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THE HISTORY

OF

MY OWN TIME

VOL. II.

HENRY FROWDE, M.A.

PUBLISHER TO THE UNIVERSITY OF OXFORD



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BURNET'S
HISTORY OF MY OWN TIME

A NEW EDITION

BASED ON THAT OF M. J. ROUTH, D.D.

PART I

THE REIGN OF

CHARLES THE SECOND

EDITED BY

OSMUND AIRY, M.A, LL.D.

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PREFACE

VERY few words are needed by way of preface to this volume, which brings the new edition of Burnet to the close of the reign of Charles II. But it may be pointed out that during the three years which have passed since the first volume was completed it has become evident how difficult it is to keep pace with the wealth of new material which is ever presenting itself, both in contemporary writings of the time and in the works of authors of the present day. When I mention for example that since the whole of the notes were in type the Montagu papers have been edited by the Historical Manuscripts Commission, and that Miss Foxcroft has published her laborious and very exhaustive work upon Halifax, I name only two out of many fresh sources of information which have seen the light during the progress of the book through the press.

To the last volume it was found necessary to add a somewhat crowded page of errata—chiefly in the spelling of proper names—and of addenda. It is hoped that the reader will not find cause for complaint upon this score in the present one, except that in the note on page 33 Sir *George* Croke should have been written for Sir *John*.

It had been intended to place in an Appendix the full text of Burnet's 'Characters' from the Harleian MSS.,

which appear in an inaccurate and incomplete form in Ranke's sixth volume; and references to them will be found in a few notes. Subsequently however to the striking off of these notes in their final form the Delegates of the Clarendon Press have decided to incorporate these 'Characters' with other material in a supplementary volume. The references must therefore be carried on to that volume.

OSMUND AIRY.

Jan. 1, 1900.

THE HISTORY

OF

MY OWN TIME



THE

HISTORY OF MY OWN TIME

BOOK III.

Of the rest of king Charles the second's reign, from the year 1673 *to the year* 1685, *in which he died.*

CHAPTER I.

THE TEST ACT. SECOND MARRIAGE OF JAMES. TREATY OF COLOGNE.

HITHERTO the reign of king Charles was pretty serene and calm at home. A nation weary of a long civil war was not easily brought into jealousies and fears, which were the seeds of distractions, and might end in new confusions and wars. But the court had now given such broad intimations of an ill design both on our religion and the civil constitution, that it was no more a jealousy: all was now open and barefaced. In the king's presence the court flatterers were always magnifying absolute govern- 345
ment, and reflecting on the insolence of a house of commons. The king said once to the earl of Essex, as he told me, that he did not wish to be like a Grand Signior, with some mutes about him, and bags of bow-strings to strangle men as he had a mind to it: but he did not think he was a king, as long as a company of fellows were looking into all his actions, and examining his ministers as well as his accounts. He reckoned, now he had set the church party at such a distance from the dissenters, that it was impossible to make them join in opposition to his designs. He hoped the church party

CHAP. I.

would be always submissive, and he had the dissenters at mercy.

The proceedings of the former year had opened all men's eyes. The king's own religion was suspected, as his brother's was declared[1]: and the whole conduct shewed a design to govern by the French model. A French general was brought over to command our armies. Count Schomberg, who was a German by birth, but his mother was an English woman, was sent over[2]. He was a firm protestant, and served at first in Holland, but upon the prince of Orange's death he went into France, where he grew into so high a reputation, that he was kept under, and not raised to be a marshal, only on the account of his religion. He was a calm man, of great application, and conduct beyond what was expected by those who knew him on other occasions: for [a] he was too much a German in the liberties he allowed himself in entertainments [b]; but when he commanded armies, he kept himself to better

[a] *as* struck out. [b] *so he was a libertine in other pleasures*, struck out.

[1] Vol. i. 133, 297, notes.

[2] Vol. i. 302, note. Monk, it must be remembered, had died Jan. 3, 1670. Schomberg, who appears to have entered the French service in 1650, acquired his 'reputation' in Portugal, whose forces he directed against Spain, 1663–1665. He was in real, though not nominal, command at the great battle of Villa-Viciosa, June 17, 1665, which completed the military ruin of Spain, secured the independence of Portugal, and was the proximate cause of the death of Philip IV. For this he was created Count of Mertola and Governor-General of Alentejo. Mignet, *Documents relatifs, &c.*, i. 316, 366; *Portland MSS.*, vol. iii, *H. M. C. Rep.* xiv, App. ii. 274. In 1674 he commanded the French army in Catalonia; *Spanish Negotiations*, ii. 221. Marvell notes his English appointment thus: 'Monsieur Schomberg, a French Protestant, had been made General, and Colonel Fitzgerald, an Irish Papist, major general, as more proper for the secret; the first of advancing the French Government, the second of promoting the Irish religion.' *Growth of Popery and Arbitrary Government* (ed. Grosart), 293. At the same place he speaks of 'the dark hovering of the army at Blackheath,' and hints that, if the naval disasters had not upset all such designs, it would have been employed against London. Fitzgerald, who had been deputy-governor of Tangier, appears, however, to have taken the Test Act oath. See *Letters to Sir Joseph Williamson* (Camd. Soc.), i. 24.

rules. He thought much better than he spoke. He was a man of true judgment, | of great probity, and of an humble and obliging temper: and at any other time of his life he would have been very acceptable to the English. But now he was looked on as one sent over from France to bring our army under a French discipline: and so he was hated by the nation, and not much loved by the court. He was always pressing the king to declare himself the head of the protestant party. He pressed him likewise to bring his brother over from popery: but the king said to him, you know my brother long ago, that he is as stiff as a mulet. He liked the way of Charenton so well[1], that he went once a week to London to the French church there, that was according to that form. So the duke and Clifford looked on him as a presbyterian, and an unfit man for their purpose. The duke of Buckingham hated him, for he hoped to have commanded the army[2]. And as an army is a very unacceptable thing to the English nation, so it became the more odious when commanded by a general sent over from France. Schomberg told me he saw it was impossible the king could bring any great design to a good effect: he loved his ease so much that he never minded business: and every thing that was said to him of affairs was heard 346
with so little attention, that it made no impression.

CHAP. I. MS. 173.

The ministry was all broke to pieces. The duke of Buckingham was alone, hated by all, and hating all the rest. But he went so entirely into all their ill designs, that the king considered him, and either loved or feared

[1] Charenton was the headquarters of French Protestantism. See Clarendon, *Rebellion*, vi. 184, xiii. 132–135, on the English ambassadors in France attending Huguenot services there, and Charles II's attitude in his exile.

[2] This is fully illustrated in the *Letters to Sir J. Williamson*, i. See the curious notice on p. 58: 'His Grace of Bucks hath taken great pains, and the Sacrament almost in all the Churches of his Lieutenancy in Yorkshire, on designe to raise his 700 men, but the people hearken as little to his devotion as (I believe) heaven to his prayers.' This is confirmed by Sir R. Verney, *Verney MSS.*, June 9, 1673. For the characters of the officers in this army, see *Letters to Sir J. Williamson*, 67. Buckingham shortly resigned his commission; *d.* 106.

CHAP. I. him so much, that he had a deep root with him. Lord Clifford stuck firm to the duke, and was heated with the design of bringing in popery, even to enthusiasm. It was believed, if the design had succeeded, he had agreed with his wife to take orders, and to aspire to a cardinal's hat. He grew violent, and could scarce speak with patience of the church of England and of the clergy. The earl of Arlington thought the design was now lost, and that it was necessary for the king to make up with his people in the best manner he could. The earl of Shaftesbury was resolved to save himself on any terms[1]. The money was exhausted: so it was necessary to have a session of parliament. And one was called in the beginning of the year. At the opening it, the king excused the issuing out the writs[2], as done to save time, and to have a full house at the first opening: but he left that matter wholly to them: he spake of the declaration for liberty of conscience in another style: he said he had seen the good effects of it, and that he would stick to it, and maintain it. He said he was engaged in a war for the honour of the nation, and therefore he demanded the supplies that were necessary to carry it on. On these heads lord Shaftesbury enlarged; but no part of his speech was more amazing than that, speaking of the war with the Dutch, he said, *Delenda est Carthago.* Yet, while he made a base complying speech in favour of the court and of the war, he was in a secret management with another party.

Feb. 4, $167\frac{2}{3}$.

The house of commons was upon this all in a flame. They saw popery and slavery lay at the bottom[3]. Yet, that they might not grasp at too much at once, they

[1] I heard the first Duke of Bolton say, that at this time the Duke of Buckingham, Lord Shaftesbury, and a great deal of company, dined at his house, and after they had drank very freely, the Duke of Buckingham began to tell some of their secrets, which Shaftesbury had no way to prevent but by giving him the lie, which turned the discourse into a quarrel, that was made up before they parted. D.

[2] Vol. i. 554, and Christie, *Life of the First Earl of Shaftesbury*, ii. 122.

[3] Cf. vol. i. 552 note 2, and the passage from Marvell there referred to.

resolved effectually to break the whole design of popery. They argued the matter of the declaration, whether it was according to law, or not. It was plainly an annulling of the penal laws made both against papists and dissenters. It was said, that though the king had a power of pardoning, yet he had not a power to authorize men to break laws: this must infer a power to alter the whole government. The strength of every law was the penalty laid upon offenders: and, if the king could secure offenders by indemnifying them beforehand, it was a vain thing to make laws; since by that maxim they had no force but at the king's discretion. Those who pleaded for the declaration pretended to put a difference between penal laws in spiritual matters and all others: and said that the king's supremacy seemed to give him a peculiar authority over these: by virtue of this it was, that the synagogue of the Jews and the Walloon churches[1] had been so long tolerated. But to this it was answered, that the intent of the law in asserting the | supremacy was only to exclude all foreign jurisdiction, and to lodge the whole authority with the king: but that was still to be bounded and regulated by law: and a difference was to be made between a connivance, such as that the Jews lived under, by which they were still at mercy, and a legal authority. The parliament had never disputed the legality of the patent for the Walloon congregations, that was at first granted to encourage strangers, professing the same religion, to come among us, when they were persecuted for it in their own country: which was at first granted only to strangers, but afterwards in the days of their children, who were natives, it had been made void: and now they were excepted by a special clause out of the act of uniformity. The house came quickly to a very unanimous resolution, that the declaration was against law[2]: and

CHAP. I. Feb 8, 167$\frac{2}{3}$. 347 MS. 174.

[1] See vol. i. 115 note; 127 note; *Hist. of the Walloon and Huguenot Church at Canterbury* (Huguenot Society's Publications, xv), by Francis W. Cross, 1898.

[2] Not unanimous. It was resolved by a majority of one hundred and sixty-eight, to one hundred and six-

CHAP. I. they set that forth in an address to the king, in which they prayed that it might be called in. Some were studying to divert this, by setting them on to inquire into the issuing out the writs. And the court seemed willing that the storm should break on lord Shaftesbury, and would have gladly compounded the matter by making him the sacrifice. He saw into that, and so resolved to change sides with the first opportunity. The house was not content with this: March, 167⅔. but they brought in a bill disabling all papists from holding any employment or place at court, requiring all persons in public trust to receive the sacrament in a parish church, and to carry an attested certificate of that, with witnesses to prove it, into chancery, or the county sessions; and there to make a declaration, renouncing transubstantiation in full and positive words. Great pains was taken by the court to divert this: they proposed that some regard might be had to protestant dissenters, and that their meetings might be allowed. By this means they hoped to have set them and the church party into new heats; for now all were united against popery. Love, who served for the city of London, and was himself a dissenter, saw what ill effects any such quarrels might have: so he moved that an effectual security might be found against popery, and that nothing might interpose till that was done[1]. When

teen, 'that penal statutes in matters ecclesiastical cannot be suspended but by act of parliament,' and this resolution was embodied in an address to the king. *Parl. Hist.* iv. 526. 'The old Cavaliers are as stout in this as the stoutest, and I may say forwarder than the forwardest.' Sir R. Verney, *Verney MSS.*, Feb. 20, 167⅔.

[1] Burnet's statement concerning Love, repeated in his speech on the Occasional Conformity Bill in 1704, and contradicted in the reply to that speech entitled 'The Bishop of Salisbury's proper defence from a speech cried about in the streets in his name,' 4to, 1704, attributed to Charles Leslie, pp. 25, 26, is clearly wrong. Love's speech of Feb. 15, 167⅔, is printed in Grey's *Debates*, ii. 40, and in the *Parl. Hist.* iv. 536. He is there recorded as asking that, so soon as the Test Act was passed, dissenting ministers might preach with the magistrate's leave; and he says nothing about Popery. In the 'Bishop of Salisbury's Proper Defence,' the writer says, 'They had not a mind to have their toleration stand upon the foot of the king's dispensing power (1) because they

that was over, then they would try to deserve some favour: but at present they were willing to lie under the severity of the laws, rather than clog a more necessary work with their concerns. The chief friends of the sects agreed to this. So a vote passed to bring in a bill in favour of protestant dissenters, though there was not time enough, nor unanimity enough, to finish one during this session: for it went no farther than a second reading, but was dropt in the committee. But this prudent behaviour of theirs did so soften the church party, that there was no more votes nor bills offered at against them, even in that angry parliament, that had been formerly so severe upon them. CHAP. I. 348

The court was now in great perplexity. If they gave way to the proceedings in the house of commons, there was a full stop put to the design for popery: and if they gave not way to it, there was an end of the war. The French could not furnish the king with so much money as was necessary: and the shutting up the exchequer had put an end to all credit. The court tried what could be done in the house of lords. Lord Clifford resolved to assert the declaration, with all the force and all the arguments he could bring for it. He shewed the heads he

are no friends of Prerogative, (2) They thought it surer to have it by Act of Parliament; and they heartily endeavoured it, contrary to what this speech says, against all probability of truth, that they would not so much as accept of it, and that Alderman Love did stop the clause in favour of Dissenters which Lord Clifford got some to move. Whereas Alderman Love did himself move in the House of Commons that they would open their doors wider, to let in Protestant Dissenters who were willing to come in upon reasonable terms. The House received the motion very readily, and gave Alderman Love a fortnight's time to know what terms the Dissenters would propose. And the Alderman, having tried, made his report very frankly, that truly they could agree to no terms, for that what one liked another refused.' William Love was elected for London, 1661 (vol. i. 317 note); he was sheriff in 1659; Loftie, *Hist. of London*, ii. 326. It was read a third time on March 19, 167$\frac{8}{9}$. *Parl. Hist.* 571, *Commons Journals*. The Lords' Amendments were discussed March 29, when Parliament was adjourned to Oct 20 and then prorogued to Oct. 27, the bill being consequently lost. During the debate Love repudiated all idea of claiming Church preferments or even exemption from tithes or parochial poor rates.

CHAP. I. intended to speak on to the king, who approved of them, and suggested some other hints to him. He began the debate with rough words: he called the [a] bill sent up by [a] the commons *Monstrum horrendum ingens* [1], and run on in a very high strain: he said all that could be said, with great heat, and many indecent expressions. When he had done, the earl of Shaftesbury [2], to the amazement of the whole house, said, he must differ from the lord that spoke last *toto cælo*. He said, while those matters were debated out of doors, he might think with others, that the supremacy, asserted as it was by law, did warrant the declaration: but now that such a house of commons, so loyal and affectionate to the king, were of another mind, he submitted his reason to theirs. They were the king's great council, that must both advise and support him: they had done it, and would do it still, if their laws and their religion were once secured to them. The king was all in fury to be thus forsaken by his chancellor: and told lord Clifford, how well he was pleased with his speech, and how highly he was offended with the other. The
MS. 175. debate went on, and upon a division the court | had the majority. But against that vote about thirty of the most considerable of the house protested. So the court saw they had gained nothing in carrying a vote, that drew after it such a protestation [3]. This matter took soon after that a quick turn. It had been much debated in the cabinet

[a] substituted for *vote of*.

[1] It was not now, but in the debate on the Test Act, that Clifford used these words. Cf. Christie, *First Earl of Shaftesbury*, ii. 135, 137; Ranke, iii. 540; Colbert to Louis XIV, March 22, 167⅘.

[2] Shaftesbury's change of front was probably due to his finding out that he had been duped about the Treaty of Dover (vol. i. 536-546). It is equally probable that Arlington was his informant. See Christie, *First Earl of Shaftesbury*, ii. 140; Dalrymple, i. 131; Ranke, iii. 551; Colbert to Louis XIV, Nov. 20, 1673.

[3] Upon the untrustworthiness of Burnet's account of these events, see Christie, 137; Dalrymple, i. 130–137. Of the protest in the Lords there is no mention in the *Lords Journals*, nor in Chandler's *History and Proceedings of the House of Lords*.

what the king should do. Lord Clifford and duke Lauderdale were for the king's standing his ground[1]. Sir Ellis Leighton[2] assured me that the duke of Buckingham and lord Berkeley offered to the king, if he would bring the army to town, that they would take out of both houses the members that made the opposition; and he 349 fancied the thing might have been easily brought about, and that if the king would have acted with the spirit that he sometimes put on, they might have carried their business. Duke Lauderdale talked of bringing an army out of Scotland, and seizing on Newcastle; and pressed this with as much vehemence, as if he had been able to have executed it[3]. Lord Clifford said to the king, his people did now see through all his designs, and therefore he must resolve to make himself master at once, or be for ever subject to much jealousy and contempt. The earls of Shaftesbury and Arlington[4] pressed the king, on the other hand, to give the parliament full content: and they undertook to procure him money for carrying on the war: and, if he was successful in that, he might easily recover what he must in this extremity part with. This suited the king's own temper, yet the duke held him long in suspense. Colbert's brother, Croissy[5], was then

CHAP. I.

[1] 'The Chancellor, the Treasurer, and the Dukes of Buckingham and Lauderdale, are of opinion to maintain this Declaration . . ; and that if the Parliament persist in their remonstrances . . . to dissolve it and call another. . . . My Lord Arlington, who at present is single in his sentiments, says, that the king his master ought not to do it.' Colbert to Louis XIV, March 9, 1673; Dalrymple, i. 130.

[2] Upon Leighton, see vol. i. 243, 537, notes. He was a dependant on Buckingham, and secretary to Berkeley when Lord-Lieutenant of Ireland.

[3] It will be remembered that in 1663 Lauderdale had created an army of 22,000 men, pledged to march when and where the king pleased in his dominions. See vol. i. 368. There is little doubt that it was for possible use at a crisis like this that it had been prepared.

[4] Halifax took an active part in debate on the same side; *infra* 111.

[5] Charles Colbert, Marquis de Croissy (born 1625, died 1696), arrived in England in August, 1668. His dispatches to Louis XIV, many of which are in Mignet, *Négociations*, Dalrymple, and Forneron's *Louise de Kéroualle*, are an indispensable authority. In 1679 he became Louis's minister of foreign affairs.

CHAP. I. the French ambassador here. Lord Arlington possessed him with such an apprehension of the madness of violent counsels, and that the least of the ill effects they might have would be the leaving the war wholly on the French king, and that it would be impossible for the king to carry it on if he should run to such extremities, as some were driving him to, at home, that he gained him both to press the king and his brother to comply with the parliament, and to send an express to his own master, representing the whole matter in the light in which lord Arlington had set it before him[1]. In the afternoon of the day in which the matter had been argued in the house of lords, the earls of Shaftesbury and Arlington got all those members of the house of commons on whom they had any influence, and who had money from the king, and were his spies, but had leave to vote with the party against the court, for procuring them the more credit, they got them to go privately to him, and to tell him that upon lord Clifford's speech the house was in such fury, that probably they would have gone to some high votes and impeachments, but that lord Shaftesbury, speaking on the other side, restrained them. They believed he spoke the king's sense, as the other did the duke's. This calmed them. So they made the king apprehend that the lord chancellor's speech, with which he had been so much offended, was really a great service to him: and they persuaded him further, that he might now save himself, and obtain an indemnity for his ministers, if he would part with the declaration, and pass the bill. This was so dexterously managed by lord Arlington, who got a great number of the members to go one after another to the king, who by concert spake all the same language, that before night the king was quite changed, and said to his brother that lord Clifford had undone himself, and had

His letters on the Treaty of Nimeguen, with those of D'Estrades and D'Avaux, were printed at the Hague in 1710, in 3 vols.

[1] See Colbert's dispatch of March $\frac{10}{20}$, $167\frac{3}{8}$, in confirmation of this. Dalrymple, i. 135.

spoiled their business by his mad speech; and that though lord Shaftesbury had spoke as a rogue, yet that had stopt a fury which the indiscretion of the other had kindled to such a degree, that he could serve him no longer. He gave him leave to let him know all this. The duke was struck with this; and imputed it wholly to lord Arlington's management. In the evening he told lord Clifford what the king had said. The other, who was naturally a vehement man, went to the king upon it, who scarce knew how to look him in the face. Lord Clifford said, he knew how many enemies he must needs make to himself by his speech in the house of lords: but he hoped that in it he both served and pleased the king, and was therefore the less concerned in every thing else: but he was surprised to find by the duke that the king was now of another mind. The king was in some confusion: he owned that all he had said was right in it self: but he said that he, who sat long in the house of commons, should have considered better what they could bear, and what the necessity of his affairs required. Lord Clifford in his first heat was inclined to have laid down his white staff, and to have expostulated roundly with the king; but a cooler thought stopped him. He reckoned he must now retire, and therefore he had a mind to take some care of his family in the way of doing | it: so he restrained himself, and said he MS. 176. was sorry that his best meant services were so ill understood. Soon after this letters came from the French king, pressing the king to do all that was necessary to procure money of his parliament, since he could not bear the charge of the war alone. He also writ to the duke, and excused the advice he gave upon the necessity of affairs; but promised faithfully to espouse his concerns, as soon as he got out of the war, and that he would never be easy till he recovered that which he was now forced to let go. Some parts of these transactions I had from the duke and from duke Lauderdale: the rest that related to the lord Clifford, Titus told me, he had it from his own mouth.

