house of peers by lords Halifax, Nottingham, Anglesea, Mordaunt, Compton, bishop of London, and others and, in spite of the opposition of Jeffreys, it was resolved to take the king's speech into consideration.[c]

James now saw that to proceed cordially with either house of parliament it would be necessary he should retreat from the position which he had taken in regard both to the army and the Test Act. But mistaking obstinacy of purpose for vigour of understanding, he resisted every thought tending to such a surrender. He prorogued the parliament, and resolved that it should not meet again except under some better auspices. The king, as his manner

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was, had been present in the house of lords during the debate on the nineteenth, and had expressed himself much displeased with the speeches then made. On the following morning, he suddenly presented himself, in his usual state, and declared, by the chancellor, to both houses, that, for certain weighty reasons, he had determined to prorogue the parliament to the 10th of February. By this act, the incomplete money bill, which, in the time specified, would have yielded £700,000, was lost to the exchequer; nor could James conceal from himself that it was a proceeding which would increase the suspicion and irritation of the discontented everywhere; but looking at the general posture of affairs, it was the course attended, in his judgment, with the least degree of evil. It was hardly possible he should hope ever to convene another house of commons so subservient; and it was difficult accordingly to imagine by what means, short of a complete abeyance of the constitution, he could expect to carry on the government of the country.

France and the allies were equally watchful of these proceedings, and equally prepared to purchase the assistance of the crown, the court, or the opposition, as circumstances might suggest. At present the scale turned in favour of France. James assured his parliament in July that he had "a true English heart"; but only six weeks before, he had written to Louis, entreating a secret subsidy, and declaring, with the same emphasis, that his heart was French. Having come to this rupture with his parliament, his views were naturally directed to Versailles.[l]

Parliament met no more during his reign, except to be prorogued anew. It was fortunate for the country that James's bigotry led him to assail the Test Act first, for in all probability this subservient assembly would have surrendered the Habeas Corpus Act without a struggle.

James was resolved, come what might, not to part with his army. The annual cost of it was £600,000; and, by frugality, by neglecting the navy, by putting off the payment of his brother's debts, and by other expedients, he could defray it without the aid of parliament. To put the chief commands into the hands of Catholics was necessary for his ulterior projects, and to effect this he had recourse to the following plan.

JAMES TAMPERS WITH THE BENCH AND USURPS THE DISPENSING POWER

It had from very ancient times been a part of the prerogative to grant dispensations from the penalties of particular laws. This had, as usual, been spoken of in exaggerated terms by courtiers and lawyers, even Coke saying that no act of parliament can restrain it. Practice, however, had for many years confined it to merely trifling cases; but Sir Edward Herbert, the present chief-justice, had formerly suggested to the king, when duke of York, that by means of it the Test Act might be eluded, and James now resolved to bring it into action through a legal decision. Of Herbert himself he was sure, and, as he could dismiss the judges at his pleasure, he reckoned on the obedience of the others; but, on privately asking their opinions he found four refractory: these he dismissed forthwith, and appointed others; and the bench being now adjusted, a sham action was brought for their decision. Sir Edward Hales, a recent convert, was appointed to the command of a regiment, and his coachman was directed to bring an action for the penalty of £500 incurred by his holding a command without having qualified. Hales pleaded a dispensation under the great seal. The case was tried before the twelve judges, and eleven decided, June 21, 1686, in favour of the dispensation.[c]

The language in which the judges expressed their decision was of the most

absolute description, and went to show that the whole fabric of English liberty was a matter of royal sufferance. "The kings of England," they said, "are sovereign princes; the laws of England are the king's laws; therefore it is an inseparable prerogative in the king of England to dispense with penal laws in particular cases, and for particular necessary reasons, of which reasons and necessities he is the sole judge; and this is not a trust vested in the king, but the ancient remains of the sovereign power of the kings of England, which never yet was taken from them, nor can be." This decision, and the manner in which it was obtained, filled all good men with a mixture of sorrow and indignation, and to the government which it was designed to uphold it became a new occasion of weakness.[1]

This decision was not, properly speaking, illegal, but it was highly unconstitutional; and, as it declared that no restraint could be placed on the monarch, and that acts of parliament were mere cobwebs, there being a power paramount to them, men plainly saw that there was no alternative between a tame submission to the overthrow of their religion and liberties and a bold effort to maintain them. In effect, this decision sealed the doom of the house of Stuart.

THE KING INTERFERES WITH THE CHURCH

James little thought so; he had gained, he considered, a complete victory; the Test Act and all other barriers against popery could no longer impede him, and the army, the council, and every department of the state might now be filled with Catholics. He had even, as he conceived, the power of gradually making the church itself Catholic. Early in this year, Obadiah Walker, master of University College, Oxford, and three of the fellows, had declared themselves Catholics, as also had Sclater, the curate of Esher and Putney, and a royal dispensation allowed them still to enjoy the emoluments of their situations; Sclater, however, being enjoined to provide for the performance of divine service in his churches. Walker was allowed to have a Catholic chapel in his college, and a press for printing Catholic books of theology. But the spirit of Compton, bishop of London, gave occasion to a further mode of bridling the church, or rather of accelerating the downfall of the monarch.

Compton, brother to the earl of Northampton, had been a soldier. He was a man of a bold spirit, and a zealous Protestant. To punish his late opposition in parliament, the king struck him out of the list of the privy council, and deprived him of his office of dean of the chapel. This only increased his popularity and the suspicion of the king's designs, and the London pulpits thundered with controversy. The king, as head of the church, issued orders for the clergy to abstain from controversy in the pulpit. Few obeyed; it was therefore resolved to make an example. Doctor Sharp, dean of Norwich and rector of St. Giles, was fixed on, and Compton was ordered to suspend him, but he replied that he must hear him first in his defence. It was now determined to make the bishop himself the victim.

The odious court of high commission had been abolished in 1641. A part of the act of abolition was repealed at the Restoration, but a clause of it, prohibiting the erection of any similar court, had been retained. James, however, issued a commission, in nearly the very words of that of Elizabeth, to certain persons to act as a court of commissioners in ecclesiastical causes. These were the primate, chancellor, bishops of Durham and Rochester, the earls of Rochester and Sunderland, and Chief Justice Herbert. Three were to form a *quorum*, of whom Jeffreys was always to be one. "God," said James

to Barillon, "has permitted that all the laws made to establish Protestantism now serve as a foundation for my measures to re-establish true religion."

Before this court Compton was summoned. He defended himself with much address. The primate Sancroft was not there to uphold the interests of the church, for he had timidly obtained leave to be absent on the plea of age and infirmity; but the earl and the bishop of Rochester and the chief justice took the side of Compton, and even Jeffreys, who, in the midst of his excesses, clung to the Protestant faith, supported them. The presence, however, and the influence of the king prevailed, and Compton was suspended by a commission, three-fourths of whose members had declared in his favour. The people soon nick-named the commission the *Congregatio de propaganda fide*.

Of the royal advisers there were two classes, the Protestant and the Catholic. The former, headed by the earl of Rochester, seem to have been willing to aid the king in all his projects against liberty, but they were steadfast in their adherence to the church. The Catholics were divided into two parties: most of the laymen, such as Bellasis and Powis, were for moderation; they saw the difficulties in the way of establishing their faith, and they would have been content with the repeal of the penal statutes, and security for their religion under a Protestant successor. The queen herself was inclined to this party; but the king was under the influence of Father Petre and the Jesuits; and these, with the usual heat and imprudence of political churchmen, urged him on to extreme measures. Sunderland, an ambitious, unprincipled statesman, though still professing himself a Protestant, allied himself closely with this party, in the hope of supplanting Rochester; and the influence of Father Petre, when all other applications had failed, raised him to the post of president of the council, in the room of Halifax, with which he still retained his post of secretary.

But the Protestant party had a supporter who they thought might counterbalance the queen and the priests. James, with all his zeal for his religion, and his anxiety to diffuse it, made no scruple of violating one of its most important precepts. His amours had always been notorious, and neither of his wives could boast of his fidelity. Arabella Churchill, maid of honour to his first duchess, had borne him two children. She was a sister to Lord Churchill, afterwards duke of Marlborough. One of her children by James was the celebrated duke of Berwick. She afterwards married Colonel Godfrey. His present mistress, Catherine, daughter of the witty, profligate Sir Charles Sedley, was a woman so devoid of personal attractions that King Charles used to say his brother kept her by way of penance; but she had a coarse, roystering kind of humour, which pleased her lover, who was a man of no delicacy whatever, though she did not spare to employ it even on his religion and his priests. In the beginning of his reign he had been induced to break off his intercourse with her, but he afterwards renewed it, and, at the suggestion, it is said, of Rochester, created her countess of Dorchester.

The queen, who was a woman of spirit, testified the utmost indignation, and, by Sunderland's advice, she assembled one day in her apartments the chancellor and himself, with the priests and the Catholic nobles; and when the king entered it, he was assailed by their united reproaches and remonstrances. He promised to separate from the countess, and he sent her orders to retire to the Continent; but she asserted her rights as a free-born English woman, and appealed to Magna Charta. She at length consented to go to Ireland, where Rochester's brother, Clarendon, was lord-lieutenant. She returned, however, within six months, and the king renewed his intercourse

with her; but it was of no political effect, as the Jesuits "had got the advowson of his conscience."

ADVANCES TOWARD CATHOLICISM

It might be supposed that the court of Rome would have co-operated zealously with James in his project of re-establishing the Catholic faith; but so adverse were all things to this prince that even there he found no support. The reigning pontiff, Innocent XI, who had been a soldier, was a man who knew or cared nothing about the disputes and differences of theologians, but he was an able temporal prince and statesman; he was on ill-terms with Louis XIV, on account of that monarch's insolence; and he regarded with little complacency both the Jesuits and the king of England, whom he looked on as partisans of Louis. James, on his accession, had sent Mr. Caryl as his private minister to Rome to solicit the purple for the queen's uncle, the title of bishop for one Doctor Leyburn, and the appointment of a nuncio to the court of St. James. Caryl succeeded in the two last points; and the count d'Adda came over in November, 1685, but did not assume any public character. The zeal of the king, however, was not to be restrained, and the following February he insisted on d'Adda's taking the title of nuncio, to which the papal court gave a reluctant consent. The nuncio, a prudent, clear-sighted man, viewed with concern the rate at which the king and his advisers were disposed to drive matters, and he gave the weight of his authority to the moderate Catholic party.

James, being resolved to have a resident minister at the papal court, chose for this purpose, with his usual infelicity, the earl of Castlemain, the husband of the duchess of Cleveland, a man who owed his title to the infamy of his wife. Castlemain behaved at Rome with such indiscretion [and familiarity toward the pope] that the nuncio was directed to make a formal complaint of his conduct. All the influence of James failed to procure a nominal bishopric for Petre, whom he is thought to have designed to place in the see of York, which he kept vacant. He was equally unsuccessful in his efforts to procure for him a cardinal's hat.

If the pontiff was more swayed by politics than religion, we may easily believe the same to have been the case with the courts of Madrid and Vienna; and accordingly we find the Spanish and imperial ministers co-operating with the Dutch and opposing the French ambassador. James, who, to his misfortune, had some vague ideas of the dignity belonging to a king of England, and of the line of policy which, as such, he should adopt, irritated Louis by vain assumptions of independence, at the very time that he was receiving his money and relying on him for aid in his projects.

To accustom the public eye to the view of papacy, convents were established in various parts of London: that of the Carmelites was in the city, that of the Franciscans in Lincoln's Inn Fields, while the Benedictines were at St. James' and the Jesuits opened a school at the Savoy. They all went about publicly in their habits, and London was gradually assuming the appearance of a Catholic city. To awe the tumultuous, the army, of fifteen thousand men, was encamped on Hounslow heath; and in the tent of Lord Dumbarton, the second in command, mass was openly celebrated, and missionaries laboured to convert the soldiers. A paper calling on them to adhere to their religion being circulated through the camp, Johnson, its author, the chaplain of the late Lord Russell, was tried, found guilty, and sentenced to stand thrice in the pillory and to be whipped from Newgate to Tyburn,

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which sentence was executed with the utmost rigour and cruelty, he being previously degraded from his sacred character.

In the laxity of principle which may be supposed to have prevailed in a court for five-and-twenty years the abode of profligacy and corruption, conversions, real or pretended, might be expected to be abundant; yet the failures of the king were numerous and mortifying. Lady Dorchester, as we have seen, stuck to her religion, reconciling it, like her royal paramour, with the breach of its duties. A priest came to convert Secretary Middleton: "Your lordship believes the Trinity?" began he. "Who told you so? You are come here to prove your own opinions, not to ask about mine," was the reply, and the priest retired in confusion. Sheffield, earl of Mulgrave, is said to have replied to a monk, "I have convinced myself, by much reflection, that God made man, but I cannot believe that man can make God."