CHAP. I.

CHAP. I. As soon as lord Clifford saw he must lose the white staff[1], he went to the duke of Buckingham, who had contributed much to the procuring it to him, and told him he brought him the first notice that he was to lose that place, to which he had helped him, and that he would assist him to procure it to some of his friends. After they had talked round all that were in any sort capable of it, and had found great objections to every one of them, they at last pitched on sir Thomas Osborn, a gentleman of Yorkshire, whose estate was much sunk[2]. He was a very plausible speaker, but too copious, and could not easily make an end of his
351 discourse[3]. He had been always among the high cavaliers: and missing preferment, he had opposed the court much[4],

[1] Clifford went out on the Test Act, either from chivalrous adherence to James, or because he was a Catholic. On the latter point there is no certainty. Reresby, 88, speaks of him as 'confessing himself a papist'; but Evelyn, who knew him intimately, states the contrary. June 19, and July 25, 1673. Cf. Clarke, *Life of James II*, i. 484. 'This new Test had also the same effect upon the Lord Clifford, in outing him (June 19) ...; who, though a new convert, generously preferred his conscience to his interests.' See *Letters to Sir Joseph Williamson*, i. 6. Clifford died, perhaps by his own hand, in October, 1673; *id.* 50. It is supposed that the Test Act was suggested by Arlington, who had been bitterly disappointed in not obtaining the Lord Treasurership. Dalrymple, i. 131.

[2] Clifford, Buckingham, Lauderdale, and James were his supporters. The three former had been united with him in opposition to Clarendon; see vol. i. 444. Reresby states that there was a bargain that he should give Clifford half the salary of his office. His appointment, June 19, is barely mentioned in his diary. *Danby MSS.*, *Brit. Mus. Add. MSS.* 28040. It was a second disappointment to Arlington. See *Letters to Sir J. Williamson*, i. 57, 58. 'The Duke of Ormond is now of the Cabinet, and that side seems now uppermost, though the other [sc. James, Buckingham, Lauderdale, Clifford] carryed it for the present Lord Treasurer.' Osborn was made Viscount Osborn of Dunblane in the Scottish peerage, Feb. 2, 167$\frac{2}{3}$, and Baron Kiveton and Viscount Latimer in the English peerage in August, 1673, and Earl of Danby, June 27, 1674.

[3] I never knew a man that could express himself so clearly, or that seemed to carry his point so much by force of a superior understanding. In private conversation he had a particular art in making the company tell their opinions without discovering of his own; which he would afterwards make use of very much to his advantage, by undertaking that people should be of an opinion, that he knew was theirs before. D.

[4] Cf. vol. i. 414, note. In August, 1669, he had been placed on the Com-

and was one of lord Clarendon's bitterest enemies. He gave himself great liberties in discourse, and did not seem to have any great regard to truth, or so much as to the appearances of it; and was an implacable enemy, but had an insinuating way to make his friends depend on him, and to believe he was true to them. He was a positive and undertaking man: so he gave the king great ease, by assuring him all things would go according to his mind in the next session of parliament. And when his hopes failed him, he had always some excuse ready, to put the miscarriage upon that; and by this means he got into the highest degree of confidence with the king, and maintained it the longest of all that ever served him. CHAP. I.

The king now went into new measures. He called for the declaration, and ordered the seal put to it to be broke[1]. So the act for the taking the sacrament, with the declaration against transubstantiation, went on: and together with it an act of grace[a] passed, which was desired chiefly to cover the ministry, who were all very obnoxious by their late actings. The court desired at least 1,200,000*l.*; for that sum was necessary to the carrying on the war. The great body of those who opposed the court had resolved to give only 600,000*l.*, which was enough to procure a peace, but not to continue the war. Garroway and Lee[2] had led the March 7, 167$\frac{2}{3}$. March 29, 1673.

[a] *or indemnity, I remember not which*, struck out.

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mission for Ireland; Charles writing his name with his own hand, against the opposition of Ormond, who objected to him as a friend of Buckingham. *Verney MSS.*, Aug. 26, 1669.

[1] In his speech at the opening of the session, Feb. 4, 167$\frac{2}{3}$, he had said, 'I tell you plainly, gentlemen, I mean to stick to my Declaration.' *Parl. Hist.* iv. 503. On March 8, Henry Coventry reported that he saw it vacated and the great seal taken from it. *Portland MSS., H. M. C. Rep.* iii. 315. On the difficulty created by the withdrawing of the Declaration in the case of the numerous licences to preach which had been given by Charles to Dissenters, see *Letters to Sir J. Williamson*, i. 33. The Test Act received the royal assent March 29.

[2] William Garroway and Sir Thomas Lee were members respectively for Chichester and Aylesbury. They had been in opposition since 1667. There

CHAP. I. opposition to the court all this session in the house of commons: so they were thought the properest persons to name the sum, and above eighty of the chief of the party had met over night, and had agreed to name 600,000*l.* But Garroway named 1,200,000*l.* and was seconded in it Feb. 7, $167\frac{3}{4}$. by Lee. So this surprise gained that great sum, which enabled the court to carry on the war. When their party reproached these persons for it, they said they had tried some of the court on the head, who had assured them the whole agreement would be broke if they offered so small a sum: and this made them venture on it. They had good rewards from the court, and continued still voting on the other side. They said they had got good pennyworths for their money: a sure law against popery, which had clauses in it never used before. For all that continued in office after the time lapsed, they not taking the sacrament, and not renouncing transubstantiation, which came to be called the test, and the act from it the test act[1], were rendered incapable of holding any office: all the acts they did in it were declared invalid and illegal, besides a fine of 352 five hundred pounds to the discoverer. Yet upon that lord Cavendish, now duke of Devonshire, said, that when much money was given to buy a law against popery, the

are many references to the corruptness of both in Marvell's *Poems*, e. g. 'Till Leigh and Galloway shall bribes reject,' *Britannia and Raleigh*; but Lee at least was still regarded as belonging to the Opposition at the prorogation of Feb. 24, $167\frac{3}{4}$. *Letters to Sir J. Williamson*, ii. 156. Upon his conduct in this particular affair see Dartmouth's note, *infra* 92. North speaks of Lee, Garroway, and Sir Thomas Meres, the 'bell-weathers of the Country party,' as being placed on the Commission of the Customs, Admiralty, and Excise, but as carefully keeping up their party combination in the House; which agrees with Burnet both here and *infra* 92, where Lee is described as one of 'the chief men that preserved the nation from a very deceitful and practising court and from a corrupt House of Commons.' None of them, however, appear in the *Flagellum Parliamentarium* or the *Seasonable Argument*. There appears to be no authority besides Burnet for the story in the text of how the vote was obtained on Feb. 7, $167\frac{3}{5}$, the third day of the session, except Dartmouth's note above referred to. *Examen*, 456.

[1] 'Lord Chief Justice Hales says, "'tis the best act ever was made."' *Verney MSS.*, May 12, 1673.

force of the money would be stronger in order to the bringing it in, than the law could be for keeping it out. I never knew a thing of this nature carried so suddenly and so artificially in the house of commons as this was, to the great amazement of the Dutch, who relied on the parliament, and did not doubt but that a peace with England would be procured by their interposition. CHAP. I.

Thus this memorable session ended[1]. It was indeed much the best session of that long parliament. The church party shewed a noble zeal for their religion: and the dissenters got great reputation by their silent deportment. After the session was over the duke carried all his commissions to the king, and wept as he delivered them up: but the king shewed no concern at all. | Yet he put the admiralty in a commission composed wholly of the duke's creatures, so that the power of the navy was still in his hands. Lord Clifford left the treasury, and was succeeded by Osborn, who was soon after made earl of Danby. The earl of Shaftesbury had lost the king's favour quite; but it was not thought fit to lay him aside till it should appear what service he could do them in another session of parliament. Lord Arlington had lost the duke more than any other: he looked on him as a pitiful coward, who would forsake and betray any thing rather than run any danger himself. Prince Robert was sent to command the fleet[2]: but the captains were the duke's creatures: so they crossed him all they could, and complained of every thing he did; in a word, they said he had neither sense nor courage left. Little could be expected from a fleet so March 29, 1673. MS. 177.

[1] The session was adjourned from March 29 to Oct. 20; and was then prorogued to the 27th.

[2] See notes to vol. i. 544, 577. By the action of the Test Act, James, no longer Lord High Admiral, could not have commanded. Writing, however, as early as Feb. 7, 167⅔, Arlington says, 'His Majesty, ... remembering the agonies he was in the last year for the personal dangers His Royal Highness was exposed to, hath obtained of him to resign the command of the fleet this year to Prince Rupert.' *Miscellanea Aulica*, 98. He had his commission to command both on land and sea, as Commander-in-Chief, on July 3, 1673, with Schomberg as Lieutenant-General. *Letters to Sir J. Williamson*, i. 90.

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commanded and so divided. He had two or three engagements with the Dutch, that were of no great consequence, and were drawn battles[1]. None of the French ships[2] engaged, except one captain, who charged their admiral for his ill conduct: but, instead of a reward, he was clapt up in the Bastille upon his return to France. This opened the eyes and mouths of the whole nation. All men cried out, and said we were engaged in a war by the French, that they might have the pleasure to see the Dutch and us destroy one another, while they knew our seas and ports, and learned all our methods, but took care to preserve themselves[3]. Count Schomberg told me, he pressed the French ambassador to have the matter examined; otherwise, if satisfaction was not given to the nation, he was sure the next parliament would break the alliance; but by the ambassador's coldness he saw the marshal d'Estrées had acted according to his instructions. So Schomberg made haste to get out of England, to prevent an address to send him away: and he was by that time as weary of the court as the court was of him[4].

[1] The deciding contest between Rupert and Ruyter took place on the Zealand coast on August 21, 1673, and lasted from daylight to dark. A final and desperate effort of the Dutch gave them a bare victory. The English fleet was carrying Schomberg's men for a descent on the Dutch coast. Mahan, *Influence of Sea Power in History*, 152.

[2] Commanded by M. de Martel, who had one other French ship with him. Marvell, *Popery and Arbitrary Government*, 294. Burnet was doubtless familiar with this work, which was published in 1678. This was in the battle of August $\frac{11}{21}$. For Martel's own account of the affair, see *Letters to Sir J. Williamson*, ii. 1. Cf. Ralph, i. 240. There are detailed accounts of the actions at sea during this war in the *Dartmouth Papers*, *H. M. C. Rep.* xi, App. v. 18, &c. For an eye-witness account of that of June 11, see *Letters to Sir J. Williamson*, i. 17.

[3] 'They must either excuse their cowardice by their treachery, or their treachery by their cowardice.' *Hatton Correspondence* (Camd. Soc.), i. 114. The failure of the French led to violent recrimination between James and Rupert. *Fleming Papers*, July 22, 1673. For Rupert, 'angry and rageing,' and for the inflamed state of popular feeling, see *Letters to Sir J. Williamson*, i. 183, &c.; ii. 2, &c. 'Every apple woman makes it a proverbe, Will you fight like the French?'

[4] The king put him in expectation of a garter; but (by the intrigues of the ladies) had given it to the Earl of Mulgrave [*scil.* John Sheffield,

The duke was now looking for another wife. He made addresses to the lady Bellasis, the widow of the lord Bellasys's son[1]. She was a zealous protestant, though she was married into a popish family. She was a woman of much life and great vivacity, but of a very small proportion of beauty, as the duke was often observed to be led by his amours to objects that had no extraordinary charms[a]. Lady Bellasys gained so much on the duke, that he gave her a promise under his hand to marry her; and he sent Coleman to her to draw her over to popery, but in that she could not be moved. When some of her friends reproached her for admitting the duke so freely to see her, she could not bear it, but said she could shew that his addresses to her were honourable. When this came to the lord Bellasys's ears, her father-in-law, who was a zealous

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[a] , *which made the king once say that he believed his brother's mistresses were given him by his priests for penances.* struck out.

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afterwards Duke of Buckingham], a man little esteemed at that time; which aggravated the affront, as he thought. D. 'Some say he refuses to serve under the Duke of Buccs, who, he saith, hath not been trained up in military affaires, and therefore he will not be in a subordinate command to him.' C. Lyttleton to Hatton, July 8, 1673; *Hatton Corr.*, i. 111. Sheffield, *Memoirs*, 23, says that James had secured Schomberg's promotion in opposition to Buckingham, with whom he was on ill terms. And W. Bridgeman, writing to Essex, July 12, 1673, says that in consequence of Schomberg's command the Duke of Buckingham would, he presumed, decline his commission. *Essex MSS.* See also *Letters to Sir J. Williamson*, i. *passim.* There is an interesting account from J. Brisbane to Lord Danby in the *Lindsay MSS.*, 381, of an interview with Schomberg in 1677, in which the latter spoke strongly of his English descent, and the desire he still retained to settle finally in England. He mentioned the differences which had happened between himself and Rupert, ascribing them to the old quarrels of their families; see *supra* 5. Upon these differences see *Letters to Sir J. Williamson*, i. *passim.*

[1] Susan, younger daughter of Sir William Armine, married Sir Henry Belasyse (variously spelt), son and heir of John, Baron Belasyse of Worlaby. In 1674 she was created Baroness Belasyse of Osgodby. She died March 6, 171$\frac{8}{9}$. See Marvell, *Advice to a Painter*, ll. 79–85. Henry Belasyse was killed in a duel by Tom Porter in 1667. Pepys, July 29, 1667. On James and Lady Belasyse, see Oldmixon, 573; *Letters to Sir J. Williamson*, i. 131.

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papist, and knew how intractable the lady was in those matters, he gave the whole design of bringing in their religion for gone, if that was not quickly broke: so he, pretending a zeal for the king and the duke's honour, went and told the king all he had heard. The king sent for the duke, and told him, it was too much that he had played the fool once: that was not to be done a second time, and in such an age. The lady was also so threatened that she gave up the promise, but kept an attested copy of it, as she herself told me. There was an archduchess of Innsbruck, to whom marriage was solemnly proposed: but the empress happening to die at that time, the emperor himself married her. After that a match was proposed to the duke of Modena's daughter[1], which took

March, 167½.

May, 1673.

[1] The whole story of this marriage is given with full detail in a lately published monograph of great interest by Umberto Dallari, *Il Matrimonio di Giacomo Stuart Duca di York con Maria d'Este*, 1673 (Modena, 1896), which has been compiled from the *Atti e Memorie della R. Deputazione di Storia Patria per le Provincie Modenese*. The Innsbruck project, the negotiations for which were conducted by the Florentine Bernard Gascoigne, the English resident at Vienna, emanated from the Spanish Court, which was desirous of obtaining the support of England in the contest with France for the Low Countries. These negotiations began in March, 167½, and, after much delay, occasioned probably by the secret influence of Louis XIV, were ended by the marriage of the archduchess with the Emperor Leopold I upon the death of his first wife. See the dispatches of Arlington and Gascoigne in the *Miscellanea Aulica* (1702), 65–107; Arlington's *Letters*, ii. 391. The Spanish and Austrian courts now tried to induce James to accept the emperor's sister; while Louis began to take a more active interest in the affair. The widowed Duchess of Guise; the only daughter of the Duke of Retz, Mlle. de Créqui; one of the daughters of the Duke of Elbœuf; the Princesses of Bavaria and Neuburg; and, finally, the Princess of Würtemberg, were successively suggested and rejected.

Maria of Modena, upon whom the choice finally fell, was born on Oct. 5, 1658, and was therefore barely fifteen at the time of her marriage. She was sister of Francis II, the reigning duke, and daughter of Alphonso d'Este, who had died in 1662, and of Laura Martinozzi, a niece of Mazarin. She had already, child as she was, been sought by Louis as second wife of his brother Philip, Duke of Orleans; and there had been thoughts also of marrying her to the future George I of England. Besides Maria there was a possible wife for James in her aunt Leonora d'Este, born in 1643; and it was from the beginning so doubtful, on both sides, which would be chosen, that in Peterborough's instructions the name was actually left

effect; but because those at Rome were not willing to consent to it, unless she might have a public chapel, which

blank, to be filled up by him as circumstances might decide; while each successive courier brought contradictory instructions from England. Much delay was caused by the desire of both princesses to become nuns; and it was not until Sept. 14, 1673, that the urgency of Peterborough (than whom—according to the testimony of the Chancellor Nardi—'Cicero could not have spoken with more vigour or eloquence'), the influence of Louis, the special advice of the Pope, and the prospect of helping in the conversion of England, were able to overcome the pious scruples of Maria, who had finally been selected. Difficulties however were now raised in Rome, through Spanish influence; and the Pope, while signifying his approval of the marriage, refused a dispensation until he should be satisfied as to the conditions. It was on the other hand essential that the marriage should take place before the approaching meeting of Parliament, which had been adjourned from March 29 to Oct. 20, and which was then again prorogued until Oct. 27 in consequence of the Commons' address against the match; and, Peterborough representing this as an ultimatum, the ceremony was performed on Sept. 30 without the dispensation, after the five theologians whose opinion was asked had unanimously pronounced that there could be no danger of the marriage being declared void on that account. The arrival in England was delayed by the illness of the princess until Nov. 21, when—to discount the probable protests from Rome—the 'scrittura nuziale' was publicly read aloud by the Bishop of Oxford (Crew), none of the other bishops—who were frightened by the temper of the Commons—being willing to attend. This is according to Dallari. Cf. Clarke's *Life of James II*, i. 486. In *Letters to Sir J. Williamson*, ii. 81, we read that 'about 5 in the evening the Bishop of Oxford declared the marriage in the same form as was practised by the Archbishop of Canterbury at the marriage of His Majesty.' Cf. vol. i. 307. Orrery, writing to Essex (*Essex Papers*, i. 142), gives this curious ceremony in detail from the report of his nephew who was present. 'The Bp. of Oxford first asked his R. Hig[s] if he had the King's concent to marry Mary D'Estee, Prin[s] of Modena, to w[ch] the Duke answered, Yes. The Bp. then asked y[e] L[d] Peterborogh if he had authority from His Mj[ty] and Power from y[e] Duke to contract y[e] said Marrige, and if his Lp. had observed all y[e] Instructions given him in y[t] Behalfe. His Lp. answered, Yes. Y[e] Bp. then asked y[e] Duke if he were content to marry Mary D'Estee, Princess of Modena. The Duke answered, Yes. The Bp. then asked y[e] Dut[s] if she were content to marry James, Duke of Yorke; she said, Yes (in French). The Bp. then declared them Man and Wife, in the name of the Father and of y[e] Son, and of the Holy Ghost. This he assured me was all y[t] passed in y[t] Action and Sollemnity.' See also Clarke's *Life of James II*, 486, where 'the usual form in cases of the like nature' is said to have been followed. The anger at Rome was increased when the news of this ceremony arrived; and it was not until March 16, 167$\frac{4}{5}$, after the most humble supplications from the English court and from Maria herself, and largely through

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the court would not hearken to, another marriage was proposed for a daughter of the duke of Crequi's. I saw a long letter of the duke's, writ to Sir William Lockhart upon this subject, with great anxiety: he apprehended if he was not married before the session of parliament, that they would fall on that matter, and limit him so, that he should never be able to marry to his content: he was vexed at the stiffness of the court of Rome, who were demanding terms that could not be granted: he had sent a positive order to the earl of Peterborough, who was negotiating the business at Modena, to come away by such a day, if all was not consented to. In the mean while he hoped the king of France would not put that mortification on him, as to expose him to the violence of the parliament (I use his own words), but that he would give order for despatching that matter with all possible haste. But, while he was thus perplexed, the court of Rome yielded: and so the duke married that lady by proxy, and the earl of Peterborough brought her over through France.

the good offices of Louis XIV, that Clement X consented to give the benediction, which was especially desired, since it was feared—oddly enough—that without it the Protestants would deny the legitimacy of any children who might be born of the marriage. Meanwhile Parliament had been much excited at the news of the intended marriage; and when after the adjournment from March 29, 1673, they met on Oct. 20, they at once prepared an address praying that the proxy marriage might not be consummated. According to Clarke's *Life of James II*, i. 486, Arlington and others of the Council advised the king to stay Maria's journey. Charles prorogued Parliament to the 27th, and in his speech opening the new session avoided mentioning the marriage. On the 30th he replied to the address, reminding the House that during the former session members were well aware of the negotiations with the Archduchess of Innsbruck—also a Catholic—and had made no objection. A fresh address was then presented on Nov. 7, which pointed out that proxy marriages had before now been held to be dissolvable; but Charles parried it by declining to give any immediate answer, and got rid of the whole question by the simple expedient of another prorogation to Jan. 7, 167$\frac{3}{4}$. *Commons Journals.* As to the strength of the popular feeling against the marriage, the notices in the correspondence of the time are very numerous; e. g. writing on Nov. 5, T. Durham says, 'Should shee arrive tonight . . . she would most certainly be martyr'd, for the comon people here and even those of quallyty in the country beleeve shee is the Pope's eldest daughter!' *Letters to Sir J. Williamson*, ii. 63.

The Swedes offered at this time a mediation in order to a peace: and Cologne was proposed to be the place of treaty. The king sent the earl of Sunderland and sir Joseph Williamson thither, to be his plenipotentiaries. Lord Sunderland[1] was a man of a clear and ready apprehension and quick decision in business. He had too much heat both of imagination and passion, and was apt to speak very freely both of persons and things. His own notions | were always good: but he was a man of great expense, and in order to the supporting himself he went into the prevailing counsels at court, so that he changed sides often, with little regard either to religion or to the interest of his country. He raised many enemies to himself by the contempt with which he treated those who differed from him. He had indeed the superior genius to all the men of business that I have yet known. And he had the dexterity of insinuating himself so entirely into the greatest degree of confidence with three succeeding princes, who set up on very different interests, that he came by this to lose his reputation so much, that even those who esteemed his parts depended little on his firmness. The treaty at Cologne was of a short continuance[2]: for the emperor,

CHAP. I. 1673. June, 1673. MS. 178.

[1] [Robert Spencer, second Earl of Sunderland, was son of the gallant Henry Spencer, created first Earl, who fell at Newbury, and of the celebrated Dorothy Sidney, Waller's 'Sacharissa.' A great deal regarding him, of extreme interest, will be found in Mrs. Ady's Memoir of his mother.] He was remarkable for never speaking in public, nor at the cabinet, more than he was of such a lord's opinion, or he wondered how anybody could be of that opinion. When he was secretary, Mr. Bridgeman always attended to take the minutes for him, and whilst he was president, the lord chancellor always acted for him at the council. Mr. Warr, who was one of his commis, told me, he never came to the secretary's office, but they carried the papers to him at his house, where he was usually at cards, and he would sign them without reading, and seldom asked what they were about. D.

[2] It was broken off in consequence of the refusal of the Dutch—given 'with the contempt of conquerors, and not as might have been expected from men in their condition,' as Charles complained to Parliament, Oct. 27, 1673—to entertain the joint proposals of England and France. Long and detailed accounts from Williamson of the negotiations are contained in the *Lauderdale MSS.* Foreign affairs from 1673 to 1679

CHAP. I. looking on Furstenberg, the dean of Cologne, afterwards advanced to be a cardinal, who was the elector's plenipotentiary at that treaty, as a subject of the empire who had betrayed it, ordered him to be seized on[1]. The French looked on this as such a violation of the passports, that they set it up for a preliminary, before they would enter upon a treaty, to have him set at liberty.

June 23, 1673. Maestricht was taken this summer; in which the duke of Monmouth distinguished himself so eminently, that he was much considered upon it[2]. The king of France was there; but it was thought he took more care of his person than became a brave prince. After the taking of Maestricht he went back to Paris, and left the prince of Condé with the army in Flanders, Turenne having the command of that in the Upper Rhine against the Germans; for the emperor and the whole empire were now engaged.

CHAPTER II.

RELATIONS OF BURNET WITH CHARLES AND THE DUKE OF YORK. HIS BREACH WITH LAUDERDALE, AND OPPOSITION TO LAUDERDALE IN SCOTLAND.

But I return now to the intrigues of our court. I came up this summer in order to the publishing the Memoirs of the Dukes of Hamilton[3]. I had left Scotland under an universal discontent. The whole administration there was both violent and corrupt, and seemed to be formed on

receive much illustration from Lockhart's letters to Coventry. *H. M. C. Rep.* iv. 240, note.

[1] On the arrest of Furstenberg see Klopp, *Der Fall des Hauses Stuart*, i. 371. The Pantaleon Sa affair (vol. i. 146, 147 note) was quoted as a precedent. Welwood, *Memoirs*, 101.

[2] The genius of Vauban achieved this important capture. Sheffield, *Memoirs*, 24, says that an attack without any danger in it was arranged and postponed, so that Monmouth might gain a cheap reputation. See, however, Lingard's note on this, xii. 276 (3rd ed.).

[3] They were published in 1676.

a French model. The parliament had in the year 1663, in order to the bringing our trade to a balance with England, given the king in trust a power to lay impositions on foreign commodities[1]. So upon that a great duty was lately laid upon French salt, in order to the better venting the salt made at home: upon which it was sold very dear, and that raised great complaints: for, as the salt was excessive dear, so it did not serve all purposes. All people looked on this as the beginning of a gabel. An imposition was also laid on tobacco: and all brandy was prohibited to be imported, but not to be retailed: so those who had the grant of the seizures sold them, and raised the price very much. These occasioned a monopoly[2]: and the price of those things that were of great consumption among the commons was much raised: so that a trust lodged with the crown was now abused in the highest degree. As these things provoked the body of the people, so duke Lauderdale's insolence, and his engrossing every thing to himself and to a few of his friends, and his wife and his brother setting | all things to sale, raised a very high discontent all over the nation. The affairs of the church were altogether neglected: so that in all respects we were quite out of joint.

CHAP. II. Oct. 9, 1663. 355 July, 1673. MS. 179.

I went up with a full resolution to do my country all the service I could, and to deal very plainly with the duke of Lauderdale, resolving if I could do no good to retire from all affairs, and to meddle no more in public business. I lost indeed my best friend at court: Sir Robert Moray died suddenly at that time[3]. He was the wisest and worthiest man of the age, and was all along as another father to me.

July 4, 1673.

[1] *Acts of the Parliament of Scotland*, vii. 408, 503.

[2] Kincardine had the salt monopoly, Sir J. Nicholson that of tobacco, and Lord Elphinstone that of brandy. On Nov. 26, 1673, Lauderdale had instructions to redress these abuses. *Lauderdale Papers*, ii. 247; iii. 1.

[3] 'That good and accomplished gentleman' was buried in Westminster Abbey, by order of the king, on July 6, 1673. Evelyn's *Diary*; see vol. i. 104, &c. For an account of his death on July 4, see *Letters to Sir J. Williamson*, i. 85, 94. It has not previously been noted that he helped Burnet with the Lives of the Dukes of Hamilton. Pref. xviii. Cf. vol. i. 41.

CHAP. II. September, 1673. I was sensible how much I lost in so critical a conjuncture, in losing the truest and faithfullest friend I had ever known: and so I saw I was in danger of committing great errors for want of so kind a monitor. At my coming to court[1], duke Lauderdale took me into his closet, and asked me the state of Scotland. I upon that gave him a very punctual and true account of it. He seemed to think that I aggravated matters; and asked me, if the king should need an army from Scotland to tame those in England, whether that might be depended on? I told him certainly not. The commons in the southern parts were all presbyterians: and the nobility thought they had been ill used,[a] were generally discontented, and only waited for an occasion to shew it. He said he was of another mind: the hope of the spoil of England would fetch them all in. I answered, the king was ruined if ever he trusted to that: and I added, that nobody would trust the king, since he had so lately said he would stick to his declaration, and yet had so soon after that given it up. He said, *Hinc illæ lacrymæ:* but the king was forsaken in that matter, for none stuck to him but lord Clifford and himself: and then he set himself into a fit of railing at lord Shaftesbury. I was struck with this conversation, and by it I clearly saw into the desperate designs of the court, which were as foolish as they were
356 wicked: for I knew that upon the least disorder in England they were ready in Scotland to have broke out into a rebellion: so far were they from any inclination to have assisted the king in the mastering of England. I was much perplexed in my self what I ought to do, whether I ought not to have tried to give the king a truer view of our affairs: but I resolved to stay for a fit opportunity. I tried the

[a] The following lines are added on the opposite blank page marked to be inserted here and not as in the text:—*and that with relation to other more indifferent persons, who might be otherwise ready enough to push their fortunes without any anxious enquiries into the grounds they went on, yet even these*

[1] In his examination before the Commons in 1675, he identified the day as the 'first Saturday in September, 1673,' *infra* 74.

duchess of Lauderdale, and set before her the injustice and oppression that Scotland was groaning under: but I saw she got too much by it to be any way concerned at it [1]. They talked of going down to hold a session of parliament in Scotland. I warned them of their danger, but they despised all I could say: only great offers were made to my-self, to make me wholly theirs, which made no impression on me. He carried me to the king, and proposed the licensing my Memoirs [2] to him. The king bid me bring them to him, and said he would read them himself. He did read some parts of them, particularly the account I give of the ill conduct of the bishops, that occasioned the beginning of the wars [3]: and told me that he was well pleased with it. He was at that time so much offended with the English bishops for opposing the toleration, that he seemed much sharpened against them. He gave me back my book to carry it to secretary Coventry, in order to the licensing it. The secretary said he would read it all himself: so this obliged me to a longer stay than I intended. Sir Ellis Leighton [4] carried me to the Duke of Buckingham, with whom I passed almost a whole night; and happened so far to please him, that he, who was apt to be fired with a new acquaintance, gave such a character of me to the king, that ever after that he took much notice of me, and said he would hear me preach. He seemed well pleased with my sermon, and spoke of it in a strain that drew much envy on me.

He ordered me to be sworn a chaplain, and admitted me to a long private audience, that lasted above an hour, in

[1] 'The only apprehension was of my Lord Lauderdale's being influenced by his lady to oppose it (viz. holding a parliament in Scotland in 1681) for fear lest a parliament should look a little more narrowly into certain methods she had lately found out of getting money for herself.' Clarke's *Life of James II*, i. 683. R. 'That which vexes her most is to see that she can no more squeese this country as she has done for several yeears past.' James to the Earl of Dartmouth, *Dartmouth Papers*, Nov. 1, 1681.

[2] *scil.* of the Dukes of Hamilton, *supra* 24.

[3] See pp. 37–39, ed. 1852.

[4] Vol. i. 243, note.

CHAP. II. which I took all the freedoms with him that I thought became my profession. He run me into a long discourse about the authority of the church, which he thought we made much use of in our disputes with the dissenters, and then took it all away when we dealt with the papists. I plainly saw what he aimed at in this: and I quickly convinced him that there was a great difference between an authority of government in things indifferent and a pretence to infallibility. He complained heavily of the bishops for neglecting the true concerns of the church, and following courts so much, and being so engaged in parties. I went through some other things, with relation to his course of life, and entered into many particulars with much freedom. He bore it all very well; and thanked me for
357 it. Some things he freely condemned, such as living with another man's wife: other things he excused, and thought God would not damn a man for a little irregular pleasure[1].
MS. 180. | He seemed to take all I had said very kindly, and during my stay at court he used me in so particular a manner, that I was considered as a man growing into a high degree of favour.

At the same time lord Ancram[2], a Scotch earl, but of a small fortune, and of no principles either as to religion or virtue, whose wife was a papist, and himself a member of the house of commons, told the duke that I had a great interest in Scotland, and might do him service in that kingdom. He depended on duke Lauderdale, but hated him, because he did nothing for him. We were acquainted

[1] See Cockburn's *Remarks*, 54; Salmon's *Examination*, 719.

[2] Charles Kerr, second Earl of Ancram, d. 1690. He sat for Wigan in all the Parliaments of this reign (entered wrongly in *Parl. Hist.* as Antrim). In a note to the *Parl. Hist.* iv. 461, he is confused with his more celebrated brother Robert, created Marquis of Lothian by William III, who only succeeded to the earldom of Ancram at his death. Upon Ancram, see the *Seasonable Argument*; for the discovery of the authorship of which a reward of £200 was offered. It is in the first edition of Marvell's works, but is not admitted by Dr. Grosart. It may be seen in the *Parl. Hist.* iv, App. iii. See also *Flagellum Parliamentarium*.

there: and, he having studied the most in divinity of any man of quality I ever knew, we found many subjects of discourse. He saw I did not flatter duke Lauderdale, and he fancied he might make a tool of me. So he seemed to wonder that I had not been carried to wait on the duke, and brought me a message from him that he would be glad to see me: and upon that he carried me to him. The duke received me very graciously. Lord Ancram had a mind to engage me to give him an account of the affairs of Scotland; but I avoided that, and very bluntly entered into much discourse with him about matters of religion. He said some of the common things of the necessity of having but one church, otherwise we saw what swarms of sects did rise up on our revolt from Rome, and these had raised many rebellions, and the shedding much blood: and he named both his father's death and his great-grandmother's, Mary queen of Scots. He also turned to some passages in Heylin's History of the Reformation[1], which he had lying by him: and the passages were marked, to shew upon what motives and principles men were led into the changes that were then made. I enlarged upon all these particulars; and shewed him the progress that ignorance and superstition had made in many dark ages, and how much bloodshed was occasioned by the papal pretensions, to all which the opinion of infallibility was a source never to be exhausted. And I spake long to such things as were best suited to his temper and his capacity. I saw lord Ancram helped him all he could, by which I perceived how he made his court; for which when I reproached him afterwards, he said it was ill breeding in me to press so hard on a prince. The duke upon this conversation expressed such a liking to me, that he ordered me to come oft to him: and afterwards he allowed me to come to him in a private way, as oft as I pleased. He

[1] *Ecclesia Restaurata*, or the *History of the Reformation*, London, 1661, edited in 1849 by the Rev. J. C. Robertson for the Ecclesiastical History Society. Peter Heylin was born 1602, and died 1662.

CHAP. II. desired to know the state of affairs in Scotland. I told him how little that kingdom could be depended on. I saw he was firm to duke Lauderdale: therefore I laid the faults
358 on others, and excused him the best I could. But I turned the discourse often to matters of religion. He bore it very gently; for he was not at all rough in private conversation. He wished I would let those matters alone: I might be too hard for him, and silence him, but I could never convince him[1]. I told him it was a thing he could never answer to God nor the world, that, being born and baptized in our church, and having his father's last orders to continue steadfast in it, he had suffered himself to be seduced, and as it were stolen out of it, hearing only one side, without offering his scruples to our divines, or hearing what they had to say in answer to them; and that he was now so fixed in his popery that he would not so much as examine the matter. He said to me, he had often picqueered out (that was his word) on Sheldon and some other bishops; by whose answers he could not but conclude that they were much nearer the church of Rome than some of us young men were.[a] Stillingfleet had a little before this time published a book of the idolatry and fanaticism of the church of Rome[2]. Upon that the duke said he had asked Sheldon,

[a] The following lines are here struck out:—*He said they had been bred by Dr. Stewart to a great submission to the church, and since it was so, he thought it better to pay that to the Catholic church than to the church of England. He had been always taught to believe a real presence in the Sacrament, and he thought it was no great step from that to believe transubstantiation.*

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[1] In one of the duke's letters (to the first Lord Dartmouth), he writes [in 1679, from Brussels, whither he had been exiled], 'Pray, once for all, never say any thing to me again of turning Protestant; do not expect it, or flatter yourself I shall ever be it. I never shall, and if occasion were, I hope God would give me his grace to suffer death for the true catholic religion as well as banishment. What I have done was not hastily, but upon mature consideration, and foreseeing all and worse than has yet happened to me.' D. This is constantly repeated in other words, e. g. *H. M. C. Rep.* xi, App. v. 36. 'The Duke is unmooved by all conferences about Religion, and ends all by saying he is "fixed".' Sir W. Temple to Essex, Oct. 25, 1673, *Essex Papers.*

[2] *Discourse concerning the idolatry practised in the Church of Rome*, 1671.

if it was the doctrine of the church of England that Roman catholics were idolaters: who answered him it was not; but that young men of parts would be popular, and such a charge was the way to it. He at that time shewed me the duchess's paper, that has been since printed: it was all writ with her own hand[1]. He gave me leave to read it twice over: but would not suffer me to copy it. And upon the mention made in it of her having spoke to bishops concerning some of her scruples, and that she had such answers from them as confirmed and heightened them, I went from him to Morley, | as was said formerly, and had from him the answer there set down. I asked the duke's leave to bring doctor Stillingfleet to him. He was averse to it, and said it would make much noise, and could do no good. I told him, even the noise would have a good effect: it would shew he was not so obstinate, but that he was willing to hear our divines. I pressed it much; for it became necessary to me, on my own account, to clear myself from the suspicion of popery, which this extraordinary favour had drawn upon me. I at last prevailed with the duke to consent to it: and he assigned an hour of audience. Stillingfleet went very readily, though he had no hopes of success. We were about two hours with him, and went over most of all the points of controversy. Stillingfleet thought the point that would go the easiest, and be the best understood by him, was the papal pretensions to a power over princes, in deposing them, and giving their dominions to others[2]: and upon that he shewed him that popery was

CHAP. II.

MS. 181.

The 'Defence' of the above was published in 1673.

[1] The paper alleged to have been written by the Duchess of York was first published after her death as a single sheet (n. d. dated 1671? in the British Museum Catalogue), entitled *A Copy of a Paper written by the late Dutchess of York*, dated St. James's Aug. the 20th 1670.' It was afterwards separately published in 1686, and reprinted (from the original impression) in the *Harleian Miscellany*, v. 44. It is also to be found in Kennett's *History*, iii. 292, 293. Cf. vol. i. 557, note.

[2] The kingdom of Navarre has been held by the crown of Spain ever since the year 1512, by no other title than Pope Julius the Second's excommunication of King

CHAP. II. calculated to make the pope the sovereign of all Christen-
359 dom. The duke shifted the discourse from one point to another, and did not seem to believe the matters of fact and history alleged by us. So we desired he would call for some priests, and hear us discourse of those matters with them in his presence. He declined this, and said it would make noise. He assured us he desired nothing but to follow his own conscience, which he imposed on no body else, and that he would never attempt to alter the established religion. He loved to repeat this often, but when I was alone with him, I warned him of the great difficulties his religion was like to cast him into. This was no good argument to make him change, but it was certainly a very good argument to make him consider the matter so well, that he might be sure he was in the right. He objected to me the doctrine of the church of England in the point of submission, and of passive obedience. I told him there was no trusting to a disputable opinion: there were also distinctions and reserves even in those who had asserted these points the most, and it was very certain that when men saw a visible danger of being first undone and then burnt, they would be inclined to the shortest way of arguing, and to save themselves the best way they could. Interest and self-preservation were powerful motives. He did very often assure me he was against all violent methods, and all persecution for conscience sake, and was better furnished to speak well on that head than on any other. I told him all he could say that way would do him little service, for the words of princes were looked on as arts to lay men asleep, and they had generally regarded them so little themselves, that they ought not to expect that others should have great regard to them. I added, he was now of a religion in which others had the keeping of his conscience, who would now hide from him this point of their religion, since it was not safe to own it, till they had it in

John, for being in confederacy with Lewis XII of France, upon which Ferdinand the Catholic took possession. D.

their power to put it in practice: and whenever that time should come, I was sure that the principles of their church must carry them to all the extremities of extirpation. I carried a volume of judge Croke's[1] to him, in which it is reported that king James had once in council complained of a slander cast on him, as if he was inclined to change his religion; and had solemnly vindicated himself from the imputation; and prayed that if any should ever spring out of his loins that should maintain any other religion than that which he truly maintained and professed, that God would take him out of the world[2]. He read it, but it made no impression. And when I urged him with some things in his father's book, he gave me the account of it that was formerly mentioned[3]. He entered into great freedom with me about all his affairs: and he shewed me 360 the journals he took of business every day, with his own hand: a method, he said, that the earl of Clarendon had set him on. The duchess had begun to write his life: he shewed me a part of it, in a thin volume in folio. I read some of it, and found it writ with great spirit[4]. He told me he intended to trust me with his journals, that I might draw a history out of them. And thus in a few weeks' time I had got far into his confidence. He did also allow me to speak[a] to him of the irregularities of his life, some of which he very freely confessed: and when I urged him how such a course of life did agree with the zeal he shewed in his religion, he answered, Must a man have no religion

[a] *very freely* struck out.

[1] Sir John Croke (1560–1642) was made Justice of the Common Pleas in Feb. 162⅘, and Judge of the King's Bench in Oct. 1628, in which latter capacity he sat on the Ship-money case. He wrote Law Reports covering from 1580–1640 in Norman-French, which were translated by his son-in-law, Sir Harbottle Grimston. See *infra* 76.

[2] It is strange that Swift should have missed this 'that, that, that, that.' It was Burnet's quotation of this prayer of James I in his sermon of Nov. 5, 1684 which led to his being silenced as chaplain to the Master of the Rolls. See *infra* 441, 442.

[3] Cf. vol. i. 87.

[4] Cf. vol. i. 299.

CHAP. II. unless he is a saint? Yet he bore my freedom very gently, and seemed to like me the better for it. My favour with him grew to be the observation of the whole court[1]. Lord Ancram said I might be what I pleased with him, if I would be a little softer in the points of religion. Sir Ellis Leighton brought me a message from F. Sheldon, and
MS. 182. some of his priests, assuring me they heard so | well of me that they offered me their service. He pressed me to improve my present advantages to the making my fortune. The see of Durham was then vacant, and he was confident it would be no hard matter for me to compass it. But I had none of those views, and so was not moved by them. The duke of Buckingham asked me, what I meant in being so much about the duke? if I fancied I could change him in point of religion, I knew him and the world very little: if I had a mind to raise my self, a sure method was to talk to him of the Reformation as a thing done in heat and haste, and that in a calmer time it might be fit to review it all. He said I needed go no further, for such an intimation would certainly raise me. And when I was positive not to enter into such a compliance, he told me he knew courts better than I did. Princes thought their favours were no ordinary things: they expected great submissions in return: otherwise they thought they were despised: and I would feel the ill effects of the favour I then had, if I did not strike into some compliances: and since I was resolved against these, he advised me to withdraw from the court, the sooner the better. I imputed this to his hatred of the duke: but I found afterwards the advice was sound and good. I likewise saw those things in the duke's temper, from which I concluded I could not maintain an interest in him long. He was for subjects submitting in all things to the king's notions, and thought that all who opposed him

[1] 'The Duke was saying that Burnet was a much better preacher than any of the Drs soe much cryed up at Court. H. Savel told him that he was not a competent judge, for he never came to Court to hear any of them preach.' Charles Hatton to Lord Hatton, *Hatton Corr.* i. 129.

or his ministers in parliament were rebels in their hearts; and he hated all popular things, as below the dignity of a king. He was much sharpened at that time by the proceedings of the house of commons[1].