Colonel Kirke is reported to have told the king that he was pre-engaged, having promised the emperor of Morocco to become a Mohammedan, if ever he changed. But the great object was to gain the princess Anne, and for this purpose the lure of the succession was held out to her; but, though of weak disposition, she was firm. The bishop of London had been her tutor; Lord and Lady Churchill,[1] who ruled her, were zealous for Protestantism; and all the efforts made on her proved abortive. Lord Dartmouth, though sincerely attached to James, refused to abandon his religion. When Admiral Herbert, a man of loose life and laden with the royal favours, refused him, James said to Barillon that he never could put confidence in any man, however attached to him, who affected the character of a zealous Protestant.

The year 1686 closed with an act which convinced the people that the overthrow of their religion was the object really proposed by the king. This was the dismissal of Rochester from his office of treasurer, effected by the secret influence of Petre and Sunderland. The king was really attached to his brother-in-law, but he now told him that he must either go to mass or go out of office. Rochester's friends and the Spanish and Dutch ambassadors were desirous that he should keep office at any rate. A conference, it was agreed, should be held in his presence on the points in dispute between the two churches. At the end of it he desired a further delay to consider, but, as his object evidently was to gain time, the king consented to dismiss him. The treasury was then managed by a board, of which Lord Bellasis [or Bellasys], a Catholic, was the head; and he, Powis, and Dover were now members of the privy council. The king was also about to appoint Father Petre to a seat in it, and he was only withheld from doing it by the entreaties of the queen.

A dismissal of Protestants from office and a resignation of commissions in the army soon followed. The king, previous to the meeting of parliament, wishing to ascertain the opinions of the members who held offices, summoned them separately to his closet in order to confer with them. The result of these "closetings," as they were named, proving unsatisfactory, they were either dismissed from their offices or they resigned. Their places were generally supplied with Catholics.

[1] John eldest son of Sir Winston Churchill of Devon; at twelve years of age he was made one of the royal pages, but showing a preference for a military life, he got an ensigncy. He served in the auxiliary force under Monmouth in 1672, when he attracted the notice of the great Turenne. He attached himself to the duke of York, through whose influence he obtained a regiment and a Scottish barony; and when that prince came to the throne, he created him an English baron. Churchill married in 1681 the beautiful Sarah Jennings, maid of honour to the princess Anne. [Churchill, when urged to change his religion, said that he had never lived as a saint, but that he could die as a martyr.]

THE ATTACK ON THE UNIVERSITIES (1687 A.D.)

It being now evident that a sufficient number of the members of the established church could not be induced to betray it, the king was advised to endeavour to gain the non-conformists; not but that there were even on the Episcopal bench men who set little value on religion as compared with their interest: such were Crew of Durham, Cartwright, and Parker, to whom the king had lately given the sees of Chester and Oxford, knowing them to be men for his purpose, to whom may perhaps be added Sprate of Rochester, and one or two more. A Declaration of Indulgence was issued accordingly, suspending the penal laws and forbidding the imposition of tests. Of this the dissenters took advantage, though dubious of the motives whence it proceeded; and many addresses of thanks were presented from them at court. The king in his self-delusion congratulated himself on the success of this measure in weakening the church party, and he now thought he might venture to attack them in their strongholds, the universities. [The power of these institutions had always been great, but it reached its height in this century.]

As Oxford had so strongly asserted the doctrine of passive obedience, James commenced his attack on the church in that university. He appointed Massey, a fellow of Merton and a recent convert, to the deanery of Christ Church, and, true to its principles, the university made no opposition. The king next made trial of Cambridge University. He wrote (February 7th, 1687) to the vice-chancellor, Doctor Peachell, commanding him to admit to the degree of master of arts, without the usual oaths, a Benedictine monk, named Alban Francis, who was acting as a missionary in that neighbourhood. Peachell refused, and he was summarily summoned before the ecclesiastical commission; the university supported him, and it ended in the compromise of the appointment of a new vice-chancellor and the withdrawal of the claim of Francis.

Shamed or emboldened by the example of Cambridge, Oxford soon began to shake off its slavish trammels. On the death of the president of Magdalen College, letters mandatory were sent (April 4th); recommending Mr. Anthony Farmer, a man of low, dissolute habits, but a recent proselyte. The fellows petitioned the king, but to no purpose; they then proceeded to the election, and chose Mr. Hough. They were summoned before the ecclesiastical commission, and the election was pronounced void. But Farmer was withdrawn, his character being too notorious, and they were directed to choose Parker bishop of Oxford. They still refused, and when the king came to Oxford the following month on his progress, he chid them severely and insisted on their obedience. Still they would not yield. A commission was then issued, appointing extraordinary visitors of their college (October 21st), and Hough and twenty-five of the fellows were expelled and declared incapable of holding any clerical preferment (December 10th). The king thus gained a victory, but, as Lingard *f* justly observes, "he had no reason to be proud of it, for it betrayed the hollowness of his pretensions to good faith and sincerity, and earned him the enmity of the great body of the clergy, and of all who were devoted to the interests of the church."

In the summer the king had given another intimation of his designs, by publicly receiving D'Adda as the papal nuncio, a measure to which the pope had yielded an unwilling consent. He now advanced a step further, and by the royal command Father Petre took his seat among the privy councillors, to the grief and dismay of the moderate Catholics and the astonishment and vexation of the people.

THE KING AND THE PARLIAMENT (1687 A.D.)

The king had also dissolved the parliament (July 2nd). It was represented to him in vain that in all points but that of religion this was a more compliant assembly than he could ever again expect to obtain; religion was with him the point, and he resolved to make the trial. In order to get a more complete control over the corporations, he appointed a board of seven regulators, all Catholics except the chancellor, with powers to appoint and remove officers and freemen at their discretion. To obtain county members to his purpose the lords-lieutenant were directed to inquire of their deputies and the magistrates whether, if elected to parliament, they would vote for the repeal of the Test Act and the penal laws; whether they would support candidates who would promise to do so; and whether they would support the declaration. Loss of office was to be the penalty of non-compliance. This measure however did not succeed. Fourteen lords-lieutenant were removed, and their places supplied with Catholics; a like change was made among the sheriffs and in the magistracy; yet, after all, James saw that he could not have a parliament to his mind, and of the house of lords there was no hope. Sunderland, however, had conceived the then unknown project of "swamping," as it is termed, this house by a large creation. "O Silly!" cried he to Lord Churchill, when the opposition of the peers was spoken of, "why your troop of guards shall be called to the house of lords." This bold measure was not ventured on; the king seemed inclined, if he could not get a pliant house of commons, to continue to rule by prerogative.

The Scottish parliament had proved as uncomplying as the English on the subject of religion. The king had there in like manner issued a proclamation, granting toleration to sectaries and suspending all laws against Catholics, "by his sovereign authority, prerogative, royal and absolute power" — words which he did not as yet venture to employ in England.

THE KING AND IRELAND (1687 A.D.)

In Ireland the lord-lieutenancy had been given to Lord Clarendon, but the command of the forces was separated from it for the first time, and entrusted to Richard Talbot, now earl of Tyrconnel, an Irish Catholic of the English race, a man of some talent but hardly any judgment; rude and boisterous in manners, with no control over his passions and appetites; handsome and showy in his person: he was in effect a genuine Anglo-Irishman of that day. Being in the confidence of the king, he treated the viceroy with insolence and contempt, and though the object for which he was sent was to raise the Catholic interest, he could not refrain from insulting the native Irish by calling them the O's and Mac's. Having aided Sunderland in overthrowing the Hydes [Rochester and Clarendon] he bullied him out of the chief government of Ireland, though he was known to be the enemy of the Act of Settlement, and the devoted slave of Louis XIV. He was appointed lord deputy (February 1687).

The Protestants now began to emigrate in great numbers; the officers sold their commissions for little or nothing, and sought service with the prince of Orange. The object of the king was to make Ireland an asylum for the Catholics, and for himself if needful; but Tyrconnel had a deeper design, and he proposed to the French envoy, Bonrepaux, that in case of the succession of the prince of Orange, Ireland should become an independent state under the protection of France. To this project Louis gave a most willing consent, but it was studiously concealed from James, and even from Barillon. Yet suspi-

cien was afloat; and it was one of the objects of Dyckveldt, whom the prince of Orange sent over in the beginning of the year, to ascertain the king's designs with respect to Ireland.[c]

Tyrconnel went about his work in a wild way. He displaced the Protestant judges, and filled their seats with Catholics. He terrified the cities and towns into surrender of their charters, and gave them new charters which made parliamentary representation a mockery. He had a scheme for dispossessing the English settlers of the property which they had acquired in the forfeitures of half a century previous. His projects were opposed by grave Catholic peers, who said that the lord deputy was fool and madman enough to ruin ten kingdoms. His character and that of his master were ridiculed in the famous ballad of *Lillibullero:*

> Dare was an old prophecy found in a bog,
> Lilli burlero, bullen a-la;
> Ireland shall be ruled by an ass and a dog,
> Lilli burlero, bullen a-la.

James was the ass and Tyrconnel the dog. This ribaldry of Lord Wharton was adapted to a spirited air of Purcell, published ten years before. "The whole army," says Burnet,[k] "and at last the people both in city and country, were singing it perpetually." Wharton afterwards boasted that he had rhymed James out of his dominions. He had produced a song, like many other songs, of wondrous popularity with littl intrinsic merit. But those whose conviviality, even in our own days, has been stirred by its fascinating melody, may well believe that it was whistled and sung in every street in 1688.[g]

Concerning the fall of the Hydes, Rochester and Clarendon, Macaulay says: "The dismission of the two brothers is a great epoch in the reign of James. From that time it was clear that what he really wanted was not liberty of conscience for the members of his own church, but liberty to persecute the members of other churches. Pretending to abhor tests, he had himself imposed a test. He thought it hard, he thought it monstrous, that able and loyal men should be excluded from the public service solely for being Roman Catholics. Yet he had himself turned out of office a treasurer, whom he admitted to be both loyal and able, solely for being a Protestant. The cry was that a general proscription was at hand, and that every public functionary must make up his mind to lose his soul or to lose his place. Who indeed could hope to stand where the Hydes had fallen? They were the brothers-in-law of the king, the uncles and natural guardians of his children, his friends from early youth, his steady adherents in adversity and peril, his obsequious servants since he had been on the throne. Their sole crime was their religion; and for this crime they had been discarded. In great perturbation men began to look round for help; and soon all eyes were fixed on one whom a rare concurrence both of personal qualities and of fortuitous circumstances pointed out as the deliverer — William of Orange."[b]

THE CALM BEFORE THE STORM

James now fondly deemed that the overthrow of the Protestant church was nearly certain. The steadfastness of his daughters in their religion had been to him a source of anxiety, as they might undo all his work; but an event had occurred which promised to relieve him from all apprehension. The queen, who had ceased from child-bearing for five years, announced that she was pregnant. This event, which the king and his friends ascribed to the

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efficacy of his prayers at St. Winifred's Well, which he had lately visited, or to the prayers on earth and intercession in heaven of the late duchess of Modena, was hailed by the whole Catholic party with transports of joy, and they even, as formerly in the case of Queen Mary, ventured to assign the sex of the embryo. The Protestants, on the other hand, openly expressed their doubts, and hesitated not to assert that those whose interest it was to have a prince of Wales would be at no loss to procure one.

We now enter on the year 1688, a year ever memorable in the annals of England, and even in those of the world. To the royal view the whole political horizon seemed calm and unclouded. The king had triumphed in his contest with the church; in his late progress he had been greeted and cheered by bodies of the dissenters, whom he took for the nation; he had the prospect of the birth of a son to exclude his heretical daughters, and to go on with the good work of spreading the true faith; London was even already, as he said, putting on the appearance of a Catholic city; monks and friars in their appropriate habits were to be seen parading the streets; a papal nuncio sanctified the court by his presence; and Corker, a Benedictine, who had been tried for his life during the Popish Plot, being appointed envoy by the elector of Cologne, the king insisted that he and his attendant monks should come to court in the habit of their order — a piece of folly which the more sagacious Louis XIV strongly condemned. Finally, James had filled Magdalen College with Catholic fellows; and on the death of Bishop Parker (March 23rd), Doctor Giffard, one of the four Catholic prelates whom he had induced the pontiff to consecrate for England, was by the royal mandate chosen to succeed him.

But all this triumph and all this security was fallacious; the tempest was secretly brewing which was to level the fabric in the dust. The tories, who had long been restrained by their notions of unlimited obedience, now alarmed for their religion by the queen's pregnancy, began to unite with the whigs; several influential noblemen were in secret correspondence with the prince of Orange, and an armed resistance to the crown with his aid was contemplated. In this state of the national feeling, the king made his final and fatal step.[c]

MACAULAY ON THE DECLARATION OF INDULGENCE (1687 A.D.)

It was now evident that all hope of an alliance between the churches of England and of Rome, for the purpose of sharing offices and emoluments and of crushing the Puritan sects, must be abandoned. Nothing remained but to try a coalition between the church of Rome and the Puritan sects against the Church of England. On the 18th of March, 1687, the king had informed the privy council that he had determined to prorogue the parliament till the end of November, and to grant, by his own authority, entire liberty of conscience to all his subjects. On the 4th of April had appeared the memorable Declaration of Indulgence.