In the former session[2], it was known that he was treating 361
a marriage with the archduchess: and yet no address was made to the king to hinder his marrying a papist. His honour was not then engaged: so it had been seasonable, and to good purpose, to have moved in it then. But now he was married by proxy, and Lord Peterborough had brought the lady to Paris[3]. The house of commons resolved to follow the pattern the king of France had lately set. He treated with the elector palatine for a marriage between his brother and the elector's daughter[4], in which one of the conditions agreed to was, that she should enjoy the freedom of her religion, and have a private oratory for the exercise of it; but when she came on her way as far as Metz, an order was sent to stop her till she was better instructed: upon which she changed, at least as to outward appearance. It is true the court of France gave it out that the elector had consented to this method, for the saving his own honour; and he had given the world cause to believe he was capable of that, though he con-

[1] For the state of parties in the Commons at this time, see the vivid account in Temple's letter to Essex, *Essex Papers*, i. 131.

[2] The session ending March 29, 167$\frac{3}{4}$.

[3] He went first to see a daughter of the Duke of Neuburg (who was afterwards married to the Emperor Leopold), but that dropt upon a ridiculous description he sent of her person, which concluded, that there was nothing white about her but her eyes. D. See Marvell's *Advice to a Painter*, l. 36. James soon treated his wife with neglect. 'The Duke hath already made his visits to Mrs. Churchill.' Conway to Essex, Dec. 30, 1673, *Essex Papers*, i. 159.

[4] *scil.* Charlotte Elizabeth, who, but for her change in religion, would have been Queen of England in place of George I, a marriage with whom was at one time thought of. See *supra* 20, note. She was a woman of remarkable character and humour; and her *Life and Letters*, published in 1889, is of extreme value both for the delineation of this character, and for the picture it gives of the French Court. See also *Correspondance de Madame Duchesse d'Orléans*, transl. and ed. by E. Jaeglé, Paris, 1890, 3 vols.

CHAP. II. tinued openly to deny it. The house of commons resolved to follow this precedent, and to make an address to the king to stop the princess of Modena's coming to England, till she should change her religion [1]. Upon this the duke moved the king to prorogue the parliament for a week, and a commission was ordered for it. The duke went to the house on the day, to press the calling up the commons before they could have time to go on to business. Some peers were to be brought in; the duke pressed lord Shaftesbury to put that off, and to prorogue the parliament. He said coldly to him, there was no haste; but the commons made more haste: for they quickly came to a vote for stopping the marriage, and by this means they were engaged, having put such an affront on the duke, to proceed further. He presently told me how the matter went, and how the lord chancellor had used him, and he was confident the king would take the seals from him, if he could not manage the sessions so as to procure him money, of which there was indeed small appearance. I told him I looked on that as a fatal thing; if the commons began once to affront him, that would have a sad train of consequences, as soon as they thought it necessary for their own preservation to secure themselves from falling under his revenges. He said he was resolved to stand his ground, and to submit to the king in every thing: he would never take off an enemy, but he would let all the world see that he was ready to forgive every one that should come off from his opposition, and make applications to him.

Oct. 20, 1673.

Oct. 27, 1673. When the week of the prorogation was ended, the session was opened by a speech of the king's which had such various strains in it that it was plain that it was made by 362 different persons. The duke told me that during lord

[1] The House met on Oct. 20, and the prorogation was to Oct. 27. It had been intended to attack Lauderdale, Buckingham, and others at this meeting, but this did not take place till the next session, *infra* 43, 44. A second address to the king produced a second prorogation from Nov. 4 to Jan. 7. In the interval (on Nov. 9) Shaftesbury was dismissed and Heneage Finch made Lord Keeper.

Clarendon's favour, he had penned all the king's speeches, CHAP. II.
but that now they were composed in the cabinet, one minister putting in one period, while another made another; so that all was not of a piece. He told me lord Arlington was almost dead with fear, but lord Shaftesbury reckoned himself gone at court, and acted more roundly[1]. In his speech he studied to correct his *Delenda est Carthago*, applying it to the Loevestein party, whom he called the Carthaginians: but this made him as ridiculous as the other had made him odious[2]. The house of commons
|took up again the matter of the duke's marriage, and MS. 183.
moved for an address about it; but it was said the Oct. 31.
king's honour was engaged[3]. Yet they addressed to him against it. But the king made them no answer. But that time I had obtained of secretary Coventry a license for my book, which the king said should be printed at his charge.

But now I must give an account of a storm raised against myself, the effects of which were very sensible to me for many years. The duke of Lauderdale had kept the Scotch nation in such a dependence on himself, that he was not pleased with any of them that made any acquaintance in England, and least of all in the court: nor could he endure that any of them should apply themselves to the king or the duke but through him. So he looked on the favour I had got into with a very jealous eye; and his duchess

[1] Some evidence has been produced, that the king afterwards endeavoured without success to detach Lord Shaftesbury from the party, which he finally espoused. See *Collins's Peerage*, iii. 568. R.

[2] He always denied these to be his own words, and said they were proposed by some other persons of the king's council, and he obliged by order to put them into the speech he made to the Parliament, in the former sessions. O. See *Parl. Hist.* iv. 587. The Loevestein party was so called from the castle of that name in which William II, the father of the Prince of Orange, had imprisoned his political opponents in the States of Holland, July 30, 1650. Pontalis, *Jean de Witt*, i. 47.

[3] The Parliament was prorogued on Nov. 4 to Jan. 7. On Oct. 27, Seymour, the Speaker, was bitterly attacked, a motion to appoint a fresh Speaker *pro tempore* being made. 'Never poore speaker was so curried as he was that day.' *Verney MSS.*, Oct. 30, 167$\frac{3}{4}$.

CHAP. II. questioned me about it. Those who know what court jealousies are, will easily believe that I must have said somewhat to satisfy them or break with her. I told her, what was very true as to the duke, that my conversation with him was about religion ; and that with the king I had talked of the course of life he led. I observed a deep jealousy of me in them both, especially because I could not go with them to Scotland[1]. I said I would follow as soon as the secretary should despatch me ; and as soon as that was done I took post, and by a great fall of snow I was stopped by the way, but I unhappily got to Edinburgh[2] the night before the parliament met. Duke Hamilton and many others told me how strangely duke Lauderdale talked of my interest at court, as if I was ready to turn papist. Duke Hamilton also told me they were resolved next day to attack duke Lauderdale, and his whole administration in parliament. I was troubled at this, and argued with him against the fitness of it all I could ; but he was engaged He told me the earls of Rothes, Argyll, and Tweeddale, and all the cavalier party, had promised to stick by him[3]. I told him, what afterwards happened, that most of these would make their own terms, and leave him in the lurch : and the load would lie on him. When I saw the thing
363 was past remedy, I resolved to go home and follow my studies, since I could not keep duke Lauderdale and him
Nov. 12, 1673. any longer in a good understanding. Next day, when the parliament was opened[4], the king's letter was read, desiring their assistance in carrying on the war with Holland, and assuring them of his affection to them in very kind words. This was seconded by duke Lauderdale in a long speech :

[1] From the *Lauderdale Papers*, iii. 10, it seems that Burnet was out of favour with both Charles and James in December, 1673.

[2] In the *Letters to Sir J. Williamson*, ii. 42, it is stated that Lauderdale took out a pardon before he left.

[3] Argyll spoke upon Lauderdale's side in the debates. *Lauderdale Papers*, ii. 242.

[4] Nov. 12, 1673. The correctness of Burnet's account is fully borne out by Lauderdale's despatch to his brother and deputy, Charles Maitland, of Nov. 13, 1673. *Lauderdale Papers*, ii. 241.

and immediately it was moved to appoint a committee to prepare an answer to the king's letter, as was usual. Duke Hamilton moved that the state of the nation might be first considered, that so they might see what grievances they had: and he hinted at some. And then, as it had been laid, about twenty men, one after another, spoke to several particulars. Some mentioned the salt, others the tobacco and the brandy: some complained of the administration of justice, and others of the coin[1]. With this the duke of Lauderdale was struck, as one almost dead; for he had raised his credit at court by the opinion of his having all Scotland in his hand, and in a dependence on him: so a discovery of his want of credit with us he saw must sink him there[2]. He had not looked for this, though I had warned him of a great deal of it. But he reflecting on that, and on the credit I had got at court, and on the haste I made in my journey, and my coming critically the night before the session opened, he laid all this together, and fancied I was sent upon design, as the agent of the party, and that the licensing my book was only a blind. He believed sir Robert Moray had laid it, and the earl of Shaftesbury had managed it. And because it was a common artifice of that king's ministers, to put the miscarriage of affairs upon some accident that had not been foreseen by them, but should be provided against for the future, he assured the king that I had been the incendiary, and that I had my uncle's temper in me, and that I must be subdued, otherwise I would embroil all his affairs[3]. The king took all things of that kind easily from his ministers, without hearing any thing to the contrary: for he was wont

[1] See *supra* 25.

[2] Possibly this feeling inspired the following remarkable assertion in a letter from Lauderdale of Dec. 11, 1673. 'There never was the least reflection on me in Parliament or any judicatorie (whatever be the lyes vented at London), so that all the contrivances of differences heir are blown up and the king may do what he pleases . . . heir.' *Webster MSS.*

[3] In the *Rawlinson MSS.*, C. 936, f. 27, there is a copy of Burnet's letter to Lauderdale of Dec. 15, 1673, upon losing his favour, containing many protestations of attachment and fidelity. His 'uncle,' *scil.* Johnston of Warrington; vol. i. 43.

CHAP. II. April, 1674. to say all apologies were lies: upon which one said to him, then he would always believe the first lie. But all this was much increased when duke Lauderdale upon his coming up told the king that I had boasted to his wife of the freedom that I had used with him upon his course of life[1]. With this the king was highly offended, or at least he made much use of it to justify many hard things that he said of me: and for many years he allowed himself a very free scope in talking of me. I was certainly to blame for the freedom I had used with the duchess of Lauderdale: but I was surprised by her question, and I could not frame myself to tell a lie: so I had no other shift ready to satisfy her. But the duke [of York] kept up still a very good opinion
364 of me. I went home to Glasgow, where I stayed following my studies till June following, that I went again to London. Duke Lauderdale put off the session of parliament for
May 6, 1674. some time, and called a council, in which he said great complaints had been made in parliament of grievances. He had full authority to redress them all in the king's name: therefore he charged the privy councillors to lay all things of that kind before that board, and not to carry them before any other assembly, till they saw what redress was to be had there[2]. Duke Hamilton said, the regular way of complaints was to make them in parliament, which
MS. 184. only could redress them | effectually; since the putting them down by the authority of council was only the laying them aside for a while till a fitter opportunity was found to take them up again. Upon this duke Lauderdale protested that he was ready in the king's name to give the subject ease and freedom, and that those who would not assist and concur in this were wanting in duty and respect to the king; and since he saw the matter of the salt, the tobacco, and the brandy, had raised much clamour, he would quash these[3]. But the party had a mind to have the

[1] See *supra* 26.

[2] *Lauderdale Papers*, iii. 43. Lauderdale was not present.

[3] On Nov. 17, 1673, the questions of the pre-emption of salt, the law against importation of brandy, and

instruments of their oppression punished, as well as the oppression it self removed; and were resolved to have these things condemned by some exemplary punishment, and to pursue duke Lauderdale and his party with this clamour. Next session of parliament many new complaints were offered[1]. Duke Lauderdale said, these ought to be made first to the lords of the articles, to whom all petitions and motions ought to be made first, and that they were the only judges what matters were fit to be brought into parliament. The other side said, they were only a committee of parliament, to put motions into the form of acts; but that the parliament had still an entire authority to examine into the state of the nation. In this debate they had the reason of things on their side: but the words of the act favoured duke Lauderdale. So he lodged it now where he wished it might be, in a point of prerogative. He valued himself to the king on this, that he had drawn the act that settled the power of the lords of the articles[2]; who being all upon the matter named by the king, it was of great concern to him to maintain that, as the check upon factious spirits there; which would be no sooner let go, than the parliament of Scotland would

the impositions on tobacco were 'remitted' to the Articles; and on Nov. 25, 1673, apparently before Lauderdale had instructions to that effect, and on Dec. 1, 2, 167$\frac{3}{4}$, respectively, these grievances were removed by separate Acts. *Acts of the Parliament of Scotland*, viii. 210, 212; *Lauderdale Papers*, iii. 3.

[1] No Parliament was held between the dissolution of March 3, 167$\frac{3}{4}$ and the Parliament of July 28, 1681. There was a Convention of Estates in June, 1678.

[2] 'At their meetings I found that they resolved to make motions for making the Articles insignificant, and at least to make a bussell about it. This I broke by adjourning again the Parl^{t} for a week, and settling the Articles to fall on those 3 particulars on which they had made greatest noyse.' *Lauderdale Papers*, iii. 16. In June, 1663, Lauderdale had settled the constitution of the 'Articles' in such a way that they were merely the king's mouthpiece. See vol. i. 208. How autocratic this enabled him to become may be seen in his words to Charles on Dec. 1, 1673. 'In the meane time I have beat downe (not using yo^{r} authority, but with right reason and reasonable adjournings) all extravagant motions and all manner of vote except to those acts which I moved and caryed on myself.' *Lauderdale Papers*, iii. 3.

CHAP. II. grow as unquiet as a house of commons was in England. That was a consideration which at this time had great
Oct. 27, 1673. weight with the king. And I now return to give an account of the session in England [1].

CHAPTER III.

SHAFTESBURY DISMISSED. ATTACK UPON LAUDERDALE, BUCKINGHAM, AND ARLINGTON. PEACE WITH THE DUTCH.

365 In the beginning of it, the duke of Ormond, the earls of Shaftesbury [and] Arlington, and secretary Coventry, offered an advice to the king for sending the duke for some time from the court, as a good expedient both for himself and the duke. The king hearkened so far to it, that he sent them to move it to the duke. He was highly incensed at it : he said he would obey all the king's orders, but would look on those as his enemies who offered him such advices: and he never forgave this to any of them, no, not to Coventry, for all his good opinion of him [2]. He pressed the king vehemently to take the seals from the earl of
Nov. 9, 1673. Shaftesbury. So it was done: and they were given to Finch, then attorney-general, made afterwards earl of Nottingham [3]. He was a man of probity, and well versed

[1] i. e. the session beginning Oct. 27, 1673, and lasting only until Nov. 4. It contained a vote to prepare a Bill for a general test to distinguish between Protestants and Papists, and to make the latter incapable of any office, or to sit in either House, or to come within 5 miles of the Court (*Commons Journals*, Oct. 30), the addresses against the duke's marriage, and the voting the standing army a grievance. *Parl. Hist.* iv. 586–603. Shaftesbury was dismissed on Nov. 9. Christie, *Life of the First Earl of Shaftesbury*, ii. 155–157.

[2] Upon Coventry at this time there is an interesting remark by Sir R. Southwell (*Letters to Sir J. Williamson*, ii. 131) recording 'the vast paines he takes in the House, being like the cherubin with the flaming sword, turning it every way to defend his master's cause.'

[3] 'Heneage Finch was brought in by Osborn and Seymour. King was altered six times in six hours about it. Two days after Osborn

in the law: but very ill bred, and both vain and haughty. He was long much admired for his eloquence, but it was laboured and affected: and he saw it as much despised before he died. He had no sort of knowledge in foreign affairs, and yet he loved to talk of them perpetually: by which he exposed himself to those who understood them better. He thought he was bound to justify the court in all debates in the house of lords, which he did with the vehemence of a pleader rather than with the solemnity of a senator. He was an incorrupt judge, and in his court he could resist the strongest applications even from the king himself, though he did it no where else. He was so eloquent both on the bench, in the house of lords, and indeed in common conversation, that eloquence became in him ridiculous. One thing deserves to be remembered: he took great care of filling the church livings that belonged to the seal with worthy men, and he obliged them all to residence[1]. Lord Shaftesbury was now at liberty to open himself against the court; which he did with as little reserve as decency. The house of commons were resolved to fall on all the ministry[2]. They began with duke Lauder-

Jan. 7, 167$\frac{3}{4}$.

Jan. 13.

and Seymour were jealous; Heneage Finch closed with Arlington, this made the Speaker meet mee, and Conway keeps them united.' Conway to Essex, Nov. 15, 1673, *Essex Papers*, i. 140. Finch was Baron Finch, Jan. 10, 167$\frac{3}{4}$, Lord Chancellor, Dec. 19, 1674, created Earl of Nottingham in 1681, and retained the seats from Nov. 9, 1673, until he was succeeded by Sir Francis North, created Lord Guilford on Dec. 20, 1682. He died Dec. 1682.

[1] See a character of this great man by Duke Wharton, in the *True Briton*, No. 69. He is called by Burnet himself, in his letter on Hen. Wharton's *Specimen of Errors*, in the *Hist. of the Reformation*, 25, a great and good man.

[2] At their meeting for the twelfth session, Jan. 7, 167$\frac{3}{4}$, Charles ventured for the first time on a direct lie to Parliament, in telling them that he had entered into no treaty with France, containing 'secret articles of dangerous consequence.' *Parl. Hist.* iv. 611. The secret of the Treaty of Dover was not generally known until the publication of Dalrymple's *Memoirs*, 1771. See the edition of 1790, ii. 41. There is a curious note upon the king's speech in a letter from Conway to Essex of Jan. 10, 167$\frac{3}{4}$, *Essex Papers*, i. 161. 'I beseech your excellency to consider the last part of the king's speech [containing the falsehood]. It was the consultation of many days and nights that produced it. He

CHAP. III. dale, and voted an address to remove him from the king's councils and presence for ever[1]. They went next upon the
Jan. 13. duke of Buckingham[2]: and it being moved in his name, that the house would hear him, the first day of his being before them, he fell into such a disorder, that he pretended he was taken ill, and desired to be admitted again next day. He then was more composed. He justified his own designs, laying all the ill counsels upon others, chiefly on Arlington[3], intimating plainly that the root of all errors was in the king and the duke. He said, hunting was a good diversion, but if a man would hunt with a brace of lobsters, he would have but ill sport. He had used that figure to myself, but had then applied it to prince Robert and lord Arlington: but it was now understood to go higher. His speech signified nothing towards the saving of himself, but lost him the king's favour so entirely that he never recovered it after-
Jan. 15. wards[4]. Lord Arlington was next attacked[5]: he appeared

fumbled in delivering it, and made it worse than in the print; yet there you may observe it is incoherent, and all this is for feare of the Duke of York.' Sir W. Temple, writing to Essex on Dec. 25, 1673 (*id.* 155), says: 'That which makes this obstinacy in the Court is not only the violence of the Duke, but the dread of having all that has passed between them and France published if they anger France.'

[1] 'At this great baiting one of the bears intended to be brought to the stake is his Grace the Duke of Lauderdaill.' *Letters to Sir J. Williamson*, ii. 29. On the same day and the next, Lauderdale received letters from James and Charles assuring him of the continuance of their 'kindnesse' —'which nothing can alter.' *Lauderdale Papers*, iii. 23, 26.

[2] Buckingham had been weakened by the Lady Shrewsbury scandal. He tried to fortify himself by 'courting all the members in towne, the debauchers by drinking with them, the sober by grave and serious discourses, the pious by receiving the sacrament at Westminster.' *Letters to Sir J. Williamson*, ii. 105.

[3] 'Duke Buckingham laboured to bee call'd to an account or impeached, by that meanes to bring my Lord [Arlington] in, . . . and like the envious man, he could have been contented to loose an eye himself to leave his enemie none.' *Letters to Sir J. Williamson*, ii. 62, 131. 'He layed greate load upon Arlington, . . . but he cleared Shaftesbury, though he owned himself his enemy.' Sir R. Verney, *Verney MSS.*, Jan. 15. 167$\frac{4}{5}$.

[4] For other causes of the loss of the king's favour, see Reresby's *Memoirs* (ed. Cartwright), 93.

[5] As the great 'conduit pipe' of corruption. Ormond and Ossory his brother-in-law stood his friends,

also before the commons, and spoke much better than was expected. He excused himself, but without blaming the king: and this had so good an effect, that though he, as secretary of state, was more exposed than any other by the many warrants and orders he had signed, yet he was acquitted by a small majority. But the care he took to preserve himself, and his success in it, lost him his high favour with the king, as the duke was out of measure offended at him: so he quitted his post, and was made | lord chamberlain. CHAP. III. 366 MS. 185.

The house of commons was resolved to force the king to a peace with the Dutch[1]. The court of France recalled Croissy[2], finding that the duke was offended at his being led by lord Arlington[3]. Ruvigny was sent over: a man of great practice in business and in all intrigues. He was still a firm protestant, but was [a] in all other respects [a] a very dexterous

[a] struck out.

and the vote to address the king for his removal was lost by a majority of thirty. The questions put to him, and his replies, may be read in the *Danby Papers*, *Brit. Mus. Add MSS.* 28045, f. 15. According to Sir R. Verney he got off by dividing the Presbyterian party in the House. *Verney MSS.*, Jan. 22, 167$\frac{3}{4}$.

[1] Arlington states that Parliament proposed to present its petition 'in a body of both Houses, and in the most pompous manner the forms of the House are capable of.' *Letters*, ii. 466, Jan. 29, 167$\frac{3}{4}$. Popery was what they feared; to break off the French alliance and disband the army were the immediate objects. 'Fear of the Duke makes them every day fetter the Crown.' Conway to Essex, Feb. 10, 167$\frac{3}{4}$, *Essex Papers*, i. 174. For the anti-popery debate in the Lords on Jan. 24, see Miss Foxcroft's *Life of Halifax*, i. 111.

[2] Colbert de Croissy was recalled, first upon his own suggestion, since he found himself suspected as an agent of Popery; and, secondly, upon the insistance of Buckingham, who was angry at Arlington's influence with him. Buckingham had promised Louis to maintain the alliance in spite of Arlington, by bribing members of Parliament; but Colbert's recall was a condition. Mignet, *Négociations, &c.*, iv. 238; Ranke, iii. 553. Ruvigny was the representative of the Reformed Churches at Louis's Court. He had instructions to tell Colbert all, and Charles was to be deceived, if necessary. He brought ample funds for bribery.

[3] 'His Majesty having resolved to bestow upon me my Lord Chamberlain's place upon my resignation of my own to Sir Joseph Williamson; by which I shall be delivered of a burdensome employment, which I have now possessed almost twelve years, with more labour and envy than I

CHAP. III. courtier, and one of the greatest statesmen in Europe [1]. He had the appointments of an ambassador, but would not take the character, that he might not be obliged to have a chapel, and mass said in it. Upon his coming over, as he himself told me, he found all the ministers of the allies were perpetually plying the members of the house of commons with their memorials. He knew he could gain nothing on them: so he never left the king. The king was in great perplexity: he would have done any thing, and parted with any person, if that could have procured him money for carrying on the war [2]. But he saw so little appearance of that, that he found he was indeed at the mercy of the States. So lord Arlington pressed the Spanish ministers to prevail with the States and the prince of Orange, to get a proposition for a peace set on foot; and that it might have some shew of a peace both begged and bought, he proposed that a sum of money should be offered the king by the States, which should be made over by him to the prince of Orange for the payment of the debt he owed him. Ruvigny pressed the king much to give his

would willingly undergo, or indeed can support in my declining years.' *Arlington's Letters*, ii. 479, June 15, 1674. 'Sir Joseph Williamson comes to be Secretary, and Arlington Chamberlain, for which he gives St. Alban's £10,000 out of Sir Joseph's pocket.' Marvell, April 26, 1674. The change does not appear to have taken place until Sept. 11, 1674. 'Sir J. Williamson, once a poor footboy, then a servitor, now principal Secretary of State, and Pensioner to the French king.' *A Seasonable Argument, &c.*

[1] Madame de Maintenon, in a letter to the Countess de St. Geran, Aug. 24, 1681, speaks thus of Ruvigny in a letter that shows her sincerity: 'M. de Ruvigny veut que je sois encore Calviniste dans le fond du cœur, il est aussi entêté de sa religion qu'un ministre.' *Cole.*

[2] Conway to Essex, Nov. 15, 22, 29, and Dec. 20, 30, 1673, *Essex Papers*, i. 140, 142, 145, 153, 159. Louis offered both ships and money if the king would dissolve Parliament. But Charles dared not accept the ships, and wanted too much money. Louis, however, finally promised £100,000 for a prorogation, and gave Shaftesbury £10,000 for bribery; while to strengthen the interest and influence of his agent, Louise de Kéroualle (see vol. i. 540 *n.*), he conferred upon her the D'Aubigny estates and the coveted 'tabouret.' The opposition, led by Shaftesbury, were now in alliance with Louis, consenting to reverse their former policy and oppose a discontinuance of the war, if he would assist them to ruin Danby.

parliament all satisfaction in point of religion. The king answered him, if it was not for his brother's folly, (*la sottise de mon frère*,) he could get out of all his difficulties. Ruvigny drew a memorial for informing the house of commons of the modesty of his master's pretensions: for now the French king was sensible of his error in making such high demands as he had made at Utrecht, and was endeavouring to get out of the war on easier terms. The States committed a great error in desiring a peace, without desiring at the same time that the king should enter into the alliance, for reducing the French to the terms of the triple alliance [1]. Dec. 1673. But the prince of Orange thought, that if he could once separate the king from his alliance with France, the other would be soon brought about [2]. And the States were much set on the having a peace with England, hoping then 367 both to be freed of the great trouble of securing the coast at a vast charge, and also by the advantage of their fleet to ruin the trade, and to insult the coast, of France. The States did this winter confer a new and extraordinary dignity on the prince of Orange. They made him hereditary stadtholder [3]. So that this was entailed on him and his issue male. He had in a year and a half's time changed the whole face of their affairs. He had not only taken Naerden, which made Amsterdam easy: but by a very bold undertaking he had gone up the Rhine to Bonn [4], and had taken it in a very few days: and in it had cut off the supplies that the French sent down to their garrisons

CHAP. III.

[1] See the letter of the States General to Charles, Dec. 3, 1673. *Arlington's Letters*, ii. 459.

[2] 'A rude thing which is commonly said, that we may come off from France with as much honour as we came on.' Temple's *Works* (1770), ii. 238.

[3] Pontalis, *Jean de Witt*, ii. 414, &c. There was a medal struck at Amsterdam on this occasion, 'representing the Prince of Orange standing on a great pillar, blasted with lightnings, and from his mouth a scroll in which is writ *Dissimulation*; at the foot diverse persons kneeling, with this inscription, "The Idol of Holland."' *Newsletter*, 1674, April 4. *Fleming Papers*, *H. M. C. Rep.* xii, App. part vii.

[4] The importance of this capture lay in the fact that it opened a passage for the German forces on the Rhine into the Low Countries.

CHAP. III. on the Rhine and the Isel. So that the French finding they could not subsist longer there, were now resolved to evacuate all those places, and the three provinces of which they were possessed; which they did a few months after. An alliance was also made with the emperor; and by his means both the elector of Cologne and the bishop of Munster were brought to a peace with the States. The elector of Brandenburg was likewise returning to the alliance with the States: for in the treaty to which he was forced to submit with Turenne, he had put an article reserving to himself a liberty to act in concurrence with the empire, according to such resolutions as should be taken in the diet. This change of the affairs of the States had got him the affections of the people to such a degree, that he could have obtained every thing of them that he would have desired: and even the loss of so important a place as Maestricht was not at all charged on him. So he brought the States to make applications to the king in the style of those who begged a peace, though it was visible they could have forced it [1]. In conclusion, a project of a peace with England was formed, or rather the peace of Breda was writ over again, with the offer of 2 or 300,000*l.* for the expense of the war [2]; and the king signed it at lord Arlington's

Feb. 19, $167\frac{3}{4}$.

[1] Temple states (*Works*, ii. 246) that the resolution of Spain to declare war against England if peace were not concluded was the chief motive at home for making peace. See the terms proposed to the king by the Spanish ambassadors, Jan. 24, $167\frac{3}{4}$, and the letter of the States General to the king, Feb. 6, in the *Portland MSS.*, iii. 344, 345, *H. M. C. Rep.* xiv, App. part ii, and *Commons Journals* for Jan. 24.

[2] The sum was £200,000, payable in three years (cf. *Portland MSS.*, iii. 345, *H. M. C. Rep.* xiv, App. ii. The peace was arranged in London in three days by Temple, always a *persona grata* with the Dutch (vol. i. 456, note). It was concluded on Feb. 19, largely through fear of war with Spain (*Letters to Sir J. Williamson*, ii. 45, and previous note), and Charles at once wrote to express his regret to Louis, as in 1668. The English contingent was left in the French service. This was the King's best policy, for he had heard from Lockhart, then ambassador in France, that 'he never saw such consternation as was in the French Court upon the news of our peace with the Dutch, and that, if he may judge of men by their lookes, they threaten us with the highest revenge.' Conway to Essex, Feb. 17, $167\frac{3}{4}$, *Essex Papers*, i. 175. Danby states (*Danby MSS.*, *Brit.*

office. He came up immediately into the drawing room, where seeing Ruvigny, he took him aside, and told him he had been doing a thing that went more against his heart than the losing his right hand: he had signed a peace with the Dutch, the project being brought him by the Spanish ambassador. He saw nothing could content the house of commons, or draw money from them: and lord Arlington had pressed him so hard, that he had stood out till he was weary of his life. He saw it was impossible for him to carry on the war without supplies, of which it was plain he could have no hopes. Ruvigny told him, what was done could not be helped: but he would let him see how faithfully he would serve him on this occasion. He did not doubt but his master would submit all his pretensions to him, and make him the arbiter and mediator of the peace [1]. This the king received with great joy; and said it would 368 be the most acceptable service that could be done him. The French resolved upon this to accept of the king's mediation, and so the king got out of this war, very little to his honour, having both engaged in it upon unjust grounds, and managed it all along with ill conduct and bad success, and now got out of it in so poor and dishonourable a manner; and with it he lost his credit both at home and abroad. Yet he felt little of all this. He and his brother were now at their ease. Upon this the parliament was quickly prorogued [2], and the court delivered itself up again

CHAP. III.

Feb. 24, 167$\frac{3}{4}$ to Nov. 10, 1674.

Mus. Add. MSS. 23045, f 5) that the peace was necessary to avoid a new Parliament. It was concluded without the knowledge of the mediators or of Sir Joseph Williamson. *Letters to Sir J. Williamson*, ii. 147.

[1] While posing as mediator, in addition to allowing the English troops to remain in the French service, he permitted Louis to recruit in Ireland (*Essex Papers*, i. 313), and constantly furnished him with ammunition (Marvell, *Popery and Arbitrary Power*, 318); he moreover betrayed to the French ambassador all the information received from Temple. At the same time he refused to allow William to recruit in England. William to Charles, May 25, 1674, *Original Letter of William III* (1704), 17.

[2] From Feb. 24, 167$\frac{3}{4}$ to Nov. 10, 1674, when it was again prorogued to April 13, 1675. Conway writes to Essex on the first date: 'I never saw such a consternation as was

CHAP. III. to its ordinary course of sloth and luxury. But lord Arlington, who had brought this about, was so entirely lost by it, that though he knew too much of the secret to be ill used[1], yet he could never recover the ground he had lost.

Dec. 1, 1673. The duchess of York came over that winter: she was then very young, about sixteen, but of a full growth. She was a graceful person, with a good measure of beauty, and so much wit and cunning that during all this reign she behaved herself in so obliging a manner, and seemed so innocent and good, that she gained upon all that came near her, and possessed them with such impressions of her, that it was long before her behaviour after she was queen could make them change their thoughts of her[2]. So arti-

among the members of both Houses, every man amazed and reproaching one another that they had sat so long upon eggs and could hatch nothing.' *Essex Papers*, i. 180. The intention was known to Lauderdale only. Ranke, iii. 569. James, writing to Lauderdale on Feb. 24, says, 'It was high time to do it, they growing every day higher than another.' *Lauderdale Papers*, iii. 35. See also the very interesting letter of Sir Gilbert Talbot of Feb. 28 (*Letters to Sir J. Williamson*, ii. 156): 'After that both Houses had pressed fiercely and avowedly against the Duke of York . . . and that His Majesty had clearly discovered a combination betwixt the discontented and turbulent Commons in the south-east corner of our house, and some hottspurs in the upper (the Earle of Shaftesbury, the Lord Hallifax, Earle of Salisbury, and Earle of Clare being the most forward), and weighing the discontents and complaints of the Parliament of Scotland at the same instant, and the Republican drifts of the City of London (to bring the government to a Common Council), he thought it high time to look about him.' The attack on Ranelagh's management of the Irish revenue was another reason. See the same letter for an amusing account of the precipitate dispersion of the prominent members of the Opposition in the Commons.

[1] He was in that of the king's conversion to Popery. O. And of the Treaty of Dover, vol. i. 545, note.

[2] The accounts of her person agree very fairly. Peterborough speaks enthusiastically of the seductive charm of her beauty, of her tall and exquisitely made figure, of her complexion, her jet black hair and eyebrows, and her eyes also black, brilliant and full of sweetness. Dallari, *Il Matrimonio, &c.*, 21; *supra* 20, note. Robert Yard describes her as 'of a pale complexion and brown hair; . . . all say she will be a fine woman when she is more spread, and in the meantime praise her witt.' *Letters to Sir J. Williamson*, ii. 86. To Mlle. Montpensier she appeared 'une grande créature mélancolique, ni belle ni laide, fort maigre, assez jaune.' *Mém.*, tom. vi. Conway writes to Essex: 'She is a proper handsome

ficially did this young Italian behave herself, that she deceived even the eldest and most jealous persons both in the court and country. Only sometimes a satirical temper broke out too much, which was imputed to youth and wit not enough practised to the world. She avoided the appearances of a zealot, or of a meddler in business; and gave herself up to innocent cheerfulness, and so was universally esteemed and beloved as long as she was duchess. She had one put about her to be her secretary, Coleman, who | became so active in the affairs of the party, and ended his life so unfortunately, that, since I had much conversation with him, his circumstances may deserve that his character should be given, though his person did not. I was told he was a clergyman's son: but he was early catched by the Jesuits, and bred many years among them. He understood the art of managing controversies, chiefly that great one of the authority of the church, better than any of their priests. He was a bold man, resolved to raise himself, which he did by dedicating himself wholly

MS. 186.

Lady. She hath very good eyes, very good features, and a very good complexion, but she wants the air that should set off all this; and having been bred in a monastery knows not how to set one foot before another with any gracefulness.' *Essex Papers*, i. 144. There are two descriptions of her in later years which are worthy of quotation. Mme. de Sévigné, in 1689, says, 'La reine paroît maigre et des yeux qui ont pleuré, mais beaux et noirs, un beau teint un peu pâle, la bouche grande, de belles dents, une belle taille et bien de l'esprit; tout cela compose une personne qui plaît fort'; and in 1718, that frank and keen observer, Charlotte Elizabeth (*supra* 35, note), wrote, 'She was very thin, with a long face, bright eyes, large white teeth, and a pale complexion which showed all the more because she never used rouge. She had an agreeable presence, and was very clean.... She was good to the poor, and never spoke unkindly of any one. She had great firmness of character, and truly royal qualities, much generosity, courtesy and judgement. Her only failing was her extreme piety.' *Life and Letters of Charlotte Elizabeth*, 259. The Duchess had been educated in strict seclusion: 'So innocently bred, that till then she had never heard of such a place as England, nor of such a person as the Duke of York.' Clarke's *Life of James II*, i. 485. She was, however, by no means uncultured; she was a good Latin scholar, and had studied French as well; and within a year and a half of her marriage she spoke English with perfect ease. Dallari, 20.

CHAP. III. to the Jesuits, and so was raised by them. He had a great easiness in writing in several languages, and writ many long letters, and was the chief correspondent the party had in England. He lived at a vast expense, and talked in so positive a manner, that it looked like one who knew he was well supported. I soon saw into his temper, and I warned the duke of it[1]: for I looked on him as a man much liker to spoil business, than to carry it on dexterously.

369 He got into the confidence of P. Ferrier, the king of France's confessor[2], and tried to get to the same pitch of confidence with P. la Chaise, who succeeded him in that post. He went about every where, even to the jails among the criminals, to make proselytes. He dealt much both in the giving and taking of bribes. But now the affairs of England were calmed; I look again to Scotland, which was yet in a storm.

CHAPTER IV.

VIOLENT ADMINISTRATION OF LAUDERDALE IN SCOTLAND. DISGRACE OF BURNET.

THE king writ for duke Hamilton to come up; and when he and lord Tweeddale came up, they were so well received, that they hoped to carry their point[3]. But the king's design in this was, that, if he could have brought the house of commons to have given him money, he was resolved to have parted with duke Lauderdale, and have employed them; and his kind usage of them was on design to persuade

[1] Was it for the good of the Protestant religion, that the bishop gave the duke this warning? D.

[2] Ferrier died in Sept., 1675. La Chaise was born 1624, died 1709. Cf. *infra* 394.

[3] They arrived between Dec. 18 and Dec. 25, 167$\frac{3}{4}$. Kincardine, as Lauderdale's deputy, carried on the contest with them with much skill. See the details in the letters of Kincardine, Charles II, Lord Yester (Tweeddale's son), and Lauderdale. *Lauderdale Papers*, iii. 2–37. Apparently the only point in which Charles disappointed Lauderdale was in refusing to turn Hamilton out of the Commission of the Treasury. *Id.* 29.

the commons to use him better, by shewing that he was ready to comply with them. He gave them so good a hearing, that they thought they had fully convinced him: and he blamed them only for not complaining to himself of those grievances. But as soon as he saw it was to no purpose to look for money from the house of commons, and that he had signed the peace, he sent them down with full assurances that all things should be left to the judgment of the parliament. They came down through the greatest fall of snow that has been in all my life-time hitherto. When they got home, instead of a session there was an order for a prorogation[1]; which gave such an universal discontent, that many offered at very extravagant propositions, for destroying duke Lauderdale and all his party. Duke Hamilton, who told me this some years after, when an act of grace was published, was neither so bad nor so bold as to hearken to these. The king writ him a cajoling letter, desiring him to come up once more, and refer all matters to him, and he assured him he would make up all differences[2]. In the mean while duke Lauderdale took all possible methods to become more popular. He connived at all the insolence of the presbyterians, who took possession of one of the vacant churches of Edinburgh, and preached in it for some months. The earl of Argyll and sir James Dalrymple were the men on whom the presbyterians depended most. Duke Lauderdale returned to his old kindness with the former, and Argyll was very ready to forget his late unkindness[3]; so matters were made up between them. Dalrymple was the president of the session[4],

March 3, 167$\frac{3}{4}$.

[1] 'His Grace and the Partie say yow have broken your word to them, for yow promised not to adjourne, but after some days to dissolve our parliament. Lauderdale to Charles II, March 5, 167$\frac{3}{4}$. *Lauderdale Papers*, iii. 36, 37. Parliament was prorogued on March 3.

[2] This information, from Hamilton himself, is directly contrary to Kincardine's letter of April 11, 1674: 'The King said he wold not have him come here at this tyme, for it could do nothing but make trouble and noise and do hurt here as well as in Scotland.' *Id.* 41.

[3] *Lauderdale Papers*, iii. 42, 44, 48.

[4] Sir James Dalrymple, born 1619, died 1695. He accompanied the

CHAP. IV. a man of great temper, and of a very mild deportment; he was a false and cunning man[1], and a great perverter of justice, in which he had a particular dexterity of giving some plausible colours to the greatest injustice. His family has risen the fastest, and yet had the greatest misfortunes, of any in Scotland. His eldest son, now the viscount of Stairs, rid over a child, and dashed out his brains; and he had two sons who in their play found a charged pistol[2], with which the one shot the other dead. Another of the president's sons, being in a fever, snatched at somewhat that lay by him, and swallowed it down, which proved to be cantharides, intended for a viscator plaister, with which he was ulcerated all within, and died in extreme misery. Another of his sons in a fit fell into a fire, which burnt out the half of his face. His daughters have had extraordinary fits, in which they have jumped over high walls, and one of them died in an odd manner. These things occasioned much censure and many strange discourses. This man was now taken into the chief confidence. He told the presbyterians, if they would now support duke Lauderdale, this would remove the prejudice the king had against them, as enemies to his service. This wrought on many of them. What influence soever this might have on the presbyterians,

Scottish Commissioners to Charles II at the Hague in 1649 and Breda in 1650. He refused to take the oath abjuring the Covenants, but was allowed to take it under reservation by Charles. In 1670 he was a commissioner for the Union. He protested against the invasion of the west by the Highland host in 1678. In 1681 he lost his office of President of Session and used his enforced leisure in compiling the *Institution of the Law of Scotland*. He was created Viscount Stair in May, 1690. Cf. Aeneas MacKay's *Life of the First Viscount Stair*, publ. in 1873.

[1] The printed copy has, instead of this long passage, only these words, *a cunning man. He was*, &c. Sinclair, in his *Answer to Beach's first Letter to the younger Burnet*, p. 10, asserts, that the bishop, on reviewing his History, struck the whole paragraph out of the first draft of his work. Beach, in his reply, says, that this, which is the only passage affirmed by Sinclair to have been thus deleted by the bishop, was like the others, taken not from the first draft of the bishop's work, but from a transcript, that very probably was the third or fourth draft. *Second Letter*, 13. R.

[2] On the misfortunes of the Stair family, see Maidment's *Scottish Pasquils*, 174, ed. 1868.

the strange conduct with relation to them provoked the clergy out of measure. Some hot men, that were not preferred as they thought they deserved, grew very mutinous, and complained that things were let fall into much confusion; and they raised a grievous outcry for the want of a national synod to regulate our worship and government: and so moved in the diocesan synods, that a petition should be offered to the privy council, setting forth the necessity of having a national synod. I liked no part | of this. I knew the temper of our clergy too well to depend much on them. Therefore I went out of the way on purpose when our synod was to meet. Petitions were offered for a national synod, which was thought an innocent thing; yet, it being done on design to heighten the fermentation the kingdom was in, great exceptions were taken to it [1]. One bishop and four of the clergy were turned out by an order from the king, pursuant to the act asserting the supremacy [2]. After a year, upon their submission, they were restored; but, though I was not at all concerned in this, for I was ever of Nazianzen's [3] opinion, who never wished to see any more synods of the clergy [4], yet the king was made believe that I had laid the whole matter, even though I did not appear in any part of it.

CHAP. IV. 370

MS. 186*.

June, 1674.

Another disorder broke out, which had greater effects. A cause being judged in the supreme court of session, the party [5] appealed to the parliament. This was looked on as

[1] This matter is fully illustrated in the *Lauderdale Papers*, iii. 50–63, in the letters of Leighton to Lauderdale, and especially in the latter's very able despatch of June 18, 1674.

[2] James Ramsay, Bishop of Dumblane, and Messrs. Turner, Robertson, Hamilton, and Caut. See *Wodrow*, ii. 302–316.

[3] *scil.* Gregory Nazianzen, fellow-pupil of Julian at Athens. See the account of him in Gibbon (ed. 1862), iii. 365–372; died A.D. 389 or 390. For his lamentation over the discords of the Christians, see *id.* 96; and on the *Synods*, 10–39. Nazianzen, of which he became bishop, is in Cappadocia.

[4] Dog. S. The times, which Swift supposes the bishop to reflect on, were times of virtuous zeal against the unceasing attacks of heresy and infidelity; a zeal which ill suited the then prevailing politics, and which occasioned a discontinuance of the synodical meetings of the Church of England. R.