In this declaration the king avowed that it was his earnest wish to see his people members of that church to which he himself belonged. But, since that could not be, he announced his intention to protect them in the free exercise of their religion. He repeated all those phrases which, eight years before, when he was himself an oppressed man, had been familiar to his lips, but which he had ceased to use from the day on which a turn of fortune had put it into his power to be an oppressor. He had long been convinced, he said, that conscience was not to be forced, that persecution was unfavourable to

population and to trade, and that it never attained the ends which persecutors had in view. He repeated his promise, already often repeated and often violated, that he would protect the established church in the enjoyment of her legal rights. He then proceeded to annul, by his own sole authority, a long series of statutes. He suspended all penal laws against all classes of non-conformists. He authorised both Roman Catholics and Protestant dissenters to perform their worship publicly. He forbade his subjects, on pain of his highest displeasure, to molest any religious assembly. He also abrogated all those acts which imposed any religious test as a qualification for any civil or military office.

That the Declaration of Indulgence was unconstitutional is a point on which both the great English parties have always been entirely agreed. Every person capable of reasoning on a political question must perceive that a monarch who is competent to issue such a declaration is nothing less than an absolute monarch. Fifteen years before that time, a declaration of indulgence had been put forth by his brother with the advice of the Cabal. That declaration, when compared with the declaration of James, might be called modest and cautious. Yet the declaration of Charles had been pronounced illegal in the most formal manner. The commons had resolved that the king had no power to dispense with statutes in matters ecclesiastical. Charles had ordered the obnoxious instrument to be cancelled in his presence, had torn off the seal with his own hand, and had, both by message under his sign manual, and with his own lips from his throne in full parliament, distinctly promised the two houses that the step which had given so much offence should never be drawn into precedent. The two houses had then, without one dissentient voice, joined in thanking him for this compliance with their wishes. No constitutional question had ever been decided more deliberately, more clearly, or with more harmonious consent. That the sovereign could by one sweeping edict authorise all his subjects to disobey whole volumes of laws, no tribunal had ventured, in the face of the solemn parliamentary decision of 1673, to affirm.

Such, however, was the position of parties that James' Declaration of Indulgence, though the most audacious of all the attacks made by the Stuarts on public freedom, was well calculated to please that very portion of the community by which all the other attacks of the Stuarts on public freedom had been most strenuously resisted. It could scarcely be hoped that the Protestant non-conformist, separated from his countrymen by a harsh code harshly enforced, would be inclined to dispute the validity of a decree which relieved him from intolerable grievances. A cool and philosophical observer would undoubtedly have pronounced that all the evil arising from all the intolerant laws which parliaments had framed was not to be compared to the evil which would be produced by a transfer of the legislative power from the parliament to the sovereign. But such coolness and philosophy are not to be expected from men who are smarting under present pain, and who are tempted by the offer of immediate ease.

A Puritan divine could not indeed deny that the dispensing power now claimed by the crown was inconsistent with the fundamental principles of the constitution. But he might perhaps be excused if he asked what was the constitution to him? The Act of Uniformity had ejected him, in spite of royal promises, from a benefice which was his freehold, and had reduced him to beggary and dependence. The Five Mile Act had banished him from his dwelling, from his relations, from his friends, from almost all places of public resort. Under the Conventicle Act his goods had been distrained; and he

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had been flung into one noisome gaol after another among highwaymen and housebreakers. Out of prison he had constantly had the officers of justice on his track; he had been forced to pay hush money to informers; he had stolen, in ignominious disguises, through windows and trapdoors, to meet his flock, and had, while pouring the baptismal water, or distributing the eucharistic bread, been anxiously listening for the signal that the tipstaves were approaching. Was it not mockery to call on a man thus plundered and oppressed to suffer martyrdom for the property and liberty of his plunderers and oppressors? The declaration, despotic as it might seem to his prosperous neighbours, brought deliverance to him. He was called upon to make his choice, not between freedom and slavery, but between two yokes; and he might not unnaturally think the yoke of the king lighter than that of the church.

While thoughts like these were working in the minds of many dissenters, the Anglican party was in amazement and terror. This new turn in affairs was indeed alarming. The house of Stuart leagued with republican and regicide sects against the old cavaliers of England; popery leagued with Puritanism against an ecclesiastical system with which the Puritans had no quarrel, except that it had retained too much that was popish; these were portents which confounded all the calculations of statesmen. The church was then to be attacked at once on every side; and the attack was to be under the direction of him who, by her constitution, was her head. She might well be struck with surprise and dismay. And mingled with surprise and dismay came other bitter feelings; resentment against the perjured prince whom she had served too well, and remorse for the cruelties in which he had been her accomplice, and for which he was now, as it seemed, about to be her punisher.

Her chastisement was just. She reaped that which she had sown. After the Restoration, when her power was at the height, she had breathed nothing but vengeance. She had encouraged, urged, almost compelled the Stuarts to requite with perfidious ingratitude the recent services of the Presbyterians. Had she, in that season of her prosperity, pleaded, as became her, for her enemies, she might now, in her distress, have found them her friends. Perhaps it was not yet too late. Perhaps she might still be able to turn the tactics of her faithless oppressor against himself. There was among the Anglican clergy a moderate party which had always felt kindly towards the Protestant dissenters. That party was not large; but the abilities, acquirements, and virtues of those who belonged to it made it respectable. It had been regarded with little favour by the highest ecclesiastical dignitaries, and had been mercilessly reviled by bigots of the school of Laud: but, from the day on which the Declaration of Indulgence appeared to the day on which the power of James ceased to inspire terror, the whole church seemed to be animated by the spirit, and guided by the counsels, of the calumniated Latitudinarians.

Then followed an auction, the strangest that history has recorded. On one side the king, on the other the church, began to bid eagerly against each other for the favour of those whom up to that time king and church had combined to oppress. The Protestant dissenters, who, a few months before, had been a despised and proscribed class, now held the balance of power. The harshness with which they had been treated was universally condemned. The court tried to throw all the blame on the hierarchy. The hierarchy flung it back on the court. The king declared that he had unwillingly persecuted the separatists only because his affairs had been in such a state that he could not venture to disoblige the established clergy. The established clergy protested that they had borne a part in severity uncongenial to their feelings only

from deference to the authority of the king. The king got together a collection of stories about rectors and vicars who had by threats of prosecution wrung money out of Protestant dissenters. He talked on this subject much and publicly, threatened to institute an inquiry which would exhibit the parsons in their true character to the whole world, and actually issued several commissions empowering agents on whom he thought that he could depend to ascertain the amount of the sums extorted in different parts of the country by professors of the dominant religion from sectaries. The advocates of the church, on the other hand, cited instances of honest parish priests who had been reprimanded and menaced by the court for recommending toleration in the pulpit, and for refusing to spy out and hunt down little congregations of non-conformists. The king asserted that some of the churchmen whom he had closeted had offered to make large concessions to the Catholics, on condition that the persecution of the Puritans might go on. The accused churchmen vehemently denied the truth of this charge.[b]

THE CLERGY RESIST THE DECLARATION OF INDULGENCE (1688 A.D.)

In the popular conception, the Catholic religion and intolerance were identical; and the conduct of James, while commissioner of Scotland, had done more than any other occurrence in recent history to confirm that impression. It is now also well known that the king of England, while discoursing to his subjects in this manner concerning the justice and expediency of allowing men a full liberty of conscience in matters of religion, was secretly applauding the king of France in prosecuting his barbarous measures against the Protestants of that kingdom.

On the 27th of April, 1688, James re-published the Declaration of Indulgence which he had issued the year before, adding to it the assurance that a parliament should be assembled "at farthest" in the following November. Some days afterwards, an order in council required the clergy, both in the metropolis and through the kingdom, to read the Declaration from the pulpit at the usual time of service. This measure, so important in its consequences, appears to have been precipitated by the influence of Father Petre, and by the less considerate party with whom he acted. James had assigned as a reason of again issuing the Declaration, that his purpose as expressed in it had been greatly confirmed by the many addresses which had been presented to him, showing that its purport was generally approved by his subjects. The clergy, moreover, had not only indulged since the king's accession in the strongest expressions of unlimited obedience to the civil power, but in conformity with the usage of the times of Charles I, had read to their congregations the lengthened paper made public by the late king after dismissing the Oxford Parliament, and other documents of the same partial and inflammatory character still more recently. It is highly probable, accordingly, that this order was issued without the slightest expectation that any material opposition would be made to it, though when its consequences began to assume so formidable a shape, Sunderland and others were concerned to have it understood that they had not been parties to it. The Rubric, however, which declared that nothing should be published in the church, except as prescribed in the Book of Common Prayer, "or enjoined by the king," might have been pleaded by the privy council as a plausible, if not a sufficient authority for what they had done.

The order was published in the *Gazette*, and devolved upon the bishops the responsibility of sending the Declaration to the clergy of their respective

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dioceses to be read in their churches. This novel method of proceeding was regarded as a studied exposure of the subjection of the prelates, not only to the pleasure of the king, but to the secret influence of those members of the Catholic priesthood who were always about his person. Sixteen days only were allowed to intervene between the publication of the Declaration and the obedience demanded; and after fourteen days of that interval had been variously occupied in partial or general conferences among the bishops and the clergy of London, six of the prelates obtained audience of the king, and presented to him a paper headed "The petition of the archbishop of Canterbury, with divers suffragan bishops of his province, in behalf of themselves and several of their absent brethren, and of the clergy of their respective dioceses." James received their lordships with much apparent cordialty, supposing the extent of their petition to be, that he would command the chancellors and archdeacons, according to ancient practice, to send the Declaration to the clergy, and not require that service from themselves. The king then opened the petition, and observed that he recognised in it the handwriting of Archbishop Sancroft. In it the bishops stated that their averseness to read the king's Declaration arose neither from want of the duty and obedience which the Church of England had always practised, nor from want of tenderness to dissenters, to whom they were willing to come to such a temper as might be thought fit in parliament and convocation, but because it is founded in a dispensing power declared illegal in parliament; and that they could not in prudence or conscience make themselves so far parties to it as the publication of it in the church at the time of divine service must amount to in common and reasonable construction. The petitioners concluded accordingly with "humbly and earnestly beseeching his majesty not to insist on their distributing and reading the said Declaration."

As the king read these sentences his countenance changed: having folded up the paper, he glanced angrily at the prelates and said, "This is a great surprise to me. These are strange words. I did not expect this from you; this is a standard of rebellion." The bishops deprecated his majesty's displeasure in the most earnest terms, assuring him that in all matters not affecting their conscience toward God, their loyalty would be found unimpeachable.

But this exception was of large import; it had been the great plea of the Puritans and non-conformists in their contentions with the ruling clergy and the civil power, and though little respected, for the most part, when so employed, was as valid in that connection as in the present. James had given sufficient attention to the bearing of such exceptions to perceive at once that the ground taken by the prelates was the most hostile to his plans that they could possibly have chosen, and he concluded his angry and incoherent expressions by saying, "If I think fit to alter my mind I will send to you. God has given me this dispensing power, and I will maintain it. I tell you there are seven thousand men, and of the Church of England too, that have not bowed the knee to Baal."

The Clergy in General Refuse to Read the Declaration

The Episcopal body at this time consisted of twenty-two persons, three-fourths of whom approved in whole or in part of the petition presented to the king. The chief persons in the minority were Sprat, Cartwright, Crew, and Watson. Sprat had written a history of the Rye House Plot, and owed his distinction to the readiness with which he had prostituted his talents to

the service of the court; Cartwright and Crew were men governed by servility and selfishness; and Watson disgraced his office by so many vices that he was at length deprived of his see. The bishops presented themselves to the king with their petition on May 18th, late in the evening; that night the petition was printed, and the next morning it was in considerable circulation. The prelates were no parties to this proceeding, nor do we know to whom it should be attributed. But this was on the Saturday morning, and on the following day, according to the order in council, the Declaration should be read in all the churches of London.

Among the London clergy the names of three only are preserved as those of persons who were obedient to the command of the king in this particular; no account exhibits more than seven, out of nearly a hundred, as being thus compliant. On that day Sprat chose to officiate as dean in Westminister abbey, but when the moment came for reading the Declaration, his trepidation was such that he could scarcely hold the document in his hands; the people rose from their seats with loud murmuring, so that nothing could be heard, and before the reading was concluded, the only persons remaining in the church were the Westminister scholars, the choristers, and some of the prebendaries. Over the kingdom the same spirit prevailed, so much so that among ten thousand clergymen, not more it appears than two hundred could be induced to read the obnoxious proclamation. D'Adda, the papal nuncio, declared accordingly: "The whole church espouses the cause of the bishops. There is no reasonable expectation of a division among the Anglicans, and our hopes from the non-conformists are vanished." Baxter[1] applauded the conduct of the bishops from the pulpit, and the dissenters in general followed his example.

The difficulties with which the king had thus surrounded himself were in every view almost equally perilous. To proceed was to augment the spirit of resistance everywhere manifested, and to a degree that might be fatal to his sovereignty; while to retreat, would be to make a confession of weakness, and to invite aggression, the limits of which no mind could foresee. The method of proceeding agreed upon, after much discussion and wavering, was meant to be a middle course, but was in fact open to as much objection as were the extremes which it was framed to avoid.