[5] *scil.* the Hamilton party or 'Faction,' *supra* 53, *n.*

CHAP. IV. a high contempt, done on design to make the parliament a court of judicature, that so there might be a necessity of frequent parliaments. So the judges required all the lawyers to condemn this, as contrary to law; and they had the words of a law on their side, for there lay no such appeal as stopped process, nor was there a writ of error in their law. But upon petitions, parliaments had, though but seldom, reviewed and reversed the judgments of the court. So the debate lay about the sense of the word *appeal*. Sir George Lockhart, brother to the ambassador, was the most learned lawyer and the best pleader I have ever yet known in any nation. He was both a covetous, a passionate, and an ambitious man, and he had all the lawyers almost in a dependence on him. He was engaged with the party, and resolved to stand it out. The king sent down an order to put all men from the bar that did not condemn appeals; and, when that wrought not on them, they were by proclamation banished Edinburgh, and twelve miles about: and a new day was assigned them for making their submission, the king by a very unusual style declaring, in the word of a prince, that if they submitted not by that day they should never be again admitted to their practice. They stood it out, and the day lapsed without their submitting; yet afterwards they renounced appeals in the sense of the Roman law, and, notwithstanding the unusual threatening in the proclamation, they
371 were again restored to practice. But this made a stop for a whole year in all legal proceedings[1]. The government of the city of Edinburgh was not so compliant as was expected. So duke Lauderdale procured a letter from the

[1] Upon this matter, regarding which there is a mass of correspondence in the *Lauderdale MSS.*, see Omond, *Lord Advocates of Scotland*, i. 209–211. Cf. Maidment's *Scottish Pasquils*, 216–221. For Sir George Lockhart, the younger brother of the ambassador, see *infra* 138, 234, 308, 321, 332, and Omond, i. 168–250. He was advocate to Cromwell in May, 1658, and acted temporarily as Lord Advocate after the dismissal of Mackenzie in 1686. While Lord President of Session he was assassinated by Sir John Christy of Dalry, on March 31, 168$\frac{8}{9}$.

king to turn out twelve of the chief magistrates, and to declare them for ever incapable of all public trust: so entirely had he forgot his complaints formerly made against incapacity, even when passed in an act of parliament[1]: but he kept to the same number of twelve. The boroughs of Scotland have by law a privilege of meeting once a year in a body, to consider of trade, and of bye-laws relating to it. At a convention held this year, a petition was agreed on, and sent to the king, complaining of some late acts that hindered trade, for the repeal of which there was great need of a session of parliament: they therefore prayed, that when the king sent down a commissioner to hold a session, he might be instructed in order to that repeal. This was judged a legal thing by the lawyers there; for this was a lawful assembly: they did not petition for a parliament, but only for instructions to the session; yet it was condemned as seditious, and those who promoted it were fined and imprisoned for it. Thus duke Lauderdale was lifted up out of measure, and resolved to crush all that stood in his way. He was made earl of Guilford in England, and had a pension of £3,000: and he let himself loose into a very ungoverned fury[2]. When duke Hamilton and some other lords came up, the king desired they would put their complaints in writing. They said, the laws were so oddly worded, and more oddly executed, in Scotland, that the modestest complaint they could offer might be condemned as leasing-making, and misrepresenting the king's proceedings: so they would not venture on it. The king promised to them that no ill use should be made of it to their prejudice; but they did not think it safe to trust him, for he seemed

June 25, 1674.

[1] See the Billetting affair in 1662, vol. i. 263.

[2] William Harbord, writing to Essex, Sept. 5, 1674, speaks of Lauderdale's 'insolence in his behaviour and words.' *Essex Papers*, i. 258. 'Lauderdale braggs like a madman,' *id.* 259. He was created Earl of Guilford and Baron Petersham, June 25, 1674, the English title being probably given him to save him from attacks as an English commoner, which had been suggested in the former session.

CHAP. IV. to be entirely delivered up to all duke Lauderdale's passions [1].

It is no wonder then that I could not stand before him, though at my coming up the duke received me with great
MS. 187. kindness, and told me how he had | got out of great difficulties, and added that the king was very firm to him: he commended likewise his new duchess much. The duke was troubled at our disorders: he was firm to duke Lauderdale, but would have endeavoured to reconcile matters if there had been room for it. He told me the king was highly incensed against me; and was made believe that I was the chief spring of all that had happened. He himself believed me more innocent; and said he would endeavour to set me right with him, and he carried me to the king, who received me coldly. Some days after, when the duke was a hunting, the lord chamberlain told me he had orders to strike my name out of the list of the chaplains, and that the king forbid me the court, and
372 expected I should go back to Scotland. The duke seemed troubled at this, and spoke to the king about it, but he was positive. Yet he admitted me to say to him what I had to offer in my own justification. I said all that I thought necessary, and appealed to duke Hamilton, who did me justice in it. But the king said he was afraid I had been too busy, and wished me to go home to Scotland and be more quiet. The duke upon this told me, that, if I went home without reconciling my self to duke Lauderdale, I would be certainly shut up in a close prison, where I might perhaps lie too long. This I looked on as a very high obligation: so I resigned my employment, and resolved to stay in England. I preached in many of the churches of London, and was so well liked, that it was probable I might be accepted of in any that was to be disposed of

[1] Laing, in his *History of England*, iv. 71, relates, that their grievances were communicated to Charles by an anonymous letter. The letter is to be found in a contemporary pamphlet, entitled *An Accompt of Scotland's Grievances, by Reason of the Duke of Lauderdale's Ministrie*, 33-37.

by a popular election[1]. So a church falling to be given in that way, the electors had a mind to choose me, but yet they were not willing to offend the court. The duke spoke to duke Lauderdale, and told him that he had a mind I should be settled in London, and desired he would not oppose it. Lauderdale said, all this was a trick of the party in Scotland, to settle me, that I might be a correspondent between the factious in both kingdoms; yet, upon the duke's undertaking that I should not meddle in his matters, he was contented that the king should let the electors know he was not against their choosing me. Upon this duke Lauderdale, seeing what a root I had with the duke, sent a message to me, that if I would promise to keep no further correspondence with duke Hamilton I should again be restored to his favour. I said I had promised the duke to meddle no more in Scotch affairs; but I could not forsake my friends, nor turn against them. By this he judged I was inflexible: so he carried a story to the king the very night before the election, that upon inquiry was found to be false, when it [was] too late to help what was done. Upon that, the king sent a severe message to the electors. So I missed that: and some time after a new story was invented, of which Sharp was indeed the author, by which the king was made believe that I was possessing both lords and commons against duke Lauderdale. Upon that, the king ordered Coventry to command me to leave London, and not to come within twenty miles of it[2]. The duke told me what the particulars were, which

[1] In December, 1674, Archbishop Paterson wrote to Sharp expressing a wish that Burnet, for his own sake, were settled in some place in the country, lest London prove his snare. *H. M. C. Rep.* ii. 203. The church to be given by popular election is nowhere mentioned; but in the *Life of the Author* it is stated that he declined the living of St. Giles's, Cripplegate, which was offered him by the Dean and Chapter of St. Paul's. He was now thirty years old. In the following year he was made preacher to the Rolls Chapel by Harbottle Grimston, and lecturer of St. Clement's. The employment he resigned was the Professorship of Divinity at Glasgow. See Cockburn's *Remarks*, 55, and *infra* 75.

[2] 'Mr. Burnet (Bishop of Sarum since), the famous Scotch minister, is

CHAP. IV. were all false. For lord Falconbridge and lord Carlisle were the lords into whom it was said I was infusing those prejudices: now I was known to neither of them; for, though they had desired my acquaintance, I had declined it. So I told all this to secretary Coventry, who made report of it to the king in the duke's presence: and those lords justified me in the matter. So I hoped the king would upon all this recall his order; but he would not do
373 it. So I asked to have it in writing. The secretary knew it was against law: so he would not do it. But I was forbid the court. The duke brought duke Lauderdale and me once together, to have made us friends; but nothing would do unless I would forsake all my friends, and discover secrets. I said I knew no wicked ones, and I could not break with persons with whom I had lived long in great friendship. The duke spoke to the lord treasurer to soften duke Lauderdale with relation to me, and sent me to him. He undertook to do it, but said afterwards that duke Lauderdale was intractable.

This violent and groundless prosecution lasted some months: and during that time I said to some, that duke Lauderdale had gone so far in opening some wicked designs to me, that I perceived he could not be satisfied unless I was undone. So I told what was mentioned before of the discourses that passed between him and me[1]. This I ought not to have done, since they were the effects of confidence and friendship: but such a course of provocation might have heated a cooler and elder man than I was, being then but thirty, to forget the caution that I ought to have used. The persons who had this from me, resolved to make use of it against him, in the next session of

banished London by the king's command; hee hath petitioned to be heard, but 'tis not granted . . ., he is a mortall enemy to Duke of Lotherdale.' The cause of his banishment was a private discourse between the Bishop of Salisbury [Seth Ward] and two greate Lords, and the Bishop told it againe, for which he is highly condemned. Burnet knew nothing of the discourse they had till he heard of his banishment.' Sir R. Verney, *Verney MSS.*, Dec. 3, 1674.

[1] Scotch dog. S. See *supra* 26.

parliament: for which the earl of Danby and he were preparing by turning to new methods. CHAP. V.

CHAPTER V.

DANBY AND THE NON-RESISTING TEST. PARLIAMENTARY ATTACK UPON LAUDERDALE. CHARACTERS OF OPPOSITION LEADERS.

Lord Danby set up to be the patron of the church party and of the old cavaliers, and duke Lauderdale joined himself to him [1]. It was said the king had all along neglected his best and surest friends: so a new measure was taken up, of doing all possible honours to the memory of king Charles the first | and to all that had been in his interests. MS. 188.
A statue of brass on horseback, that had been long neglected, was bought, and set up at Charing Cross [2], and a magnificent funeral was designed for him [3]. The building of

[1] The scheme of favour to Dissent and to Catholicism (vol. i. 465, 552) was played out, and Danby reverted to the principles of Clarendon. The attitude of leading men in May is thus sketched by Conway for Essex: 'Treasurer is esteemed the great support of the Crown; Arlington makes his interest among the discontented members of the House of Commons, and Duke and Lodderdale are his mortal enemies.' *Essex Papers*, i. 228. Danby's strength lay in the fact that he almost immediately brought the expenditure well within the revenue. In June, Williamson had thrown in his lot with Danby and Lauderdale, 'or makes them believe so'; *id.* 236. In September we read, 'Thoughts of army and popery are still a foote; Duke, Treasurer, Lauderdale, governe all. Treasurer layes about him and provides for his family, so that if ever he come to be out with the King, his enemies will maul him'; *id.* 259. We now hear for the first time of the 'great feud between York and Monmouth; the whole Court backs M., and Arl. hath wisely made him head of the party, which will give him credit now and in Parl.'; *id.* 261.

[2] A marble statue of John Sobieski trampling down the Turk was, after being altered to represent Charles II trampling on Cromwell, set up by Sir Robert Viner, then Lord Mayor, in Woolchurch Market. Marvell, *A Poem on the Statue in Stocks Market* (*Works*, Grosart ed., i. 353, and 356, note). This was apparently in 1675. The brass statue of Charles I at Charing Cross was set up by Danby in the same year; *Dialogue between two Horses*, *id.* 361 and 373, note.

[3] 'The old king's body was to be taken up, to make a perfect resurrec-

CHAP. V. S. Paul's in London was now set on foot with great zeal. Morley and some of the bishops were sent for, and the new ministry settled a scheme with them, by which it was offered to them effectually to crush all the design of popery. The ministers expressed great zeal in this, and openly accused all the former ministers for neglecting it so long. But, to excuse this to the duke, they told him, it was a great misfortune that the church party and the dissenters were now run into one; that the church party must have some content given them, and then a test was to be set on foot that should for ever shut out all dissenters, who were an implacable sort of people[1]. A declaration renouncing the lawfulness of resistance in any case whatsoever, and an engagement to endeavour no alteration in church or state, was designed to be a necessary qualification of all that might choose or be chosen members of parliament. If this could be carried, the king's party would be for ever separated from them, and be so much the more firmly
374 united to him. In order to this, it was necessary to put out severe orders of council against all convicted or suspected papists. The duke acquainted me with this scheme: he disliked it much. He thought this would raise the church party too high. He looked on them as intractable in the point of popery: therefore he thought it was better to keep them under by supporting the dissenters, by which colour he could better protect the papists. He looked on the whole project as both knavish and foolish: and upon

tion of loyalty, and to be reinterred with great magnificence; but that sleeps'; Marvell, ii. 465. See also Ralph, i. 170.

[1] *scil.* the Non-Resisting Test (see *infra* 81), the proposal resulting from the Lambeth Conference of Danby with the bishops, held previous to the meeting of Parliament in April, 1675 (*infra* 73)—by which Danby hoped to make both Houses exclusively representative of Church and Crown. The Presbyterians, who had been gaining elections, would have been driven from the Commons, and the Catholics from the Lords. Marvell, *Popery and Arbitrary Power*, iv. 304, 309; and Letter to Ramsden, July 24, 1675, ii. 464. The first part of the oath, regarding the unlawfulness of resistance, occurs in the Corporation Act (Dec. 1661, vol. i. 326 *note*), and the whole oath was included in the Five Mile Act in 1665 (vol. i. 401), and in the Act of Uniformity (vol. i. 323).

this he spoke severely of duke Lauderdale, who he saw would do any thing to save himself. He [Lauderdale] had been all along in ill terms both with Sheldon and Morley, but now he reconciled himself to them. He brought Sharp out of Scotland, who went about assuring all people that the party set against him was likewise set against the church. This, though notoriously false, passed for true among strangers. And, Leighton coming up at the year's end to quit the archbishopric of Glasgow, Burnet had made such submissions that he was restored to it. So that wound which had been given to episcopacy in his person, was now healed [1]: and Leighton retired to a private house in Sussex, where he lived ten years in a most heavenly temper, and with a shining conversation. So now duke Lauderdale was at the head of the church party. Dec. 1674.

The court was somewhat disturbed with discoveries that were made at this time. When sir Joseph Williamson came back from Cologne, he secretly met with Wicquefort, that has published a work about ambassadors [2]. He was the Dutch secretary that translated the intelligence that came from England: and sometimes the originals were left in his hands. So Williamson prevailed with him to deliver these to him. Most of them were writ by the lord Howard's brother, who upon his brother's death was afterwards lord Howard [3]. He was a man of wit and learning, bold and

[1] He succeeded Archbishop Sharp in the primacy of Scotland, and died in 1684. For Leighton's resignation, see *Lauderdale Papers*, iii. 75.

[2] Abraham de Wicquefort, b. at Amsterdam, 1598, d. at Zell, 1682; for some time he represented the Elector of Brandenburg at Paris. His arrest was in 1676 and he escaped in 1679. The *Mémoires concernant Ambassadeurs et les Ministres* was published at Cologne, 1676–9, 2 vols., 12mo: *L'Ambassadeur et ses fonctions*, 2 vols., 4to, at the Hague, 1681. See the *Biog. Univ.* and Larousse, *Dict. du xix^m^ siècle.*

[3] *scil.* William Howard, afterwards third Lord Howard of Escrick. He served in Cromwell's Lifeguards in 1653, and was a noted anabaptist preacher. He was concerned in the plots of 1665–6, and was active in the king's service in 1660. He represented Winchelsea in the Convention and Pensionary Parliaments. Upon his confession in the Tower, in 1672, see *Letters to Sir J. Williamson* (Camd. Soc.), ii. 31. He assisted the prosecution against his kinsman

CHAP. V. poor, who had run through many parties in religion. In Cromwell's time he was rebaptized, and had preached in London. He set up in opposition to Cromwell, as a great commonwealth's man, and did some service in the restoration: but he was always poor, and ready to engage in any thing that was bold. He went over in the beginning of the war, and offered to serve De Witt, but he told me he found him a dry man[1]. As soon as the prince was raised, he waited on him and on Fagel; and undertook not only to send them good intelligence, but to make a great party for them. He pressed the prince to make a descent on England, only to force the king to call a parliament, and to be advised by it; and he drew such a manifesto as he believed would be acceptable to the nation. He and one of the Du Moulins[2], that was in lord Arlington's office, joined together, and gave the States very good intelligence. Du Moulin, fearing that he was discovered, took the alarm in time, and got beyond sea. Most of the papers that Wicquefort delivered were of Howard's writing: so, upon
375 his examination in the Tower, it appeared they had his letters against him. And when notice was sent of this to Holland, Wicquefort was called on to bring before them all the original letters that were trusted to him. And upon his not doing it, he was clapt up. And the States sent word to the king, that if any person suffered in England on the account of the letters betrayed by him, his head should go for it. Halewyn told me, when it was put to the judges to know what sort of crime this could be made, since the papers were given up after the peace was concluded, otherwise the betraying the secrets of the state to enemies was

Stafford. For the accusation of Fitz-harris and his action at the time of the Rye House Plot, see *infra* 293 and 353-412. He died in 1694.

[1] The ambiguity of the pronouns here led to Swift's note, 'Who told who! I guess Howard told Burnet.' This was obviously the case, since the war referred to was the war of 1672, and Burnet did not see De Witt after 1664. For the phrase 'dry man,' see *infra* 394, where Burnet uses it of Père la Chaise.

[2] Probably the person mentioned in *Skippon's Travels, Churchill's Voyages*, vi. 733; see *infra* 71.

a manifest crime, they came to this resolution, that as by the Roman law every thing was made capital that was *contra salutem populi Romani*, so the delivering up such papers was a capital crime. This threatening saved Howard; but yet Wicquefort was kept long in prison, and ruined by it. He had a sort of a character from one | of the princes of Germany, upon which he insisted. But the States thought that his coming into their service was the throwing up of that character. Upon this occasion Carstares, mentioned in the year [16]72, was sent over from Holland to England[1]: and he was seized on with a paper of instructions, that were drawn so darkly, that no wonder if they gave a jealousy of some ill designs then on foot. The prince said, when asked about it, that it was only meant for a direction for carrying on the levies of some regiments that the king had allowed the Dutch to make in Scotland, which the king did the better to excuse his letting so many continue in the French service. Howsoever, mention being made of money to be paid, and of men to be raised, and a compliment being ordered to be made to duke Hamilton, this looked suspicious. Howard had confessed all he knew upon promise of pardon: so that and this laid together gave the court some apprehensions. Duke Lauderdale made use of it to heighten the king's ill opinion of the party against him: and because lieutenant-general Drummond was of all the military men he that had the best capacity and the greatest reputation, he moved that he might be secured. The method he took in doing it shewed that he neither suspected him nor regarded the law. The ancient method was to require men to render themselves prisoners by such a day. This was a snare to many, who, though innocent, yet, hating restraint, went out of the way, and were proceeded against in an outlawry. So an act of parliament was made, condemning that method for the future; yet duke Lauderdale resolved to follow it, and Drummond, knowing his innocence, rendered himself as required, where

CHAP. V.

MS. 189.

Sept. 29, 1674.

[1] *scil.* William Carstares. See vol. i. 604, and *infra*, 422 and f. 636.

CHAP. V. he was kept a year in a very cold and inconvenient prison, at Dumbarton, on the top of a high rock [1]. This, coming after a whole life of loyalty and zeal, was thought a very extraordinary reward to such high pretensions.

376 One thing on this occasion may be fit to be told. Lord Kincardine had served duke Lauderdale faithfully, even longer than he could well do with a good conscience: for he had stuck to him, and was left by him with the king, when he went to Scotland. The king knew well with how much zeal he had supported his interests, and excused his faults. When duke Lauderdale was hotly pushed at, he then promised to all his friends that he would avoid all former errors if he got out of his trouble: and that made lord Kincardine so earnest to serve him. But when he saw into how much fury he was running, he tried to have persuaded him to more temper; but found it was in vain. Then he confessed to me that I had judged truer than he had done; for I believed he would grow worse than ever. When lord Kincardine found he could not hinder things in private, he opposed them at council: and so they broke with him [2]. He came up to justify himself to the king, who minded those matters very little; but he thought it necessary to give full scope to all duke Lauderdale's motions, who had told the king there was a spirit of rebellion run through all sorts of people, and that was to be subdued by acts of power, though perhaps neither legal nor just: and when that evil spirit was once broken, then it would be fit to return to more legal and moderate councils. So lord Kincardine found there was no arguing with the king upon particulars: therefore he begged leave to stay some time at court, that he might not be obliged to oppose that which the king was made believe his service required. The king consented to this, and upon all occasions used him very well. Duke Lauderdale could not bear this, and

[1] He was in prison for eighteen months. In May, 1678, he will be found remonstrating boldly with the king in person. *Lauderdale Papers*, iii. 151.

[2] Kincardine's last letter to Lauderdale is dated July, 1674.

pressed the king often to command him home; which he refused to do. Once he urged it with much vehemence, and the king answered as positively, that he saw no reason for it, and he would not do it. Upon this he came home as in a fit of distraction, and was gathering together all his commissions to deliver them up to the king. Upon that the marquis of Athol, who was then in high favour with him, went to the king, and told him that he had sent duke Lauderdale home half dead and half mad; and begged the king to take pity on him. So the king sent a message to lord Kincardine, ordering him to go home. This lord Athol himself told me afterwards. CHAP. V.