THE BISHOPS PROSECUTED, AND SENT TO THE TOWER

The archbishop of Canterbury was summoned to appear before the king in council, to answer charges of misdemeanour. At the appointed time the primate, and the six bishops who had signed the petition, Lloyd of St. Asaph, Turner of Ely, Lake of Chichester, Ken of Bath and Wells, White of Peterborough, and Trelawney of Bristol, all made their appearance in the council chamber. Jeffreys then took a paper from the table and inquired of the archbishop whether that was the petition which he had signed, and which the bishops had presented. Sancroft, addressing himself to the king, said that, since it was his unhappiness to appear before his majesty as a criminal, he hoped that he should not be obliged to answer questions which might tend to the accusing of himself. James censured this hesitation as chicanery, and,

[1 On the very 20th of May, the venerable Richard Baxter, the renowned non-conformist who had been so often persecuted by the church, praised from his pulpit the bishops for their resistance to that declaration by virtue of which he was then able to preach publicly. It was thus plain that all hopes from the dissenters were vanished. The whole church party were firm to the prelates, and the king must now either yield at discretion or engage in a contest with all his Protestant subjects.—KEIGHTLEY.]

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still pressed, the bishops were required by the chancellor, and by the king, to answer the questions which had been put to them, and they did so, confessing that the signatures were in their writing, and that they had delivered the petition. The lord chancellor then informed them that it was the king's pleasure they should be proceeded against for their petition; and that the proceedings should be with all fairness in Westminster Hall, by information, and that in the mean time they must enter into a recognisance. The bishops declined entering into recognisance, pleading that it was contrary to precedent, and to the privilege of parliament, for peers of the realm to be so bound. James stated that his offer to release them on such terms was intended as a favour, and bid them think of the consequences which might attend the refusal; but the accused were not to be moved from their purpose on that point; and it was in consequence agreed, after some deliberation, that they should all be sent to the Tower, as the writers and publishers of a seditious libel against the king and the government.

The summons of the bishops to attend at Whitehall being publicly known, great crowds of people thronged about the palace, waiting with anxiety the result of the examination. At length the petitioners made their appearance, but it was in the condition of culprits, under a guard of soldiers. The people were moved greatly at this sight; alarm, grief, and indignation, took possession of them as the rumours passed from one to another that the prelates were on their way to imprisonment in the Tower. The boldness of such a proceeding seemed to realise their worst fears concerning the intentions of the government, and the prisoners moved before them as a procession of confessors and martyrs — as the holy men whose piety and patriotism had prompted them to take their stand in the breach for the protection of the faith and liberty of their country. It was altogether a new thing to see such persons in such circumstances; it was a picture of injury and subjection made peculiarly affecting, as allied with exalted station, eminent piety, and generous virtue.

The crowd, accordingly, followed the sufferers from the palace toward the river, many throwing themselves at their feet to implore their benediction, and others weeping aloud, or exclaiming, "God save the bishops! God save the church!" When the procession reached the side of the river, and the prelates had taken their place in the barge provided to convey them to the stairs of their prison, numbers of the people rushed into the water to express their sympathy, and to beseech some parting word from them. In the midst of this excitement the bishops conducted themselves with great self-possession and dignity, exhorting the people to patience and loyalty. As the royal barge floated down the river, the banks of the Thames were seen crowded with people, many of whom cast themselves upon their knees and raised their hands towards heaven, in token of their earnest prayer for the safety of the good men who were regarded as hazarding so much in their behalf. By the time the prisoners had reached the entrance to the Tower the impulse had become so general, that the men on guard, and even some of the officers, received them kneeling, and entreated their benediction.

On the following day crowds were constantly assembled in the open space near the Tower; numbers, of both sexes, and in the highest station, visited the prisoners. In the words of Reresby,[h] "Among the rest were ten nonconformist ministers, which the king took so heinously, that he sent for four of them to reprimand them; but their answer was that they could not but adhere to the prisoners, as men constant to the Protestant faith; nay, what is more extraordinary, the very soldiers who kept guard in the Tower would

frequently drink good health to the bishops, which being understood by Sir Edward Hales, the constable, he sent orders by the captain of the guard to see that it was done no more; but the answer he received was, that they were doing it at the very instant, and would drink that health, and no other so long as the bishops were there."

On finding himself thus opposed by the clergy and the populace, and thus completely deserted by the nobility, the gentry, and the non-conformists, the councils of the monarch became more than ever unsteady. He had once resolved to let these proceedings fall, and to make the birth of the prince of Wales, which had occurred a few days since, on June 10th, the apparent cause of doing so; but, in the language of Jeffreys, "some men would hurry him to destruction." Accordingly, on the fifteenth of June, the bishops were brought before the court of King's Bench, by a writ of *habeas corpus*. On landing from the barge at Westminster, they passed along an extended avenue opened for them by the crowds assembled to do them honour. The greater part of the people, covering the whole space from the place of landing to the entrance of Westminster Hall, were upon their knees, and with tears commended them to the Divine protection, or implored a passing benediction from them. The bishops laid their hands on many as they moved along, and exhorted them to be loyal subjects and steadfast in their faith. On taking their place in the court, they were attended by twenty-nine peers, who had previously offered themselves as sureties for their appearance, if such should be demanded; along with these noblemen were numbers of gentlemen deeply interested in the expected proceedings, while the populace not only filled every corner and avenue of the court, but the whole of the great hall, and the open street to a considerable distance in its neighbourhood. The proceedings of this day, however, were only preliminary to the day of trial.

THE ACQUITTAL OF THE BISHOPS (1688 A.D.)

The prelates being obliged to plead, pleaded "Not Guilty," and the 29th of the month was fixed upon for their trial. They were not reconducted to the Tower, but released on their own recognisance. This temporary liberation seems to have been regarded by the people as an omen of triumph. It was hailed with loud shouts in the court, and everywhere among the populace; the bells of Westminster were rung, until silenced by an order from the dean, and bonfires in the evening testified the general delight.

The counsel for the bishops consisted of the most able men at the bar, including Sawyer, and Somers, who was then young and little known, but who was soon to become a much greater man than the greatest of his colleagues. It was unfortunate that some of these distinguished persons did not appear in the cause of justice and liberty on this occasion with clean hands.

When the bishops appeared in the court on the appointed day of trial, the attorney-general, Sir Thomas Powis, opened the case on the part of the crown. In stating the law of libel, he observed: "The bishops are prosecuted for censuring his majesty and his government, and for giving their opinions in matters wholly relating to government and to law. And I cannot omit to take notice that there is not any one thing of which the law is so jealous, or for the prosecution and punishment of which the law more carefully provides, than all accusations and arraignments of the government. No man may say of the great men of the nation, much less of the great officers of the kingdom, that they act unreasonably or unjustly, least of all may any man say such a thing of the king.

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For these matters tend to possess the people that the government is ill administered; and the consequence of that is, to set them upon desiring a reformation; and what that tends to, and will end in, we have all had a sad and a too dear-bought experience. The last age will abundantly satisfy us whither such a thing does tend." Thus the law of libel was to be in England what the law of leasing-making had long been in Scotland — an instrument exposing all persons to the peril of a criminal information who should venture to utter the slightest or the most guarded censure upon the government, or concerning the persons whom it might include.[l]

The king had taken pains to have a jury returned that he could rely on; and at court there was not a doubt felt of the result. The speech of the attorney-general was timid, and there was great difficulty in proving the signatures; a question then arose, whether the petition which had been written in Surrey, and not proved to have been published in Middlesex, could be tried in the latter county. At every failure of the crown-lawyers, the audience set up a laugh or a shout which the court was unable to repress. Wright began to sum up; but he was interrupted by Finch, one of the prisoners' counsel. Williams, the solicitor-general, then requested the court to wait for the appearance of a person of great quality. After a delay of an hour, Lord Sunderland arrived in a chair, amid the hootings of the populace. He proved that the bishops came to him with a petition, and that he introduced them to the king.

But now the counsel for the accused took new ground, and assumed a bolder tone; they arraigned the dispensing power; they maintained the right of the subject to petition. Wright and Allibone charged against, Holloway and Powell in favour of, the prisoners. The jury retired at seven in the evening; the obstinacy of Arnold, the king's brewer, one of their number, kept them in debate till the morning, when at nine o'clock they came into court and pronounced their verdict, Not Guilty. Instantly a peal of joy arose; it was taken up without; it spread over the city; it reached the camp at Hounslow, and was repeated by the soldiers. The king, who was dining with Lord Feversham, on inquiring, was told it was nothing but their joy for the acquittal of the bishops: "Call you that nothing? It is so much the worse for them," was his reply.[c]

When the jury left the court they were hailed with the most enthusiastic cheers, as the defenders of Protestantism and the deliverers of their country; while, upon Bishop Cartwright, and Williams, the solicitor-general, the crowd heaped every expression of reproach and derision. In the city all business was suspended for some hours, and men seemed to exist but to congratulate each other with tears of delight on what had happened. In the evening the bells were rung, and bonfires kindled, in all parts of the metropolis. Before the windows of the royal palace the pope was burned in effigy, and the toast everywhere went round — health to the bishops and the jury, and confusion to the papists. The principal towns through the country vied with the capital in these expressions of feeling; the proudest churchmen, and every class of dissenters, seemed to be of one mind; and the parties who had done most towards urging the king to prosecute his obnoxious measures, began to express their utter despair of seeing a people whose heresy partook of so much "rancour and malignity" ever brought within the fold of the church. Nor was it at all surprising that so much feeling should have been evinced in relation to this struggle on both sides; for in the words of Sir James Mackintosh[m]: "it was the prosecution of men of the most venerable character and manifestly innocent intention, after the success of which no good man could have been secure.

It was an experiment of some measure, to ascertain the means and probabilities of deliverance. The government was on its trial; and by the verdict of acquittal, the king was justly convicted of a conspiracy to maintain usurpation by oppression."

One of the first acts of the king, in consequence of these proceedings, was to create Williams a baronet, and to punish the integrity of Powell, and the scruples of Holloway, by removing them from the bench. The manner of the king also was much changed. He was observed to be more thoughtful and abstracted, and less disposed to talk on public affairs.[l]

BUCKLE ON THE INTOLERANCE OF THE CLERGY

The heroism of the bishops has not seemed so noble to the philosophical historian, Buckle,[n] as to the majority of writers. Without sympathy for either Catholic or Protestant bigotry, he sees in the resistance to the Declaration of Indulgence much more of hypocrisy and intolerance than of consistent humanity. We will quote his powerful comments, and follow them by the words of another historian who adduces reasons for discounting the value of the Declaration of Indulgence.[a]

The sudden death of Charles II placed on the throne a prince whose most earnest desire was to restore the Catholic church. This change in affairs was, if we consider it in its ultimate results, the most fortunate circumstance which could have happened to our country. In spite of the difference of their religion, the English clergy had always displayed an affection towards James, whose reverence for the priesthood they greatly admired; though they were anxious that the warmth of his affections should be lavished on the Church of England and not on the church of Rome. They were sensible of the advantages which would accrue to their own order, if his piety could be turned into a new channel. They saw that it was for his interest to abandon his religion; and they thought that to a man so cruel and so vicious his own interest would be the sole consideration.

The consequence was, that in one of the most critical moments of his life, they made in his favour a great and successful effort; and they not only used all their strength to defeat the bill by which it was proposed to exclude him from the succession, but when the measure was rejected, they presented an address to Charles II, congratulating him on the result. When James actually mounted the throne, they continued to display the same spirit. Whether they still hoped for his conversion, or whether, in their eagerness to persecute the dissenters, they overlooked the danger to their own church, is uncertain; but it is one of the most singular and unquestionable facts in English history, that for some time there existed a strict alliance between a Protestant hierarchy and a popish king.

The terrible crimes which were the result of this compact are but too notorious. But what is more worthy of attention is, the circumstance that caused the dissolution of this conspiracy between the crown and the church. The ground of the quarrel was an attempt made by the king to effect, in some degree, a religious toleration. By the celebrated Test and Corporation acts, it had been ordered, that all persons who were employed by government should be compelled, under a heavy penalty, to receive the sacrament according to the rites of the English church. The offence of James was that he now issued what was called a Declaration of Indulgence, in which he announced his intention of suspending the execution of these laws. From this moment, the position of the two great parties was entirely changed. The bishops clearly per-

ceived that the statutes which it was thus attempted to abrogate, were highly favourable to their own power; and hence, in their opinion, formed an essential part of the constitution of a Christian country.

They had willingly combined with James, while he assisted them in persecuting men who worshipped God in a manner different from themselves.[1] So long as this compact held good, they were indifferent as to matters which they considered to be of minor importance. They looked on in silence, while the king was amassing the materials with which he hoped to turn a free government into an absolute monarchy. They saw Jeffreys and Kirke torturing their fellow-subjects; they saw the gaols crowded with prisoners, and all the scaffold streaming with blood. They were well pleased that some of the best and ablest men in the kingdom should be barbarously persecuted; that Baxter should be thrown into prison, and that Howe should be forced into exile.

They witnessed with composure the most revolting cruelties, because the victims of them were the opponents of the English church. Although the minds of men were filled with terror and with loathing, the bishops made no complaint. They preserved their loyalty unimpaired, and insisted on the necessity of humble submission to the Lord's anointed. But the moment James proposed to protect against persecution those who were hostile to the church; the moment he announced his intention of breaking down that monopoly of offices and of honours which the bishops had long secured for their own party; — the moment this took place, the hierarchy became alive to the dangers with which the country was threatened from the violence of so arbitrary a prince. The king had laid his hand on the ark, and the guardians of the temple flew to arms. How could they tolerate a prince who would not allow them to persecute their enemies? How could they support a sovereign who sought to favour those who differed from the national church? They soon determined on the line of conduct it behooved them to take. With an almost unanimous voice, they refused to obey the order by which the king commanded them to read in their churches the edict for religious toleration. Nor did they stop there. So great was their enmity against him they had recently cherished, that they actually applied for aid to those very dissenters whom, only a few weeks before, they had hotly persecuted; seeking by magnificent promises to win over to their side men they had hitherto hunted even to the death. The most eminent of the non-conformists were far from being duped by this sudden affection. But their hatred of popery, and their fear of the ulterior designs of the king, prevailed over every other consideration; and there arose that singular combination between churchmen and dissenters, which has never since been repeated. This coalition, backed by the general voice of the people, soon overturned the throne, and gave rise to what is justly deemed one of the most important events in the history of England.

Thus it was, that the proximate cause of that great revolution which cost James his crown, was the publication by the king of an edict of religious toleration, and the consequent indignation of the clergy at seeing so audacious an act performed by a Christian prince. It is true, that if other things had not conspired, this alone could never have effected so great a change. But it was the immediate cause of it, because it was the cause of the schism between the church and the throne, and of the alliance between the church and the dis-

[1] It was in the autumn of 1685, that the clergy and the government persecuted the dissenters with the greatest virulence. It is said, by Bishop Burnet, that on many occasions the church party made use of the ecclesiastical courts to extort money from the non-conformists; and for confirmation of this, see Mackintosh.

senters. This is a fact never to be forgotten. We ought never to forget that the first and only time the Church of England has made war upon the crown was when the crown had declared its intention of tolerating, and in some degree protecting, the rival religions.[n]

FAILURE OF THE THEORY OF TOLERANCE

While the words of Buckle have much to justify them, it is only fair that they should be qualified by certain considerations of historical perspective. These Knight has vigorously set forth.[a] There is no error [he says] more common, even amongst educated persons, than to pronounce upon the opinions of a past age according to the lights of their own age. In February, 1687, James issued in Scotland a Declaration for Liberty of Conscience. In April, 1687, he issued a Declaration for Liberty of Conscience in England. Why, it is asked, were these declarations regarded with suspicion by churchmen and by dissenters? Why could not all sincere Christians, of whatever persuasion, have accepted the king's noble measures for the adoption of that tolerant principle which is now found to be perfectly compatible with the security of an established church.

It was precisely because the principle has been slowly making its way during the contests of a hundred and fifty years, that it is now all but universally recognised as a safe and wholesome principle. It is out of the convictions resulting from our slow historical experience that all tests for admission to civil offices are now abolished for ever. Roman Catholic, Presbyterian, Quaker, Methodist, Independent, Unitarian, Jew, all stand upon the same common ground as the churchman, of suffering no religious disqualification for the service of their country. But to imagine that such a result could have been effected by the interested will of a papist king, who had himself been the fiercest of persecutors — who had adopted, to their fullest extent, the hatred of his family to every species of non-conformity — is to imagine that the channels in which the great floods and little rills of religious opinion had long been flowing were to be suddenly diverted into one mighty stream, for which time and wisdom had prepared no bed.[g]

The acquittal of the bishops was not the only event which makes the 30th of June, 1688, a great epoch in history. On that day, while the bells of a hundred churches were ringing, while multitudes were busied, from Hyde Park to Mile End, in piling faggots and dressing popes for the rejoicings of the night, was despatched from London to the Hague an instrument scarcely less important to the liberties of England than the Great Charter.

The prosecution of the bishops and the birth of the prince of Wales had produced a great revolution in the feelings of many tories. At the very moment at which their church was suffering the last excess of injury and insult, they were compelled to renounce the hope of peaceful deliverance. Hitherto they had flattered themselves that the trial to which their loyalty was subjected would, though severe, be temporary, and that their wrongs would shortly be redressed without any violation of the ordinary rule of succession. A very different prospect was now before them.

One remedy there was, quick, sharp, and decisive, a remedy which the whigs had been but too ready to employ, but which had always been regarded by the tories as, in all cases, unlawful. The greatest Anglican doctors of that age had maintained that no breach of law or contract, no excess of cruelty, rapacity, or licentiousness, on the part of a rightful king, could justify his people in withstanding him by force. Some of them had delighted to exhibit

the doctrine of non-resistance in a form so exaggerated as to shock common sense and humanity. They frequently and emphatically remarked that Nero was at the head of the Roman government when St. Paul inculcated the duty of obeying magistrates. The inference which they drew was that, if an English king should, without any law but his own pleasure, persecute his subjects for not worshipping idols, should fling them to the lions in the Tower, should wrap them up in pitched cloth and set them on fire to light up St. James' park, and should go on with these massacres till whole towns and shires were left without one inhabitant, the survivors would still be bound meekly to submit, and to be torn in pieces or roasted alive without a struggle.

The arguments in favour of this proposition were futile indeed, but the place of sound argument was amply supplied by the omnipotent sophistry of interest and of passion. Many writers have expressed wonder that the high-spirited cavaliers of England should have been zealous for the most slavish theory that has ever been known among men. The truth is that this theory at first presented itself to the cavalier as the very opposite of slavish. Its tendency was to make him not a slave but a freeman and a master. It exalted him by exalting one whom he regarded as his protector, as his friend, as the head of his beloved party and of his more beloved church. When republicans were dominant the royalist had endured wrongs and insults which the restoration of the legitimate government had enabled him to retaliate. Rebellion was therefore associated in his imagination with subjection and degradation, and monarchical authority with liberty and ascendency. It had never crossed his imagination that a time might come when a king, a Stuart, would persecute the most loyal of the clergy and gentry with more than the animosity of the Rump or the protector. That time had however arrived. It was now to be seen how the patience which churchmen professed to have learned from the writings of Paul would stand the test of a persecution by no means so severe as that of Nero. The event was such as everybody who knew anything of human nature would have predicted. Oppression speedily did what philosophy and eloquence would have failed to do. The system of Filmer might have survived the attacks of Locke: but it never recovered from the death-blow given by James.

That logic, which, while it was used to prove that Presbyterians and Independents ought to bear imprisonment and confiscation with meekness, had been pronounced unanswerable, seemed to be of very little force when the question was whether Anglican bishops should be imprisoned and the revenues of Anglican colleges confiscated. It had been often repeated, from the pulpits of all the cathedrals in the land, that the apostolical injunction to obey the civil magistrate was absolute and universal, and that it was impious presumption in man to limit a precept which had been promulgated without any limitation in the word of God. Now, however, divines, whose sagacity had been sharpened by the imminent danger in which they stood of being turned out of their livings and prebends to make room for papists, discovered flaws in the reasoning which had formerly seemed so convincing. The ethical parts of Scripture were not to be construed like acts of parliament, or like the casuistical treatises of the schoolmen. What Christian really turned the left cheek to the ruffian who had smitten the right? What Christian really gave his cloak to the thieves who had taken his coat away? Both in the Old and in the New Testament general rules were perpetually laid down unaccompanied by the exceptions. Thus there was a general command not to kill, unaccompanied by any reservation in favour of the warrior who kills in defence of his king and country. There was a general

command not to swear, unaccompanied by any reservation in favour of the witness who swears to speak the truth before a judge. Yet the lawfulness of defensive war, and of judicial oaths, was disputed only by a few obscure sectaries, and was positively affirmed in the articles of the Church of England.[b]

THE KING'S ISOLATION: THE PRINCE OF WALES

Thus, during the short interval since his accession, James had severed himself from the Church of England and from the Protestant non-conformists. His only remaining dependence was on the navy and army, both of which had already given alarming indications of participation in the popular feeling. The intrusion of several monks and Catholic priests into the fleet at the Nore, called forth strong signs of insubordination among the seamen, which even the presence and affabilities of the king did not suffice to allay, until the obnoxious persons were ordered on shore.

But the army was regarded by the monarch as his grand instrument. He had taken great pains to place it in such hands as might best secure it to his service, and he sometimes boasted of the number of Catholics to be found in that body, not only among the officers, but in the ranks. The royal condescension displayed at the Nore, was more studiously exhibited in the camp at Hounslow. At length, to place the fidelity of this great stay of his power beyond doubt, James ventured to issue a test, which required both officers and men to pledge their assistance for a repeal of the penal laws.

This ill-advised experiment was first tried on the regiment under the command of Lord Litchfield, which was regarded as the most manageable. Those who were not prepared to take the test were called upon to lay down their arms; and the whole regiment, with the exception of two captains and a few Catholic soldiers, placed their arms on the ground. The disclosure of this dreadful secret filled the unhappy monarch with astonishment and dismay. He looked for a moment in silence and ill-concealed anguish on the scene before him; he then commanded the disobedient to take up their weapons, adding, that he should not again do them the honour to consult them on such matters. An attempt was afterwards made to infuse a mixture of Irish Catholic recruits into the regiment which garrisoned Portsmouth. Ten of these strangers were to be incorporated with each company, but the five captains and the lieutenant-colonel openly refused to receive them; these officers were summoned to Windsor and cashiered, but with such manifest reluctance and trepidation, as rendered the proceeding a display of the weakness more than of the strength of the government.

To so feeble a condition had James reduced himself from the height of that power in which he had revelled on the death of Argyll and Monmouth only three years before. Ireland, indeed, was still, on the whole, in his interest; and the established church in Scotland was governed by men incapable of manifesting any sympathy with the better spirit which had begun to display itself among the clergy of the Church of England. Louis and his ambassadors also, still spoke of the military aid which his majesty might obtain from France, should the exigency of his affairs become such as to need it. But James appears to have regarded the power of France with a new feeling of jealousy, as his own was seen to be everywhere declining; and while Scotland had long been too much injured to be relied upon in a time of weakness, the attempts which had been made to derive assistance from the Catholics of Ireland, had served to awaken a degree of suspicion and disaffection which no help from that quarter could be expected to subdue.[l]

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The birth of his son might seem a sufficient consolation to the king under this defeat; but here too his usual ill-fortune pursued him. If ever there was a prince about whose birth there would seem to be no possibility of doubt, it was this prince of Wales. His mother had long since spoken of her pregnancy; the birth took place in the morning, in the presence of the queen-dowager, most of the privy council, and several ladies of quality, many of whom were Protestants — yet not one in a thousand of the Protestants believed in its reality. Some maintained that the queen had never been pregnant; others, that she had miscarried at Easter, and that one child, or even two successive children, had been substituted. The princess Anne remained incredulous; so did the learned bishop Lloyd for many years. It was in fact a general delusion, from which neither reason nor good sense preserved men; it was most certainly no party fiction, though party might, and did, take advantage of it.

The birth of the prince seems to have decided the unprincipled Lord Sunderland to make public at this time his apostasy from the Protestant faith. He and the earl of Mulgrave, a man as devoid of principle as himself, had been privately reconciled by Father Petre a year before.

THE PRINCE OF ORANGE, AND HIS RELATIONS TO THE THRONE

On the other hand, the birth of the prince decided those who were in communication with the prince of Orange. While the next heir was a Protestant, the attempts of James might be borne with patience, as they could only continue for a few years; but now there was born a successor who would be nurtured in Catholicism, and a papal regency under the queen would be formed in case of the king's demise. No time was therefore to be lost; an invitation to the prince to come to the relief of the country was drawn out and signed in cipher (June 30th), by the earls of Shrewsbury, Danby, and Devonshire, Lord Lumley, the bishop of London, Admiral Russell, and Colonel Sidney. The bearer of it to Holland is supposed to have been Admiral Herbert, in the disguise of a common sailor.[c]

The position of the United Provinces, with regard both to France and England, rendered it imperative that the statesmen of that republic should be constant observers of public affairs, and studious to defeat political intrigue in those quarters. In the case of the prince of Orange, many circumstances contributed to render this policy as necessary to his self-preservation as to the attainment of those higher objects on which his honourable ambition had been long fixed. In 1672, when in the twenty-second year of his age, a popular revolution raised the prince to the possession of the supreme authority in the United Provinces under the title Stadholder. The courage and the transcendent skill and perseverance with which the prince resisted the concentrated power of France has been already narrated. No struggle in the history of ancient or modern warfare has called forth a greater display of those qualities which command and deserve admiration. When the prince who had thus kept the great despot of Europe at bay became the husband of the princess Mary, the fact that in the event of the death of Charles and James without children his consort would become queen of England, of necessity brought his name into more frequent and much nearer connection with English politics, and naturally disposed him to watch the course of events in this country with a new feeling of interest. Until the recent birth of the prince of Wales, the only life between the princess Mary and the throne was that of her father; and it was only a little before the birth of the prince

that the extreme Catholic party in the court, despairing of so happy an event, had devised their scheme for thrusting aside the claim of the princess Mary and William, in favour of her younger sister the princess Anne, and Prince George, who, as we have seen, were regarded as much less fixed in their principles as Protestants. James is described as being greatly incensed by this project, and as declaring that much as he might deplore leaving his unfinished plans to be wholly frustrated by a Protestant successor, even such an evil was not to be guarded against by such means.[1]

The prince of Orange, by far the greatest man of his time, had for many years devoted all his thoughts and energies to the humbling of the power of Louis XIV. In 1686 he had succeeded in engaging the emperor, the kings of Spain and Sweden, and several of the German princes to subscribe the league of Augsburg, or Grand Alliance, of which this was the real object. The following year, some of the Italian states, the pope himself included, joined the league, and the greater part of Europe was thus banded, under the prince of Orange, to check the ambition of Louis. The proper place of England was in this confederation; but the policy of her king withheld her from it: hence the prince aspired to the power of directing her councils and adding her means to the great cause of national independence.