[a] Towards the end of summer the battle of Seneffe was fought[1]: in the beginning of which the French had a great advantage, but the prince of Condé pushed it too far: and the prince of Orange engaged the whole army with so much bravery, that it appeared that the Dutch army was now brought to another state than he had found it in. He charged himself in many places, with too great a neglect of his person, considering how much depended upon it. He once was engaged among a body of the French, thinking 377 they were his own men, and bid them charge: they told him they had no more powder: he, perceiving they were none of his men, with great presence of mind got out of their hands, and brought up a body of his army to charge them, who quickly routed them. The action in the afternoon recovered the loss that was made in the morning; and possessed all the world, the prince of Condé in particular, with a great esteem of the prince's conduct and courage. I will say little of foreign affairs, because there Aug. 11, 1674.

[a] This section was wrongly written at f. 178, and is marked for insertion here.

[1] This battle lasted three days: it is stated that no fewer than 25,000 men were left on the field. An account by Lord Clare, who was present, will be found in the *H. M. C. Rep.* vi. 727. It contains the detail of the prince's escape from the French troops. See also *Original Letters written to the Earl of Arlington by Sir Richard Bulstrode*, 8vo. 1712, 85.

CHAP. V. are many copious accounts of them in print, and I can add little to them. With relation to the battle of Seneffe, the prince himself told me that the day before he saw a capuchin that came over from the French army, and had a long conversation with Zouch, the emperor's general[1], who behaved himself so ill on the day of battle, that the prince said to his son at night, that his father had acted so basely, that if it had not been for the respect he bore the emperor he would have shot him in the head. He was disgraced on this; but the success of the campaign was lost by it. They had a noble army, and might have done much more than they did[2]. Grave was retaken in the end of the campaign[3]. So the provinces were now safe on that side; and the prince had gained so much credit with the States, that he was now more than ever the master of their counsels.

The alarm that those discoveries from Holland gave our court[4], made lord Arlington offer at one trial more for recovering the king's confidence. He offered to go over to
Nov. 1674. Holland with the earl of Ossory[5], for they fancied they had a great interest in the prince, by their having married

[1] 'He hath a very good opinion of his own troops, and a very great one of the Germans; believes, if the Count de Souches had pleased, the Prince of Condé had certainly been beaten at Seneffe.' Temple to Arlington, Nov. 13, 1674. See also Temple, *Works*, iv. 60.

[2] The evils of divided command are thus expressed in Lord Clare's report: 'The Prence hath a hard tugge for it. What one general promises over night he forgetts it in the morning, and the other is not willing that any great action should be don by another in this countrie, though he knows not how to doe it: and the under generalls which manages all the affaire according to thire severall factions and abilities are such a [?] of people as thire actions hitherto have shewed, and I fear will shew.'

[3] Dinant and Huy, on the Meuse, had also been taken.

[4] *Supra* 64.

[5] This corresponds with the very interesting account given by Temple of the embassy (*Works*, ii. 288–294, and iv. 29–460), though in the belief of others his mission was suggested by James and Danby, who wanted him out of the way. *Essex Papers*, i. 236. William, by Temple's account, took his measure then. Upon his marriage, cf. vol. i. 181, note. Arlington practically disappears now from those who had any influence upon politics. See the *Lindsay MSS.*, 387.

two of Beverweert's daughters, and the prince had always a particular affection to lord Ossory. Lord Arlington said he would go to the bottom of every thing with the prince, and did not doubt but he would bring him into an entire dependence on his uncle, and particularly dispose him to a general peace; on which the king was much set, it being earnestly desired by the French [1]. It was likewise believed that he had leave to give the prince the hope of marrying her whom he afterwards married [2]. The duke told me he

[1] William Harbord thus describes the state of France at this time: 'Those that come later from France say that the scarcity of men there is incredible; that the people refuse to take the base money lately coyned, and that there is a general discontent among them all'; Dec. 12, 1674. *Essex Papers*, i. 273; cf. Temple, *Works*, ii. 295. But see also the brilliant account by a very capable observer in 1677 in John Brisbane's letter to Danby, *Lindsay MSS.*, 388, and *Danby's Letters*, 317.

[2] Compare Ralph, i. 264. In Carte's *Life of the Duke of Ormond*, iv. 495 (Clar. Press), a letter from his son, the Earl of Ossory, to his father on this subject is inserted, of which the following is a part: 'The king told me his nephew and his niece's marriage was the only thing capable of helping the duke (of York), and that for that, as well as other reasons, he had spoke to the duke of it, who consented that upon the Prince of Orange's desiring it, I should undertake the proposition would be accepted. This commission I had from both, and upon its being moved to me by the Prince of Orange, I declared to him so much, and shewed him the account I gave of it to the duke; from which letter, by my making a comma instead of a full stop, the critics would infer that I had made the offer first. Upon this the duke expressed all the anger imaginable; but the prince's letter by me fully justified the contrary. The duke will have the whole letter to be a civil denial; to which I have nothing to say, but that I am sure the prince thought it otherwise; for I shewed it to him, who approved thereof. During our absence the king's mind hath been wrought upon in this affair so much, as I believe those who wish not a good understanding between him and his nephew, will have their aim. I almost forgot to tell you, that the duke before our going said, he would not have his daughter marry before a peace were made. But this the king opposed, believing that when we had nothing to say on that account, it would give a jealousy, that other ends were sought under this negotiation, which he would not have any ways clogged. The duke's expostulation was mingled with much kindness, but avowing that he liked not the thing from the first, and accusing me of too much haste. His carriage since to me is very fair and open. I find the Duke of Monmouth much of the same mind, there being besides crossness of interests, some private piques between the prince and him.' R.

CHAP. V. MS. 190. knew nothing of | the matter: he had heard lord Arlington had talked as if the managing that was his chief errand; and upon that he had asked the king, who assured him that he had a positive order not so much as to speak of that matter. Yet, whether notwithstanding this he had a secret order, or whether he did it without order, he certainly talked a great deal of it to the prince, as a thing which he might depend on, if he would in all other things be governed
378 by the king[1]. Sir William Temple had been sent over the summer before[2], as ambassador: and his chief instructions were to dispose all people's minds, chiefly the prince's, to a peace. But the prince had avoided the seeing him till the end of the campaign. Lord Arlington had thrown him off when he went into the French interest, and he was too proud to bear contempt or forget such an injury soon. He was a vain man, much blown up in his own conceit, which he shewed too indecently on all occasions. He had a true judgment in affairs, and very good principles with relation to government; but good in nothing else: for he was an Epicurean both in principle and practice. He seemed to think that things were as they are from all eternity: at least he thought religion was only for the mob[3]. He was a great admirer of the sect of Confucius in China, who were atheists themselves but left religion to the rabble. He was a corrupter of all that came near him, and he delivered himself up wholly to study ease and pleasure[4].

[1] Temple states that nothing was said on this point except by Ossory. *Works*, ii. 295.

[2] He remained there until Feb. $167\frac{8}{9}$.

[3] A word of dignity for an historian. S.

[4] The author should have done more justice to the character of this truly great man; one of the ablest, most sincere, generous, and virtuous ministers, that any age has produced; and who will always be deemed one of the honours of this nation, as a statesman, a writer, and as a lover and example of the finest sorts of learning. They who knew Sir William Temple best, have had a disdain at the misrepresentation here of his principles with regard to religion; his whole life was a continued course of probity, disinterestedness, and every other amiable virtue with every elegancy of it. Great in business, and happy out of it. See, and contemplate his writings; but pass gently over his few errors. O. Cf. *infra* 209, note.

He entered into a close friendship with lord Danby, who was much depended on, and directed in all his notions as to foreign affairs, by him; for no man ever came into the ministry that understood the affairs of Europe so little as he did. CHAP. V.

I will henceforth leave the account of our affairs beyond sea wholly to Temple's letters[1], in which they are very truly and fully set forth: and in them it appears that the prince of Orange, even while so young, and so little practised in affairs, had so clear and so just a view of them, that nothing could misguide him, and that the bad prospect he had from the ill condition of affairs did not frighten him to accept of any mean or base conditions of peace. His fidelity to his country and the public interest was so firm, that no private considerations of his own could bias him, or indeed be much considered by him. These letters give him a character which is so sublime, as well as so genuine, that it raises him much above all the performances of rhetoric or panegyrics; and therefore I will mention very little that is to be found in them. Holland was in great expectation when they saw two such men as the earls of Ossory[2] and Arlington come over, together with the earl of Danby's eldest son, though he only made the shew a little greater. Lord Arlington for some days insisted vehemently on the prince his dismissing Du Moulin, who had discovered the secrets of his office to him. In this the prince complied, and Du Moulin was sent to one of their plantations. As to all other things, lord Arlington talked to him in the strain of a governor; and seemed to presume too much on his youth, and on his want of experience; but instead of prevailing on the prince, he lost him so entirely that all his endeavours afterwards could never

Nov. 1674.

[1] *Letters written by Sir W. Temple, Bart., and other ministers of State both at home and abroad*, 1700, 2 vols. 8vo, published by Swift. They are included in his *Works*, 1770.

[2] Ossory, 'the joye of the Court, City, and Country' (*Letters to Sir J. Williamson*, ii. 25), is not mentioned again. He died July 30, 1680. Danby's eldest son was Viscount Latimer.

CHAP. V. beget any confidence in him[1]. So he came back, and reckoned this was his last essay, which succeeding so ill, he ever after that withdrew from all business. He made himself easy to the king, who continued to be still very kind to him.

1675. At Easter a piece of private news came from France, which the duke was much delighted with, because it did an 379 honour to the order of the Jesuits, to whom he had devoted himself. The new confessor had so pressed the king of France in Lent to send away his mistress Montespan, that he prevailed at last[2]. She was sent to a nunnery; and so the king received the sacrament, as was said, in a state of contrition. This was writ to the duke, and set out in so many circumstances, as the French usually do every thing that relates to their king, that he was much pleased with it. He told me that[a] he had related it with all its circumstances to the king in the duchess of Portsmouth's hearing; and said they both heard it with great uneasiness, and were much out of countenance at it. The duke himself was then in the best temper I had ever known him in. He was reading Nurembergius[3] of the difference

[a] The word *that* has been crossed out apparently by mistake.

[1] Temple gives the account of Arlington's discomfiture with evident relish. *Works*, ii. 295. 'Never any strain of court skill and contrivance succeeded so unfortunately as this had done, and so contrary to all the ends the author of it proposed to himself. Instead of advancing the peace, he left it desperate; instead of establishing a confidence between the King and the Prince, he left an unkindness that lasted for ever; instead of retrieving his own credit at Court . . . he made an end of all he had left with the King, who never after used him with any confidence further than the forms of his place.'

[2] See the very interesting notices of her in *Letters of Charlotte Elisabeth*, e. g. 'She had lovely fair hair, and beautiful hands and arms, which she did not always keep clean. La Vallière was scrupulously clean.'

[3] Noribergius oder Norimbergius (Ernst Gottfried), ein Rechtsgelehrter im 17. Jahrhundert, schrieb: (1) Jus Consistorium in ecclesiis Aug. Confess., Erfurt, 1631; (2) De praescriptione Imperii, ebend. 1630; (3) De Jure Consiliariorum, Jena, 1658, in 4. Königl. Biblioth. vetus et nova. Zedler, *Universal-Lexicon*.

of things temporal and things eternal, and we had much good discourse on that subject. Lord Arlington was so much in his mind, that he once said to me, if lord Arlington would | read that book he would not meddle in so many affairs as he did. I saw he was very jealous of him, and of his interest in the king. Thus I have given a full account of my acquaintance with the duke. MS. 191.

I lost his favour soon after this. For in April 1675 a session of parliament was held[1], as preparatory to one that was designed next winter, in which money was to be asked: but none was now asked, it being only called to heal all breaches, and to beget a good understanding between the king and his people. The house of commons fell upon duke Lauderdale[2], and those that knew what had passed between him and me[3], moved that I should be examined before a committee. I was brought before them. I told them how I had been commanded out of April 13, 1675. April 21, 1675.

[1] This was the occasion on which Marvell's witty mock king's speech was distributed among the members (*Works*, ii. 431, Grosart). Parliament had been prorogued from Feb. 167$\frac{3}{4}$ to Nov. 10, 1674 (*supra* 49). The king's intention, formed in Sept. 1674, to prorogue again to the spring had been carefully concealed even from Danby, and, when communicated in September, caused the utmost consternation in the Council. *Essex Papers*, i. 259. Parliament now sat, at Danby's insistance, in spite of the efforts of Louis XIV, who wrote an autograph letter to dissuade Charles from this course. Ranke, iv. 7. But Charles promised that it should be dissolved if it attacked his ministers or prerogative, or attempted to interfere with the succession. Louis furnished Ruvigny with 100,000 livres for bribery of members, and with a special additional allowance of 1,000 crowns a month for table expenses. Mignet, *Négociations, &c.*, iv. 330–335.

[2] The king sent for Sir Thomas Meres, and told him he heard they intended to impeach Lord Danby, which he said would be very prejudicial to his affairs. Sir Thomas said, the only expedient he knew was to impeach somebody else, which would spend their fury, and waste their time. The king said, that was right, but who should it be? Sir Thomas said, Duke Lauderdale was very odious; would there be any harm in falling upon him? The king answered, that will do: upon which, as he told me, he impeached him with great applause. D. This note of Lord Dartmouth was accidentally omitted by the Bishop of Oxford in his transcript. Sir Thomas Meres was one of the leaders of the opposition to the court [*supra* 16, note]. See *infra* 235, 311. R.

[3] See *supra* 26, 60; Marvell, *An Historical Poem*, lines 110–125.

CHAP. V. town, but though that was illegal, yet, since it had been let fall, it was not insisted on. I was next examined concerning his design of arming the Irish papists. I said I, as well as others, had heard him say he wished the presbyterians in Scotland would rebel, that he might bring over the Irish papists to cut their throats. I was next examined concerning the design of bringing a Scottish army into England. I desired to be excused, as to what had passed in private discourse, which I thought I was not bound to answer to, unless it were high treason. They pressed me long, and I would give them no other answer: so they all concluded that I knew great matters, and reported this specially to the house. Upon that I was
April 23, 1675. sent for, and brought before the house. I stood upon it, as I had done at the committee, that I was not bound to answer; that nothing had passed that was high treason, and as to all other things I did not think my self bound to discover them. I said further, I knew duke Lauderdale was apt to say things in a heat which he did not intend to
380 do[1]; and since he had used me so severely, I thought my self the more obliged not to say any thing that looked like revenge for what I had met with from him. I was brought four times to the bar: at last I was told the house thought they had a right to examine into every thing that concerned the safety of the nation, as well as into matters of treason: and they looked on me as bound to satisfy them: otherwise they would make me feel the weight of their heavy displeasure, as one that concealed what they thought was necessary to be known. Upon this I yielded[a], and gave an account of the discourse formerly mentioned[2]. They laid great weight on this[3], and renewed their address against duke Lauderdale.

[a] *between fear and persuasion,* struck out.

[1] See Marvell's account, April 24, 1675 (*Works*, ii. 440); *Ralph*, i. 275; *supra* 26, 60; *Parl. Hist.* iv. 685; *Commons Journals*, April 23, 1675.

[2] Treacherous villain. S.

[3] They made no use of it; and

I was much blamed for what I had done. Some, to make it look the worse, added that I had been his chaplain, which was false; and that I had been much obliged by him, though I had never received any real obligation from him, but had done him great services, for which I had been very unworthily requited by him. Yet the thing had an ill appearance, as the disclosing of what had passed in confidence; though I make it a great question, how far even that ought to bind a man when the designs are very wicked, and the person continued still in the same post and capacity of executing them. I have told the matter as it was, and must leave my self to the censure of the reader. My love to my country, and my private friendships, carried me perhaps too far; especially since I had declared much against clergymen's meddling in secular affairs, and yet had run my self so deep in them. The truth is, I had been for above a year in a perpetual agitation, and was not calm nor cool enough to reflect on my conduct, as I ought to have done. I had lost much of a spirit of devotion and recollection, and so it was no wonder if I committed great errors. CHAP. V.

This broke me quite with the court, and in that respect proved a great blessing to me. It brought me out of many temptations, the greatest of all being the kindness that was growing upon me to the duke, which might have involved me into great difficulties, as it did expose me to much censure; all which went off upon this occasion. And I applied my self to my studies and my function, being then settled preacher at the Rolls, and soon after lecturer at St. Clement's. | I lived many years under the MS. 192. protection of sir Harbottle Grimston, Master of the Rolls, who continued steady in his favour to me, though the king sent secretary Williamson to desire him to dismiss me. He said he was an old man, fitting himself for another world, and he found my ministry useful to him; so he

the majority of the house did not seem to like its coming from him. See *Commons Journals*, April 5.—May 6, 1675. O.

CHAP. V. prayed that he might be excused in that. He was a long and very kind patron to me. I continued ten year in that post, free from all necessities: and, I thank God, that was all I desired. But since I was so long happy in so quiet a retreat, it seems but a just piece of gratitude, that I should give some account of that venerable old man.

He was descended from a long-lived family; for his great grandfather lived till he was 98, his grandfather to
381 86, and his father to 78, and himself to 82. He had to the last a great soundness both of health, of memory, and of judgment. He was bred to the study of the law, being a younger brother: upon his elder brother's death he threw it up, but falling in love with judge Croke's[1] daughter, the father would not bestow her on him, unless he would return to his studies, which he did with great success. That judge was one of those who delivered his judgment in the chequer-chamber against the ship-money, with a long and learned argument; and sir Harbottle's father, who served in parliament for Essex, lay long in prison because he would not pay the loan-money. Thus both his own family and his wife's were zealous for the interests of their country. In the beginning of the Long parliament he was a great assertor of liberty, and inveighed severely against all that had been concerned in the former illegal oppressions. His principle was, that allegiance and protection were mutual obligations, and that the one went for the other. He thought the law was the measure of both, and that when a legal protection was denied to one that paid a legal allegiance, the subject had a right to defend himself. He was much troubled when preachers asserted a divine right of regal government: he thought it had no other effect but to give an ill impression of such aspiring men: nobody was convinced by it: it inclined their hearers rather to suspect all they said besides. It looked like the sacrificing their country to their own preferment, and an encouraging of princes to turn tyrants.

[1] *supra* 33. See Gardiner's *Hist. of Eng.* ix. 100.

Yet when the Long parliament engaged into the league with Scotland, he would not swear the covenant, and he discontinued sitting in the house till it was laid aside. Then he came back, and joined with Holles and the other presbyterians in a high opposition to the independents, and to Cromwell in particular, as was told in the first book. He was one of the secluded members that was forced out of the house. He followed afterwards the practice of the law, but was always looked at as one that wished well to the ancient government of England. So he was chosen speaker of that house that called home the king; and had so great a merit in that whole affair, that he was soon after, without any application of his own, made Master of the Rolls: in which he continued to his death with a high reputation, as he well deserved it. For he was a just judge; very slow, and ready to hear every thing that was offered, without passion or partiality. I thought his only fault was that he was too rich; and yet he gave yearly great sums in charity, discharging many prisoners by paying their debts. He was a very pious and devout man, and spent every day at least an hour in the morning, and as much at night, in prayer and meditation; and even in winter, when he was obliged to be very early on the bench, he took care to rise so soon that he had always the command of that time that he gave to the best exercises[a]. He was much sharpened against popery, but had always 382
a tenderness to the dissenters[1], though he himself continued still in the communion of the church. His second wife, whom I knew, was niece to the great sir Francis Bacon[2], and was the last heir of that family. She had all the high notions for the church and the crown in which she had been bred, but was the humblest, the devoutest, and best tempered person I ever knew of that sort. It was really

CHAP. V.

[a] *He loved the Puritans and their books of devotion*, struck out.

[1] Burnet's test of all virtues. S.

[2] Daughter of Sir Nathaniel Bacon and widow of Sir Thomas Meantys.

CHAP. V. a pleasure to hear her talk of religion: she did it with so much elevation and force. She was always very plain in her clothes, and went oft to jails, to consider the wants of the prisoners, and relieve or discharge them; and by the meanness of her dress she passed but for a servant, trusted with the charities of others. When she was travelling in the country, as she drew near a village, she often ordered her coach to stay behind till she had walked about it, giving orders for the instruction of the children, and leaving liberally for that end. With two such persons I spent
April 13. several of my years very happily. But I do now return to the session of parliament[1].

MS. 193. | In the house of commons the business against duke Lauderdale was taken up warmly at three several times, and three several addresses were made to the king against
May 7, 1675. him. The king's answer was, that he would protect no man against law and justice, but would condemn none
April 26 to May 3. without special matter well made out[2]. There was no money offered: so addresses were feeble things. The next attempt was against the earl of Danby, who had begun to invert the usual methods of the exchequer: but the majority were for him, so that charge came to nothing[3]; only those who begun it formed a party against him, that grew in conclusion to be too hard for him. He took a different method from those who were in the ministry

[1] Lord Treasurer Oxford told me, his father, Sir Edward Harley, was very intimately acquainted with the Master of the Rolls; and when the bill of exclusion was depending, had communicated a secret of very great importance to him. which he trusted to Burnet, and by that means was soon known at court. Sir Harbottle knew he had spoke of it to nobody else, and charged Burnet with having revealed it. He began to make some very awkward excuses; which the Master stopt, by telling him, that he himself was most to be blamed, for having mentioned it to any body. D.

[2] There is nothing like this in the king's clever answer (*Commons Journals*, *Parl. Hist.* iv. 699), nor in Marvell's account, May 8, 1675.

[3] See the debate of April 26, *Parl. Hist.* iv. 692, especially the speeches of Powle and Garroway, and the articles of impeachment, 693. On May 3, after witnesses had been heard, the impeachment dropped, apparently through want of evidence, though Marvell naturally says 'by great bribing,' July 24, 1675.

before him. They had taken off the great and leading men: and so they left the herd as a despised company, who could do nothing because they had none to head them. But lord Danby reckoned that the major number was the surer game: so he neglected the great men, who he thought raised their price too high, and reckoned that he could gain ten ordinary men cheaper than one of these[1]. This might have succeeded with him, if they that did lead his party had been wise and skilful men; but he seemed to be jealous of all such, as if they might gain too much credit with the king. The chief men that he made use of were of so low a size that they were baffled in every debate; so that many who were inclined enough to vote in all obedience yet were ashamed to be in their votes on the side that was manifestly run down in the debate.