The death of the elector of Cologne in the spring of this year proved most favourable to the designs of the prince, as it brought Louis and the confederacy into collision. This elector, who also held the bishoprics of Liège, Münster, and Hildesheim, had proved a most useful ally to Louis in 1672; and all the efforts of this monarch were directed to procure the election of the coadjutor, the cardinal of Fürstenberg, who was his creature, and to whom he had given the bishopric of Strasburg, of which it was requisite that he should previously divest himself. The pope however, out of hostility to Louis, refused to accept his resignation; and at the election (July 9th), though Fürstenberg had a majority of votes over his competitor, Prince Clement of Bavaria, he did not obtain the requisite two-thirds. The appointment then fell to the pope, and he named Clement, who was only a youth of seventeen years of age. The candidates of the allies were equally successful at Liège, Münster, and Hildesheim, and both sides now began to prepare for war.

This gave the prince of Orange an opportunity of making his preparations for the invasion of England, under colour of providing for the defence of his own country and the empire. A large force was encamped near Nimeguen; cannon and ammunition were taken from the arsenals to be sent to it; soldiers and sailors were engaged; the Dutch navy was augmented, and the different fleets were placed in adjoining ports. These mighty preparations naturally awakened the suspicions of D'Avaux, the French minister at the Hague; but it was long before he could get certain information of their object. When at length he ascertained that they were destined for the invasion of England, and had informed his court, Louis lost no time in communicating the intelligence to James, making at the same time an offer of his aid; but that infatuated prince refused to give credit to it. Skelton, the English minister at Paris, then proposed to Louis that D'Avaux should declare to the states that there was an alliance between his master and James, and that Louis would regard as a breach of peace any attempt against his ally. This manœuvre disconcerted the friends of the prince of Orange; but James, instead of seeking to derive advantage from it, in his silly pride took offence at it, denied the alliance, recalled Skelton, and committed him to the Tower. Had he owned the alliance, Louis would perhaps have made war on Holland, and thus have prevented the expedition of the prince; whereas he now declared war against

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the emperor alone, put his troops in motion, and laid siege to Philippsburg on the Upper Rhine (September 14th). All was now tranquil on the side of Holland; the prince found his motions unimpeded; and having arranged with his German allies for the defence of the republic during his absence, he lost no time in preparing for the invasion of England.

The eyes of James at length were opened to his danger, and he attempted to retrace his steps. Almost every day of the month of October was marked by some concession. He asked and graciously received the advice of the bishops; he restored the bishop of London and the president and fellows of Magdalen College; he gave the city of London and the towns and boroughs back their charters; recalled the writs he had issued for a parliament, etc. Meantime he was active in preparing the means of resistance; a fleet of thirty-seven sail, with seventeen fire-ships, was stationed at the gun-fleet under Lord Dartmouth, whose fidelity was beyond suspicion; he called out the militia; gave commissions for raising regiments and companies; recalled troops from Scotland and Ireland; and the army, under the command of Lord Feversham, soon amounted to forty thousand men.

WILLIAM OF ORANGE INVADES ENGLAND (1688 A.D.)

The prince of Orange had declarations prepared, addressed to the people of England and Scotland, stating the motives of his coming over: namely, to procure a free parliament; the redress of grievances; the security of the church; a comprehension for dissenters who desired it, and toleration for all others; and to inquire into the birth of the prince of Wales. He also wrote to his Catholic allies, disclaiming all intention of injuring the king or his rightful heirs, and assuring them that he would employ all his influence to secure toleration for the Catholics.[1] The states issued a circular letter to the same effect.

The fleet collected for the invasion consisted of sixty men of war and seven hundred transports; the troops were four thousand five hundred horse and eleven thousand foot [with arms for a much greater number]. Marshal Schomberg and the counts of Nassau and Solms, with General Ginkel and other able Dutch officers; a band of eight hundred French refugees; the English exiles, such as Lord Macclesfield, Doctor Burnet, and others, and those recently arrived, namely, the earl of Shrewsbury, who had raised £40,000 for the expedition, the sons of the marquises of Winchester and Halifax, and of Lord Danby, admirals Russell and Herbert — all prepared to share the fortunes of the prince.

The first full moon after the equinox was the time appointed for sailing; but for the first half of October the wind blew tempestuously from the west. Public prayers to heaven were made in all the churches; on the 13th the storm abated, and William then (October 15th) took a solemn leave of the states, commending to them the princess if anything should happen to himself. The aged pensionary Fagel replied in their name. The whole audience were deeply affected; William alone remained apparently unmoved. A solemn fast was held on the 17th, and two days after the expedition sailed from Hellevoetsluis; but during the night a storm came on and dispersed the

[1 The great point at issue between James and William at this moment, was the repeal of the Test laws. William declared himself willing to tolerate the Catholic worship, but spoke of being immovably opposed to the admission of Catholics into parliament and places of trust. Whatever his private convictions may have been concerning the utility or the justice of such intolerant restrictions, the prince knew that tories and whigs, churchmen and dissenters, were all agreed in insisting on their continuance.—VAUGHAN.]

fleet, and next day the ships were obliged to return to the different ports to repair and to lay in additional stores. At length the "Protestant east-wind," as it was termed, came, and the prince again put to sea (November 1st). He first sailed northwards, intending to land in Yorkshire; but then changing his course he passed (on the 3rd) between Dover and Calais; wind and tide prevented Lord Dartmouth from attacking; the people of the opposite coasts gazed with various emotions on the magnificent spectacle of a fleet extending twenty miles in length and laden with the fate of empires. On Monday the 5th of November the fleet safely anchored at Tor Bay in Devon.

The king had in the interim been making new efforts to sustain his sinking power. He caused a solemn investigation to be made into the birth of the prince of Wales, and the numerous depositions to be enrolled in chancery, in order that his title, in case of his own death, might be put beyond doubt. He dismissed from his council (October 27th) Sunderland, whose fidelity, after all the lengths he had gone, was now suspected, and not wholly without reason. Father Petre had already ceased to appear at the council-board. As the prince had stated in his declaration that "he had been invited by divers lords spiritual and temporal," the king called upon the prelates and peers in the capital to admit or deny the truth of this assertion. They all denied it; for none of them had signed the invitation but Bishop Compton, who adroitly evaded the question by saying, "I am confident the rest of the bishops will as readily answer in the negative as myself." The king insisted on having their denial in writing, with an "abhorrence" of the designs of the prince; but this they declined to give (November 6th). He then left them in anger, telling them that he would trust to his army.

The prince was now at Exeter, but hardly anyone as yet had joined him, for the memory of [Monmouth's failure and] Jeffrey's campaign was still fresh in the minds of the people of Devon. He suspected that he was deceived and he began to think of reimbarking, being resolved on his return to Holland to publish the names of those who had invited him. At length Sir Edward Seymour and some of the western gentry came in to him; and at the suggestion of Seymour, a bond of association was drawn out, engaging the subscribers to support one another in defence of the laws and liberties of the three kingdoms, the Protestant religion, and the prince of Orange. They were followed by Lord Colchester, Lord Wharton, Mr. Russell, and the earl of Abingdon. Soon after on the 10th, Lord Cornbury, son of the earl of Clarendon, attempted to carry over three regiments of horse that were stationed at Salisbury; but the far greater part of the officers and men proving loyal, he led but a small party to join the army of the prince. The ice was now broken; distrust spread through the whole army; the friends of the prince were emboldened; the lords Danby and Lumley began to raise men in Yorkshire, Lord Delamere in Cheshire, and Lord Devonshire in Derbyshire and the adjoining counties.

James was strongly urged to seek an accommodation with the prince, but he still confided in the loyalty of his troops, and he resolved to put himself at their head. Father Petre, anxious perhaps for his own safety, pressed him to remain in London, as quitting it had been the ruin of his father. At his suggestion the infant prince was sent to Portsmouth, and he himself made his escape to France after the king's departure for the army.

On reaching Salisbury on the 20th, James reviewed the troops that were there. He was to go the next day to Warminster, to inspect the division of General Kirke, but a violent bleeding of the nose came on him, which continued, with intervals, for three days. During this time a council of war was held. Lord Churchill, the lieutenant-general, advised to remain at Salisbury;

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Feversham and his brother, the count de Roye, proposed to retire behind the Thames. This last course was approved of by the king; and that very night Churchill, the duke of Grafton, and others went over to the prince, and they were followed by several of their officers in the morning. It is even said that Churchill, Kirke, and some other officers had conspired to seize the king at Warminster, and deliver him up to the prince.

The king on his return to London stopped the first night (November 24th) at Andover. He invited Prince George of Denmark to sup with him. After supper, that prince, the duke of Ormonde, and two others mounted their horses and rode off to the prince of Orange. When James reached London, the first news that met him was that of the flight of his daughter Anne.[1] He burst into tears: "God help me," he cried; "my very children have forsaken me." The princess had left her bed-chamber in the night of the 25th with Lady Churchill and Mrs. Berkeley; the bishop of London and Lord Dorset had a carriage ready for her, and she was conveyed to the bishop's house, and thence to Northampton. Disaffection now spread rapidly over the whole kingdom. Bristol, Hull, York, and other towns, were occupied by the adherents of the prince. The University of Oxford sent him its adhesion and an offer of its plate.

The first act of the king was to hold a great council of the peers who were in London, and by their advice he issued writs for a parliament, and sent lords Halifax, Nottingham, and Godolphin, as his commissioners, to treat with the prince; but some days elapsed before they were admitted to his presence, and meantime a spurious proclamation in his name, menacing all papists bearing arms or holding office, was circulated in London.

JAMES II TAKES FLIGHT AND IS RECAPTURED

James was now resolved on placing himself and his family under the protection of the king of France. He had his son brought back from Portsmouth, whence he could not now be conveyed; and, on a dark and stormy night (December 9th), the queen, with her babe and his nurse, crossed the river in an open boat to Lambeth; but the expected carriage was not there, and they had to stand for some time, only sheltered by an old wall from the torrents of rain. At length the coach arrived, and the queen proceeded to Gravesend where she got on board a yacht which conveyed her to Calais.

The king had promised the queen to follow her in twenty-four hours. The letter which he received next day (December 10th) from his commissioners, stating the prince's terms, made no change in his resolution. He wrote to Lord Feversham, dispensing with the further services of the troops; and he called for and burned the writs for a parliament, and then retired to rest. At one in the morning he rose, and telling Lord Northumberland, who lay on a

[1 The desertion of his own family gave a severe blow to the unhappy James. De Foe, alluding to the event, gives the following account of the sensation which it produced in the metropolis. "I cannot but remember the consternation among the people, when it was first noised abroad that the princess was missing; it being at first warm among the people that they had murdered or made away with her. I want words to express the compassion that appeared in the countenances of the people: and so much was she then beloved that the very soldiers talked of setting Whitehall on fire, and cutting the throats of all the papists about the court. The people ran raving up and down, and the confused crowds thronged into the apartments of Whitehall, inquiring of everyone they met if they had seen the princess. Had it not presently been made public that she was withdrawn; nay, had not the letters she left behind her been made public, some fatal disturbance had been seen in the very palace, and that within a very few hours." It was the occurrence of such scenes as these that contributed to the alarm of the king for the safety of his person and family. — WILSON.c]

paket in his chamber, not to open the door till the usual hour in the morning, he went down the back stairs, and being joined by Sir Edward Hales, got into a hackney coach and drove to the horse ferry, and there getting into a small boat crossed over to Vauxhall, throwing the great seal into the river on his way. Horses were there ready for them, and at ten in the morning they reached Feversham, where they got on board a custom house hoy which had been engaged for the purpose.

As soon as the news of the king's flight was known in London, the mob attacked the Catholic chapels and the residences of the Catholic ambassadors. Those who felt themselves to be obnoxious attempted to fly to the coast, but several were taken and committed to prison. Jeffreys was discovered at Wapping, in the disguise of a common sailor. It was with difficulty that he was saved from the rage of the mob. At his own desire he was committed to the Tower, where he died shortly afterwards. The nuncio, disguised as a footman of the ambassador of Savoy, was seized at Gravesend, but the prince sent him a passport without delay.[c] It is honourable to the English character that, notwithstanding the aversion with which the Roman Catholic religion and the Irish race were then regarded, notwithstanding the anarchy which was the effect of the flight of James, notwithstanding the artful machinations which were employed to scare the multitude into cruelty, no atrocious crime was perpetrated at this conjuncture. Much property, indeed, was destroyed and carried away. The houses of many Roman Catholic gentlemen were attacked. Parks were ravaged. Deer were slain and stolen. But in all this confusion, which lasted several days and extended over many counties, not a single Roman Catholic lost his life. The mob showed no inclination to blood, except in the case of Jeffreys; and the hatred which that bad man inspired had more affinity with humanity than with cruelty.[b]

The government meantime was exercised by a council of peers, with the lord mayor and alderman. They sent a declaration of adhesion to the prince, on condition of his procuring a free parliament: but their deliberations were soon disturbed by tidings of the detention of the king. The hoy having stopped to get in more ballast, was surrounded by three boats, and the crews, taking the king and his companions for Jesuits, brought it back to Feversham. The king, being recognised, sent for Lord Winchelsea, the lord-lieutenant of the county, and he was placed at the house of the mayor, whence he wrote to the supreme council at London, who forthwith ordered Lord Feversham to take two hundred of the guards for the protection of the royal person.[c]

Had the monarch succeeded in making his escape to France, the course open to the prince of Orange would have been much less difficult than it now proved, and the powerful jacobite party would, perhaps, scarcely have been heard of in our history. On the flight of the king, the most scrupulous began to conclude, that to invite the prince to take the government upon him was the only just and safe method of proceeding. By this act the throne was vacated, and might be filled by the most eligible successor from the royal family at the pleasure of parliament. But the arrest of the monarch at Feversham on Wednesday was followed by an order of the privy council, commanding that his carriage and the royal guards should be sent to reconduct him to the capital, which took place accordingly on the Saturday, when many of the people, touched with compassion toward him, appeared to hail his return with great delight — "so slight and unstable a thing," says Burnet,[k] "is a multitude, and so soon altered." The difficult question now was, how to dispose of the king's person, it being deemed impossible that the king and the prince should be together in London, with their respective forces, without great danger to both.[l]

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James now resolved to return to the capital. He sent Lord Feversham to the prince, who was now at Windsor, to propose a personal conference; but the envoy was placed under arrest, on the pretext of his having come without a passport. The king on reaching London, was received with every demonstration of popular joy: the crowds shouted, the bells were rung, and the bonfires were kindled in the usual manner. Next day he held a court, met his council, and exercised other acts of sovereignty. But the prince and his council had decided that James should not remain at Whitehall; and the following evening Count Solms came with a body of the Dutch guards, and, having occupied St. James', led them to Whitehall. Lord Craven, who commanded the English guards, was preparing to resist; but James, knowing opposition to be useless, repressed the ardour of the veteran of eighty, and the Dutch guards took the place of the English. A little before midnight the king went to rest, but he had not been long asleep when he was waked to receive the lords Halifax, Shrewsbury, and Delamere, who were come with a message from the prince. He had them admitted. They told him it was the prince's wish that, for the safety of his person, he should go to Ham House in Surrey, where he would be attended by his own guards, and that he must depart at ten in the morning, as the prince would arrive by noon. James objected to Ham, as damp and cold, and proposed Rochester. They departed, and returned at nine next morning with the requisite permission.

JAMES II LEAVES ENGLAND FOREVER (1688 A.D.)

At noon the king took leave of the nobility and entered the royal barge, and went down the river, followed by a party of the Dutch guards in boats. The assembled crowds viewed with mournful looks this final departure of their sovereign, a captive in the hands of foreigners. James slept that night at Gravesend, and next day came to Rochester, where he remained for four days, deliberating on his further course. His friends in general urged him not to think of quitting the kingdom, as it was the very course his enemies seemed to wish him to adopt; for, though the front of the house in which he resided was guarded, the rear was neglected. He sent, offering to place himself in the hands of the prelates, if they would answer for his safety; but they declined so delicate a charge. He then resolved on flight, to which he was moreover urged by a letter from the queen; and, having written a declaration explanatory of his motives, and informed some friends of his design, he went to bed as usual. After midnight he rose, and, with his natural son the duke of Berwick and three other persons, he went out through the garden. A fishing smack had been hired to convey him to France, but the weather was so rough that he could not reach it. He got on board the *Eagle* fire-ship, where he was received with all marks of respect by the crew, and next morning he embarked on the smack. On Christmas Day he landed at Ambleteuse in Picardy, and he hastened to join his queen at St. Germain. His reception by Louis was cordial and generous.

As the reign of this ill-judging prince had now reached its close, we will here insert his character as drawn in true but more favourable colours than one might have expected by the pen of Bishop Burnet[k]: "He was a prince that seemed made for greater things than will be found in the course of his life, more particularly of his reign. He was esteemed in the former parts of his life a man of great courage, as he was, quite through it, a man of great application to business. He had no vivacity of thought, invention or expression, but he had a good judgment where his religion or his education gave him not a bias, which

it did very often. He was bred with strange notions of the obedience due to princes, and came to take up as strange ones of the obedience due to priests. He was naturally a man of truth, fidelity and justice, but his religion was so infused in him and he was so managed in it by his priests, that the principles which nature had laid in him had little power over him when the concerns of his church stood in the way. He was a gentle master, and was very easy to all who came near him, yet he was not so apt to pardon as one ought to be that is the viceregent of that God who is slow to anger and ready to forgive. He had no personal vices but of one sort; he was still wandering from one amour to another; yet he had a real sense of sin, and was ashamed of it. In a word, if it had not been for his popery, he would have been, if not a great, yet a good prince."

THE INTERREGNUM; THE CONVENTION PARLIAMENT (1689 A.D.)

To resume our narrative. At two o'clock on the day of the king's departure from the capital, the prince of Orange came to St. James. All classes crowded to do him homage. He summoned the lords spiritual and temporal to meet on the 21st, to consider the state of the nation. They came on the appointed day, to the number of about seventy: five lawyers, in the absence of the judges, were appointed to assist them. It was proposed that they should previously sign the Exeter Association: the temporal peers, with four exceptions, subscribed; the prelates, all but Compton, refused. Next day (the 22nd) they met in the house of peers, and, having chosen Lord Halifax their speaker, issued an order for all papists, except householders and some others, to remove ten miles from London. On Christmas Day they resolved that the prince should be requested to take on him the administration [1] of all public affairs till the 22nd of January, and to issue letters for persons to be elected to meet as a convention on that day. The following day all those who had served in any of the parliaments of Charles II, and were in town, with the aldermen and fifty common-council-men, waited on the prince by invitation, and thence went to the house of commons, where next day they voted an address similar to that of the peers. The prince accepted the charge, and issued the letters of summons for the convention. Next day, being Sunday, he received the sacrament according to the rites of the Church of England.

On the 22nd of January, 1689, the memorable convention met. A joint address of thanks, praying him to continue the administration of affairs was presented to the prince. After a few days' necessary delay, the commons entered on the great question of the state of the nation; and it was resolved, "That king James II having endeavoured to subvert the constitution of the kingdom by breaking the original contract between king and people; and, by the advice of jesuits and other wicked persons, having violated the fundamental laws, and having withdrawn himself out of this kingdom, has abdicated the government, and that the throne is thereby become vacant." Next day it was resolved, "That it hath been found by experience to be inconsistent with the safety and welfare of this Protestant kingdom to be governed by a popish prince." It is remarkable that this is the very principle of the Exclusion Bill which had brought such odium on its supporters.

In the lords, this last vote was unanimously agreed to, but various questions arose on the former. The first was, supposing the throne vacant, whether they would have a regent or a king. It was decided in favour of the

[1] The so-called Interregnum is usually dated from December 23rd, 1688, to February 13th, 1689.]

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latter by a majority of only two. It was then carried, that there was an original contract between king and people. For the word "abdicated" they substituted "deserted"; and they struck out the clause declaring the throne to be vacant, as it was maintained that the crown devolved to the princess of Orange. To these amendments the commons refused to agree. Two conferences took place between committees of the houses, which terminated in the lords giving way to the firmness of the commons; the cogent motive was political necessity. The wholesome regard for the forms of the constitution certainly involved the whigs in apparent absurdity, for the word "abdicated" it was acknowledged was used in an improper sense; "deserted" was in truth no better, but it sounded softer; the proper word was "forfeited," but all parties shrank from employing it.

The throne being vacant, the next question was, by whom it should be filled. The young prince of Wales was passed over by common consent; for his birth should be previously inquired into; and should his legitimacy be proved, as there was no doubt but that he would be brought up a Catholic, it would be necessary to appoint a Protestant regent, and then the strange appearance might be presented of a succession of kings with the rights and title of the crown, and of regents exercising all its power. The simple course seemed to be to make the princess of Orange queen; but the prince signified his dislike of that; the princess had also strongly expressed her disapprobation of it.

William, who had carefully abstained from everything that might have borne the appearance of effort to influence the late elections, observed the same silent and cautious neutrality in regard to the deliberations of the two houses when assembled. But when the points adverted to had been debated for some time with much warmth, and with little prospect of any desirable issue, the prince sent for Halifax, Shrewsbury, and Nottingham, and told them that he wished to have avoided making any disclosure of his own sentiments in relation to the matters which were now occupying so much of the public attention, but that he thought it might expedite affairs, and prevent mischiefs, to inform them that he could not accept the office of regent, nor take any share in the English government merely by courtesy, as the husband of the princess ["he would not hold anything by apron-strings"], that the condition indispensable was that sovereignty should be vested in his person; that, should it be the pleasure of the parliament to come to some other settlement, he should not oppose its proceedings, but willingly return to Holland and meddle no more with English affairs; that, whatever others might think of a crown, it was no such thing in his eyes but that he could be well content without it.

This manly avowal — in present circumstances the only one that became him — was made with the intention of its being generally known. It conduced to the settlement which followed. The contest about words had led to learned conferences between the two houses, in which the commons prevailed, and the throne was at length declared "vacant." The way was thus prepared for the Declaration of Right (February 12th, 1689), proclaiming William and Mary as conjoint sovereigns, the administration, to prevent distractions, being placed singly in the prince.

It may be added, also, that the former was chargeable with a violence of conduct towards the representatives of the people that cannot be urged against the latter; and that he manifested a less doubtful inclination to rule without the intervention of parliaments. The contest, therefore, which has rendered the year 1688 so memorable, was the same that had been maintained, with greater violence indeed, but also with greater intelligence, and a much larger

measure of public spirit, in 1641; in both cases the same great principles were involved, and the same character, in many of its leading features, was observable in the men who filled the throne.

Nor was this right of parliament to alter the succession the most remarkable or the most important doctrine involved in the revolution thus accomplished, inasmuch as this had been often asserted, and sometimes exercised, in the course of English history. The main principle and effect of this proceeding resulted, as a consequence, from its great act in relation to the throne, *viz.*, the practical subjection of the king to the laws, instead of the total, or even partial, subjection of the laws to the king. It at once annihilated the doctrines of divine right and non-resistance, brought into easy and undisturbed practice those ancient rights and liberties, which the Plantagenets had attempted in vain to subvert, which the Tudors had often been allowed to trample upon, and which the Stuarts sacrificed their throne to destroy.

MACAULAY'S REVIEW OF THE DECLARATION OF RIGHT, AND THE REVOLUTION

The commons wisely determined to postpone all reforms till the ancient constitution of the kingdom should have been restored in all its parts, and forthwith to fill the throne without imposing on William and Mary any other obligations than that of governing according to the existing laws of England. In order that the questions which had been in dispute between the Stuarts and the nation might never again be stirred, it was determined that the instrument by which the prince and princess of Orange were called to the throne, and by which the order of succession was settled, should set forth, in the most distinct and solemn manner, the fundamental principles of the constitution. This instrument, known by the name of the Declaration of Right, was prepared by a committee, of which Somers was chairman. The fact that the low born young barrister was appointed to so honourable and important a post in a parliament filled with able and experienced men, only ten days after he had spoken in the house of commons for the first time, sufficiently proves the superiority of his abilities. In a few hours the declaration was framed and approved by the commons. The lords assented to it with some amendments of no great importance.

The declaration began by recapitulating the crimes and errors which had made a revolution necessary. James had invaded the province of the legislature; had treated modest petitioning as a crime; had oppressed the church by means of an illegal tribunal; had, without the consent of parliament, levied taxes and maintained a standing army in time of peace; had violated the freedom of election, and perverted the course of justice. Proceedings which could lawfully be questioned only in parliament had been made the subjects of prosecution in the King's Bench. Partial and corrupt juries had been returned: excessive bail had been required from prisoners: excessive fines had been imposed: barbarous and unusual punishments had been inflicted: the estates of accused persons had been granted away before conviction. He, by whose authority these things had been done, had abdicated the government. The prince of Orange, whom God had made the glorious instrument of delivering the nation from superstition and tyranny, had invited the estates of the realm to meet and to take counsel together for the securing of religion, of law, and of freedom.

The lords and commons, having deliberated, had resolved that they would first, after the example of their ancestors, assert the ancient rights and liber-

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ties of England. Therefore it was declared that the dispensing power, lately assumed and exercised, had no legal existence; that, without grant of parliament, no money could be exacted by the sovereign from the subject; that, without consent of parliament, no standing army could be kept up in time of peace. The right of subjects to petition, the right of electors to choose representatives freely, the right of parliaments to freedom of debate, the right of the nation to a pure and merciful administration of justice according to the spirit of its own mild laws, were solemnly affirmed. All these things the convention claimed, in the name of the whole nation, as the undoubted inheritance of Englishmen. Having thus vindicated the principles of the constitution, the lords and commons, in the entire confidence that the deliverer would hold sacred the laws and liberties which he had saved, resolved that William and Mary, prince and princess of Orange, should be declared king and queen of England, for their joint and separate lives, and that, during their joint lives, the administration of the government should be in the prince alone. After them the crown was settled on the posterity of Mary, then on Anne and her posterity, and then on the posterity of William.

On the morning of Wednesday, the 13th of February, the court of Whitehall and all the neighbouring streets were filled with gazers. The magnificent banqueting house, the masterpiece of Inigo, embellished by masterpieces of Rubens, had been prepared for a great ceremony. The walls were lined by the yeomen of the guard. Near the northern door, on the right hand, a large number of peers had assembled. On the left were the commons with their speaker, attended by the mace. The southern door opened: and the prince and princess of Orange, side by side, entered, and took their place under the canopy of state.

Both houses approached bowing low. William and Mary advanced a few steps. Halifax on the right, and Powle on the left, stood forth; and Halifax spoke. The convention, he said, had agreed to a resolution which he prayed their highnesses to hear. They signified their assent; and the clerk of the house of lords read, in a loud voice, the Declaration of Right. When he had concluded, Halifax, in the name of all the estates of the realm, requested the prince and princess to accept the crown.

William, in his own name and in that of his wife, answered that the crown was, in their estimation, the more valuable because it was presented to them as a token of the confidence of the nation. "We thankfully accept," he said, "what you have offered us." Then, for himself, he assured them that the laws of England, which he had once already vindicated, should be the rules of his conduct, that it should be his study to promote the welfare of the kingdom, and that, as to the means of doing so, he should constantly recur to the advice of the houses, and should be disposed to trust their judgment rather than his own.

These words were received with a shout of joy which was heard in the streets below, and was instantly answered by huzzas from many thousands of voices. The lords and commons then reverently retired from the banqueting house and went in procession to the great gate of Whitehall, where the heralds and pursuivants were waiting in their gorgeous tabards. All the space as far as Charing Cross was one sea of heads. The kettle-drums struck up; the trumpets pealed: and garter king-at-arms, in a loud voice, proclaimed the prince and princess of Orange king and queen of England, charged all Englishmen to pay, from that moment, faith and true allegiance to the new sovereigns, and besought God, who had already wrought so signal a deliverance for our church and nation, to bless William and Mary with a long and happy reign.

Thus was consummated the English Revolution. When we compare it with those revolutions which have recently overthrown so many ancient governments, we cannot but be struck by its peculiar character. Why that character was so peculiar is sufficiently obvious, and yet seems not to have been always understood either by eulogists or by censors.

The continental revolutions of the eighteenth and nineteenth centuries took place in countries where all trace of the limited monarchy of the middle ages had long been effaced. The right of the prince to make laws and to levy money had, during many generations, been undisputed. His throne was guarded by a great regular army. His administration could not, without extreme peril, be blamed even in the mildest terms. His subjects held their personal liberty by no other tenure than his pleasure. Not a single institution was left which had, within the memory of the oldest man, afforded efficient protection to the subject against the utmost excess of tyranny. Those great councils which had once curbed th regal power had sunk into oblivion. Their composition and their privileges were known only to antiquaries. We cannot wonder, therefore, that, when men who had been thus ruled succeeded in wresting supreme power from a government which they had long in secret hated, they should have been impatient to demolish and unable to construct, that they should have been fascinated by every specious novelty, that they should have proscribed every title, ceremony, and phrase associated with the old system, and that, turning away with disgust from their own national precedents and traditions, they should have sought for principles of government in the writings of theorists, or aped, with ignorant and ungraceful affectation, the patriots of Athens and Rome. As little can we wonder that the violent action of the revolutionary spirit should have been followed by reaction equally violent, and that confusion should speedily have engendered despotism sterner than that from which it had sprung.

Had we been in the same situation; had Strafford succeeded in his favourite scheme of Thorough; had he formed an army as numerous and as well disciplined as that which, a few years later, was formed by Cromwell; had a series of judicial decisions, similar to that which was pronounced by the Exchequer Chamber in the case of shipmoney, transferred to the crown the right of taxing the people; had the Star Chamber and the high commission continued to fine, mutilate, and imprison every man who dared to raise his voice against the government; had the press been as completely enslaved here as at Vienna or at Naples; had our kings gradually drawn to themselves the whole legislative power; had six generations of Englishmen passed away without a single session of parliament; and had we then at length risen up in some moment of wild excitement against our masters — what an outbreak would that have been! With what a crash, heard and felt to the farthest ends of the world, would the whole vast fabric of society have fallen! How many thousands of exiles, once the most prosperous and the most refined members of this great community, would have begged their bread in continental cities, or have sheltered their heads under huts of bark in the uncleared forests of America! How often should we have seen the pavement of London piled up in barricades, the houses dinted with bullets, the gutters foaming with blood! How many times should we have rushed wildly from extreme to extreme, sought refuge from anarchy in despotism, and been again driven by despotism into anarchy! How many years of blood and confusion would it have cost us to learn the very rudiments of political science! How many childish theories would have duped us! How many rude and ill poised constitutions should we have set up, only to see them tumble down! Happy would it have been for us if a sharp disci-

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pline of half a century had sufficed to educate us into a capacity of enjoying true freedom.

These calamities our Revolution averted. It was a revolution strictly defensive, and had prescription and legitimacy on its side. Here, and here only, a limited monarchy of the thirteenth century had come down unimpaired to the seventeenth century. Our parliamentary institutions were in full vigour. The main principles of our government were excellent. They were not, indeed, formally and exactly set forth in a single written instrument; but they were to be found scattered over our ancient and noble statutes; and, what was of far greater moment, they had been engraven on the hearts of Englishmen during four hundred years. That, without the consent of the representatives of the nation, no legislative act could be passed, no tax imposed, no regular soldiery kept up, that no man could be imprisoned, even for a day, by the arbitrary will of the sovereign, that no tool of power could plead the royal command as a justification for violating any right of the humblest subject, were held, both by whigs and tories, to be fundamental laws of the realm. A realm of which these were the fundamental laws stood in no need of a new constitution.

But, though a new constitution was not needed, it was plain that changes were required. The misgovernment of the Stuarts, and the troubles which that misgovernment had produced, sufficiently proved that there was somewhere a defect in our polity; and that defect it was the duty of the convention to discover and to supply.

Some questions of great moment were still open to dispute. Our constitution had begun to exist in times when statesmen were not much accustomed to frame exact definitions. Anomalies, therefore, inconsistent with its principles and dangerous to its very existence, had sprung up almost imperceptibly, and, not having, during many years, caused any serious inconvenience, had gradually acquired the force of prescription. The remedy for these evils was to assert the rights of the people in such language as should terminate all controversy, and to declare that no precedent could justify any violation of those rights.

When this had been done it would be impossible for our rulers to misunderstand the law: but, unless something more were done, it was by no means improbable that they might violate it. Unhappily the church had long taught the nation that hereditary monarchy, alone among our institutions, was divine and inviolable; that the right of the house of commons to a share in the legislative power was a right merely human, but that the right of the king to the obedience of his people was from above; that the Great Charter was a statute which might be repealed by those who had made it, but that the rule which called the princes of the blood royal to the throne in order of succession was of celestial origin, and that any act of parliament inconsistent with that rule was a nullity.

It is evident that, in a society in which such superstitions prevail, constitutional freedom must ever be insecure. A power which is regarded merely as the ordinance of man cannot be an efficient check on a power which is regarded as the ordinance of God. It is vain to hope that laws, however excellent, will permanently restrain a king who, in his own opinion, and in that of a great part of his people, has an authority infinitely higher in kind than the authority which belongs to those laws. To deprive royalty of these mysterious attributes, and to establish the principle that kings reigned by a right in no respect differing from the right by which freeholders chose knights of the shire, or from the right by which judges granted writs of *habeas corpus*, was absolutely necessary to the security of our liberties.

Thus the convention had two great duties to perform. The first was to clear the fundamental laws of the realm from ambiguity. The second was to eradicate from the minds, both of the governors and of the governed, the false and pernicious notion that the royal prerogative was something more sublime and holy than those fundamental laws. The former object was attained by the solemn recital and claim with which the Declaration of Right commences; the latter by the resolution which pronounced the throne vacant, and invited William and Mary to fill it.

The change seems small. Not a single flower of the crown was touched. Not a single new right was given to the people. The whole English law, substantive and adjective, was, in the judgment of all the greatest lawyers, of Holt and Treby, of Maynard and Somers, exactly the same after the Revolution as before it. Some controverted points had been decided according to the sense of the best jurists; and there had been a slight deviation from the ordinary course of succession. This was all; and this was enough.

As our Revolution was a vindication of ancient rights, so it was conducted with strict attention to ancient formalities. In almost every word and act may be discerned a profound reverence for the past. The estates of the realm deliberated in the old halls and according to the old rules. Powle was conducted to his chair between his mover and his seconder with the accustomed forms. The sergeant with his mace brought up the messengers of the lords to the table of the commons; and the three obeisances were duly made. The conference was held with all the antique ceremonial. On one side of the table, in the Painted Chamber, the managers of the lords sat covered and robed in ermine and gold. The managers of the commons stood bareheaded on the other side. The speeches presented an almost ludicrous contrast to the revolutionary oratory of every other country. Both the English parties agreed in treating with solemn respect the ancient constitutional traditions of the state. The only question was, in what sense those traditions were to be understood. The assertors of liberty said not a word about the natural equality of men and the inalienable sovereignty of the people, about Harmodius or Timoleon, Brutus the elder or Brutus the younger. When they were told that, by the English law, the crown, at the moment of a demise, must descend to the next heir, they answered that, by the English law, a living man could have no heir. When they were told that there was no precedent for declaring the throne vacant, they produced from among the records in the Tower a roll of parchment, near three hundred years old, on which, in quaint characters and barbarous Latin, it was recorded that the estates of the realm had declared vacant the throne of a perfidious and tyrannical Plantagenet. When at length the dispute had been accommodated, the new sovereigns were proclaimed with the old pageantry. All the fantastic pomp of heraldry was there, Clarencieux and Norroy, Portcullis and Rouge Dragon, the trumpets, the banners, the grotesque coats embroidered with lions and lilies. The title King of France, assumed by the conqueror of Cressy, was not omitted in the royal style. To us, who have lived in the year 1848, it may seem almost an abuse of terms to call a proceeding, conducted with so much deliberation, with so much sobriety, and with such minute attention to prescriptive etiquette, by the terrible name of Revolution.

And yet this Revolution of all revolutions the least violent, has been of all revolutions the most beneficent. It finally decided the great question whether the popular element which had, ever since the age of Fitzwalter and De Montfort, been found in the English polity, should be destroyed by the monarchical element, or should be suffered to develope itself freely, and to become

dominant. The strife between the two principles had been long, fierce, and doubtful. It had lasted through four reigns. It had produced seditions, impeachments, rebellions, battles, sieges, proscriptions, judicial massacres. Sometimes liberty, sometimes royalty, had seemed to be on the point of perishing. During many years one half of the energy of England had been employed in counteracting the other half. The executive power and the legislative power had so effectually impeded each other that the state had been of no account in Europe. The king-at-arms, who proclaimed William and Mary before Whitehall Gate, did in truth announce that this great struggle was over; that there was entire union between the throne and the parliament; that England, long dependent and degraded, was again a power of the first rank; that the ancient laws by which the prerogative was bounded would thenceforth be held as sacred as the prerogative itself, and would be followed out to all their consequences; that the executive administration would be conducted in conformity with the sense of the representatives of the nation; and that no reform, which the two houses should, after mature deliberation, propose, would be obstinately withstood by the sovereign.

The Declaration of Right, though it made nothing law which had not been law before, contained the germ of the law which gave religious freedom to the dissenter, of the law which secured the independence of the judges, of the law which limited the duration of parliaments, of the law which placed the liberty of the press under the protection of juries, of the law which prohibited the slave trade, of the law which abolished the sacramental test, of the law which relieved the Roman Catholics from civil disabilities, of the law which reformed the representative system, of every good law which has been passed during a hundred and sixty years, of every good law which may hereafter, in the course of ages, be found necessary to promote the public weal, and to satisfy the demands of public opinion.

The highest eulogy which can be pronounced on the Revolution of 1688 is this, that it was our last revolution. Several generations have now passed away since any wise and patriotic Englishman has meditated resistance to the established government. In all honest and reflecting minds there is a conviction, daily strengthened by experience, that the means of effecting every improvement which the constitution requires may be found within the constitution itself.[b]