The ablest man of his party was Seymour[2], that was the first Speaker of that house that [a] was not bred to [a] the law. He was a man of great birth, being the elder branch of the Seymour family, and was a graceful man, bold and

[a] struck out, and the following words substituted: *that had no knowledge of*

[1] Temple mentions Clifford as the first systematic briber. 'A practice introduced by my Lord Clifford, of down right buying off one man after another, as they could make the bargain.' *Works*, ii. 429. The *Seasonable Argument* mentions 214 members of the 'Pensionary' Parliament who had obvious reasons for supporting the Government. But, besides Danby, Ruvigny bribed in the interests of France: Van Beuninghen and Ronquillo, the Dutch and Spanish ambassadors, in those of the coalition against Louis. Ranke, iv. 14. See *List of one Unanimous Club of Voters, in His Majesties Long Parliament, dissolved in* 78. *Very fit to be thought on at the next New Choice.*

[2] Edward Seymour, fourth baronet of Berry Pomeroy, born 1633; sat for Gloucester in the Pensionary Parliament; joined the court party in 1667, vol. i. 456-486; elected Speaker Feb. 15, 167$\frac{3}{4}$, on the resignation of Sir John Charlton. He was 'of that gang that routed the Lord Chancellor Hyde,' and first moved the impeachment. North's *Life of Lord Keeper Guilford*, 349, ed. 1890. See *infra* 207. He was afterwards Treasurer of the Navy, and was impeached in 1680 for corruption and maladministration. *Infra* 262; *Parl. Hist.* iv. 1221, 1250. He played a prominent part at the Revolution and in the reigns of William III and Anne; and died in 1708.

CHAP. V. 383 quick, but was the most immoral and impious man of the age. He had a sort of a pride so peculiar to himself that I never saw any thing like it. He had neither shame nor decency with it[1]. And in all private as well as in public dealings he was the unjustest and blackest man that has lived in our time. He was violent against the court, till he forced himself into good posts. He was the most assuming speaker that ever sate in the chair. He knew the house and every man in it so well, that by looking about he could tell the fate of any question. So if any thing was put when the court party were not well gathered together, he would have held the house from doing any thing, by a wilful mistaking or mistating the question, so that he gave time to those who were appointed for that mercenary work, to go about and gather in all their party. And he would discern when they had got the majority, and then he would very fairly state the question, when he saw he was sure to carry it.

A great many of the court grew to be so uneasy, especially when they saw the king was under the influence of French and popish counsels, that they were glad to be out of the way at critical times. On some occasions they would venture to vote against the court: of which the memorable answer of [John] Harvey's, that was treasurer to the queen, was a noted[a] instance. He was one whom the king loved personally, and yet upon a great occasion he voted against that which he desired. So the king chid him severely for it. Next day another important question falling in, he voted as the king would have him. So the king took notice of it at night, and said, You were not against me

[a] substituted for *famous*.

[1] When he was Speaker, his coach broke at Charing Cross, and he ordered the beadles to stop the next gentleman's they met, and bring it to him. The gentleman in it was much surprised to be turned out of his own coach, but Sir Edward told him it was more proper for him to walk in the streets, than the Speaker of the House of Commons; and left him so to do, without any further apology. D.

today. He answered, No, sir, I was against my conscience today. This was so gravely delivered, that the king seemed pleased with it, and it was much talked of. While things went thus in the house of commons, there was the greatest and longest debate in the house of lords that has been in all my time. They sat upon it often till midnight. CHAP. V. April and May, 1675.

It was about the test that lord Danby had contrived, as was formerly mentioned [1]. Lord Danby and lord Finch [2] and some of the bishops, were the chief arguers for it. They said, it was necessary that a method should be found out to discriminate the good subjects from the bad: we had been lately involved in a long civil war, occasioned by the ill principles that some had taken up with relation to government: it was fit to prevent the return of such miseries. The king had granted a very full indemnity, and had observed it religiously: but there was no reason, while so much of the old leaven still remained, to leave the nation exposed to men of such principles. It was not fit to make a parliament perpetual: yet that was a less evil than to run the hazard of a bad election, especially when jealousies and fears had been blowed about the nation. A good constitution was to be preserved by all prudent methods: no man was to be pressed to take this test, but as they who were not willing to come into such an engagement, ought to have the modesty to be contented with the favour and connivance of the government, so if that did not teach them good manners, it might be fit to 384
use severer tools. To all this great opposition was made [3].

[1] The 'Non-Resisting' Test. Cf. *supra* 62. 'The Treasurer, Lauderdale, and I should have said the Duke of York had, as they generally have, the great stroke in our counsel. . . . Lauderdale therefore, and the Treasurer Coke, voted so obnoxious to the Parliament . . . that they were forced to make a most strict league with the Bishops and the whole old cavalier party, in order to their own security and the king's busyness, and for the Duke of York. They persuaded him, that, in an act for taking the Popish test, he should by exempted by particular proviso.' Marvell to Ramsden, July 24, 1675.

[2] Upon Finch, see i. 402; *supra* 42.

[3] 'It grew therefore to the greatest contest that has perhaps ever been in Parliament, wherein those Lords

CHAP. V. It was plain the duke did not like it, but the king was so set on it that he did not declare himself against it. But
MS. 194. all | the papists were against it: they thought the bringing any test in practice would certainly bring on one that would turn them out of the house. The lords of Shaftesbury, Buckingham, Holles, Halifax, and all those that were thought the country party [1], opposed this mightily. They thought there ought to be no tests beyond the oath of allegiance upon the electors to parliament: that being the great privilege of Englishmen, that they were not to be taxed but by their representatives; it was therefore thought a disinheriting men of the main part of their birthright, to do any thing that should shut them out from their votes in electing [2]. All tests on public assemblies were thought dangerous, and contrary to public liberty: for if a parliament thought any law inconvenient for the good of the whole, they must be supposed still free to alter it, and so no previous limitation could bind up their legislature [3]. A great deal was said, to shew that the peace of the world was best secured by good laws and good government; and that oaths or tests were no security. The scrupulous might be fettered by them, yet the bulk of the world would boldly take any test, and as boldly break through it; of which the late times had given large proofs. The matter of this test was very doubtful. For though, generally speaking, the king's person and his power were not to be distinguished, yet that was not universally true. An infant king or a lunatic were exceptions: as also a king in his enemies' hands, which was the case of Henry VI., for

that were against this oath . . . stood up now for the English liberties with the same genius, virtue, and courage, that their noble ancestors had formerly defended the Great Charter of England,' &c. Marvell, *Popery and Arbitrary Power*, 309. The whole of Marvell's account should be read.

[1] The terms 'Court' and 'Country' Parties were at least as old as 1667. Marvell, *Last Instructions*, 107; see Reresby's *Memoirs*, 90; vol. i. 489.

[2] 'Never was so much sense conveyed in so few words. No conveyancer could ever in more compendious or binding terms have drawn a dissettlement of the whole birthright of England.' Marvell, *Popery and Arbitrary Power*, 308.

[3] Wrong arguing. S.

whose power his own party fought even against his person. So an exception was to be understood; otherwise the proposition that affirmed it was a traitorous position to separate them, was not true. Nor could it be reasonable to bind up men against alterations: every new law was an alteration: it was not easy to define how far the power of making alterations might go, and where it must stop. Those things were best left at large: so upon the whole matter, as they were against any parliamentary tests, so they were more particularly against this. Lord Shaftesbury distinguished himself more in this session than ever he had done before. He spoke once a whole hour, to shew the inconvenience of condemning all resistance upon any pretence whatsoever[1]. He said it might be proper to lay such ties upon those who served in the militia, and in corporations, because there was still a superior power in the parliament to declare the extent of the oath. But it might be of very ill consequence to lay it on a parliament: since there might be cases, though far out of view, so that it was hard to suppose them, in which he believed no man would say it was not lawful to resist. If a king would make us a province, and tributary 385
to France, and subdue the nation by a French army to the French or the papal authority, must we be bound in that case tamely to submit? Upon which he said many things that did cut to the quick: and yet, though his words were watched, so that it was resolved to have sent him to the Tower if any one word had fallen from him that had made him liable to such a censure, he spoke both with so much boldness and so much caution, that, though he provoked

[1] 'What,' said Shaftesbury, 'is the business of Parliament, but to make alterations, either by adding or taking away some part of the government in Church or State?' Christie, *Life of the First Earl of Shaftesbury*, ii. App. vi. 1, where the heads of Shaftesbury's remarkable speech are given in full. Buckingham took the bishops as the special object of his wit. 'Never were poor men exposed and abused all the session, as the bishops were by the Duke of Buckingham, upon the test; never the like, nor so infinitely pleasant; and no men were ever grown so odiously ridiculous.' Marvell to Ramsden, July 24, 1675; see also *Letter from a Person of Quality to his Friend in the Country.*

CHAP. V. the court extremely, no advantage could be taken against him. The court carried every question in favour of the
April 21–May 6. test, though with great opposition, and a protestation made upon every step that was carried [1]. So that the bill was in a fair way to have passed, and very probably it would have passed in the house of commons, when, by an unlooked-for emergent, the session was broke [2].

Ever since the end of king James I.'s reign, petitions of appeal were brought to the house of lords from decrees in chancery. This rose from a parity of reason, because writs of error lay from the courts of law to the house of lords: and since the business of the chancery grew to be so extended and comprehensive, it was not thought safe to leave it all to the lord chancellor's conscience. So this practice, though so lately begun, grew on by degrees to be the main business of the house of lords. And now
May 5. a petition of appeal was brought against a member of the house of commons. The lords received it, and made an order upon it. The member being served with it, brought it into the house of commons: and they voted it a breach of privilege, for the lords to meddle with one of their house. The lords, on the other hand, said, they were bound to do justice to all, and no privilege could lie against that: and since they never sate but when the commons sate likewise, if a privilege from that house could stop their proceedings there must be a failure of justice: and since

[1] The debate lasted seventeen days, from April 21 to May 6. See *Lords Journals* for the protestations and Foxcroft's *Halifax*, 119–121.

[2] Dr. Shirley appealed to the Lords in May from the Court of Chancery in his suit against Sir John Fagg, a member of the House of Commons. The matter thus became one of privilege. See Hallam, *Hist. of England* (sm. ed.), iii. 24–27. A similar dispute had led to a similar result when Skinner laid his case against the East India Company before the Privy Council, who in turn laid it before the Lords, when heavy damages were given. This latter case began Jan. 2, $166\frac{5}{6}$, and lasted for three years, when the entries in the MS. Journal of the House of Lords were expunged by order of the House, but have since been deciphered. *H. M. C. Rep.* viii. 107 and note; Marvell, May 9, 1668, *Correspondence* (Grosart), 255; *Parl. Hist.* iv. 422, 431, *Commons Journals.*

no privilege was ever pretended in the case of a writ of error, it could not lie against an appeal[1]. So they resolved to proceed in the cause. The commons passed a vote against any lawyers that should plead at the lords' bar in this cause: but the lords commanded the counsel to go on; with which they complied. And as they went from the lords' bar, they were by an order from the house of commons sent to the Tower; but they were by another order from the lords set at liberty. So the two | houses being MS. 195. as it were at war, it was necessary to put an end to the sessions[2].

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This was very uneasy to the court: for they say it was a very sure method [a] to break a session of parliament at every time that it was taken up. I am not sure, if this was laid [b], or if it happened by accident. Lord Shaftesbury said it was laid by himself; but others assured me it happened in course, though it produced great effects: for there was never a strength in the court to raise this debate of the Test in any subsequent session. And as this made the court apprehend they might by the prosecution of the same 386 appeal lose the next session, since a prorogation did only discontinue parliamentary proceedings, but not judiciary

[a] substituted for *ready thing*. [b] originally *a laid thing*.

[1] See the summary of Shaftesbury's speech of Oct. 20, a brilliant defence of aristocratic rights, in Ranke, iv. 62, whose remarks upon Shaftesbury's point of view are very valuable. The speech is given *in extenso* in the *Somers Tracts*, viii. 43. Reresby, a courtier, declares that 'the country party had great reason' in the debate, though he was careful how he voted. *Memoirs* (ed. Cartwright), 95, 107. Roger North, in his *Autobiography*, says: 'Those against the government were mad, and those for it generally false.'

[2] Parliament was prorogued from June 9, 1675, to October 13. On June 20 William Godolphin wrote to Arlington from Madrid: 'I am not able to express how much his Majesty's honour and interests abroad are weakened by some proceedings of our Parliament at home, which they here reckon upon as the French in ancient times were wont to do in the Scots incursions into England, as a certain division. The late addresses for recalling his Majesty's troops out of France, I think, will destroy the credit of our alliance with all Princes, and make them seek it less.' *Spanish Negotiations*, ii. 238.

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ones, so they feared this might go so far as to force a dissolution of the present parliament: to which the court would be very hardly brought, after they had practised so long upon the members, and knew them all so well [1].

In this session, on a day that grievances were to be gone upon, Grimston said, that considering the extent of privilege, he looked on a standing parliament as the greatest grievance of the nation; so many men being exempted from justice, and from the demands of their creditors, for so long and so indefinite a time. This fell at that time; but it was not forgot [2], and it was likely to be taken up, when new opportunities should be offered. The summer went over without any considerable accidents at home.

Oct. 13, 1675.

A new session met next winter; and at the first opening it, the king laid before the commons the great difficulties he was in by the anticipations of his revenue [3]. It was then generally thought, that the king was in such straits, that if money could not be obtained, he would turn to other counsels and to other ministers. The debate went high in the committee of the whole house. It was offered on the one side to shew that the king had not enough in his hands to maintain the government and to secure the nation: though our neutrality at that time made trade flow in upon us, so that the customs rose higher than ever. On the other hand it was said, that if anticipations were once admitted as a reason for a supply, the court would never want that reason. It was fitter to examine by whose means

[1] *Supra* 79 note. But see Ranke, iv. 13. Louis XIV had suffered a blow through the death of Turenne, and military disasters following upon it: to maintain England on his side was all important to him. It was arranged that Charles should allow Parliament to meet, as arranged, on October 13; that if it made a breach with France a condition of supply, it should be dissolved; and that in that case Louis should pay Charles an annual subsidy of 500,000 louis d'or.

[2] Old Sir Christopher Musgrave used to say, that a good motion in Parliament never died; or a bad one ever do good to the man that made it. D. The privilege of immunity from arrest remained until 1770. Erskine May, *Constitutional History*, i. 455.

[3] 'The House of Commons came down and sat some time, looking on one another in a profound silence, till Sir Thomas Meres broke it.' *Parl. Hist.* iv. 743.

or on what design those anticipations were made. At last, the question was put; and the vote being then on the previous question, whether the main question should be then put or not, the votes were equal. So sir Charles Harbord, who was in the chair, gave it for putting the main question: but some of the country side coming in between the two questions, the main question was lost by two or three[1]. So near was the court to the carrying so great a point. Harbord was much blamed for his rashness. He said the duty of the chair was always to set matters forward, and so he ought to have given it for putting the main question: and if the same equality had continued, he said he would have given it for the court. He was a very rich and covetous man, who knew England well, and his parts were very quick about him in that great age, being past eighty. A lively repartee was made by his own son to him in the debate. He had said, the right way of dealing with the king, and of gaining him to them, was to lay their

Oct. 19.

[1] The vote against taking off the anticipations was carried on Oct. 19, through the efforts of Ronquillo (cf. *supra* 79, note), by 172 to 165, and supply was refused. A few days later, a somewhat larger majority voted £300,000 for twenty ships; the resolution to lodge the money in the Chamber of London instead of in the Exchequer being defeated by only 171 to 160. *Commons Journals*, Oct. 21, 1675; *Parl. Hist.* iv. 755; Marvell, Oct. 26. Not only, however, was the money to be specially accounted for by the officials (*Commons Journals*, Nov. 11), but the customs were to be appropriated, as originally intended, to the navy. The loans which Parliament refused to clear had been raised on the security of the customs, so that Charles was no better off than before. This too was through Ronquillo's efforts. Ranke, iv. 15. The renewal of the quarrel between the Houses gave Charles a way of escaping from the deadlock by a prorogation from Nov. 22, 1675, to Feb. 15, 167$\frac{5}{6}$ (*infra* 93, 115), and by the acceptance of the annual subsidy from Louis mentioned above, 86, note. This had been promised for a *dissolution* (Mignet, *Négociations, &c.*, iv. 367–373); but Louis's need of freedom from the opposition of an English Parliament was so great, and Danby's insistance so pertinacious, that the money was given for a prorogation. To Charles a long prorogation gave more freedom than a dissolution, since in the latter case the excitement of the coming elections for a new Parliament would begin at once. Moreover, there was the fear that a house would be elected even less in accord with his measures than the present one. Sir Charles Harbord was member for Launceston and surveyor-general.

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387 should go out of them. The earl Danby was much disappointed with this. Yet he took heart, since it was brought so near, that he reckoned he would make the next session sure. The petition of appeal, that had broke the former session, was now brought on again before the lords. The court tried their whole strength to keep it off, till they saw what might be expected from the commons. So upon the miscarriage of the great vote in the house of commons, the lords went on upon the petition: and the commons opposing them vigorously as before, it was visible that the parliament must be prorogued.

Upon this it was proposed in the house of lords to address the king for dissolving the present parliament. It was manifest the two houses could no longer maintain the correspondence that was necessary. In a new parliament this must fall to the ground: but it could not while this lasted. It was said, a standing parliament changed the constitution of England[1]. The king did no more consult with his people, nor know them: but he had now only a cabal of single persons to deal with. The people were now cut off from their liberty of electing, and so had no more a true representative. It was said that a parliament of a long continuance would be either an engine to sell the liberties of their country, or would by rendering itself popular join with the people against the crown. In either case it was like to be destructive to the constitution. So it was moved that an address should be made to the king for dissolving the parliament[2]; and, to the wonder of all men, the duke joined in it. The majority of the temporal lords was for it.|
MS. 196. But the whole bench of the bishops was against it: and so

[1] The present case under K. G(eorge). S.

[2] *Tempora mutantur*; for nothing now will do but septennial Parliaments. S.

it was not carried[1]. But the thing became the universal subject of discourse. It was infused into the members of the house of commons, that if they would not be more tractable, and help the king out of his necessities, he was sure a new parliament would give him money, and make him easy; and that the rather for having dissolved them. This wrought on many of them who had been chosen while the nation was in a fit, or rather a fury, of loyalty. They knew they could never hope to be chosen again. Many of them were ruined in their fortunes, and lived upon their privileges and upon their pensions. So they had got it among them for a maxim, which contributed not a little to our preservation while we were in such hands, that as they must not give the king too much at a time, lest there should have been no more use of them, so they were to take care not to starve the court neither; lest they themselves should be starved by that means. They were indeed generally both against popery and France; and, to redeem their credit for the money that they were ready to give somewhat too lavishly, they said, when they went into their countries, that it was on design to fix the king to an English interest and the protestant religion, and they had talked so high on 388
those heads, that the court itself could not manage them when any thing relating to these came before them. Some of them were high for the prerogative, others high for the church: and all of them were very careful of themselves. In opposition to these a great party was formed, who declared more heartily for the protestant religion, and for the interest of England. The duke of Buckingham and the earl of Shaftesbury opened many of their eyes, and let them know the designs of the court; and indeed they were then so visible, that there was enough seen without such secret intelligence to convince the most incredulous. Sir William Coventry had the greatest credit of any man in the house[2]. He never meddled personally with any minister: he had a perfect understanding of affairs. So he laid open the

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[1] It was lost by two votes only.

[2] See vol. i. 479.

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errors of government with the more authority, because he mixed no passion or private resentments with it. His brother the secretary usually answered him with much life in a repartee, but not with the weight and force with which he spoke. Colonel Birch was a man of a peculiar character: he had been a carrier at first, and retained still, even to an affectation, the clownishness of his education [1]. He got up in the progress of the wars to be a colonel, and to be concerned in the excise: and in the restoration he was found to be so useful in managing the excise, that he was put in a good post [2]. He was the roughest and boldest speaker in the house, and talked in the language and phrases of a carrier, but with a beauty and eloquence that was always acceptable. I heard Coventry say he was the best speaker to carry a popular assembly before him that he had ever known. He spoke always with much life and heat: but

[1] Sir Edmund Seymour reflected upon him very grossly once in a debate, for his former profession; to which he answered very calmly, that it was true he had been a carrier, and believed if that worthy gentleman had ever been so, he would have been so still. King Charles the second told him, upon something he had moved in the House of Commons, that he remembered forty-one, to which he replied, that he remembered forty-eight. For which the Duke of Monmouth would have had him sent to the Porter's Lodge, but the king would not suffer it. D. There was a saying of his to this Mr. Coventry, which was then and has since been much talked of, and should not be forgotten. Coventry had, in some debate in the House of Commons, in which Birch had spoken of the other side, reflected on Birch's having been a carrier; upon which Birch got up and said, 'It is very true, what that gentleman says, I was a carrier *once*; and let me tell that gentleman it is very fortunate for him he never was a carrier, for if *he* had been a carrier, he would have been a carrier *still*.' Birch, as I have heard from a member of his time, that was then a young man, though old, was at the head of their club in Cannon Row. O.

[2] Marvell represents Birch as the father of the 'monster Excise':—

'Her of a female harpy in dog-days
Black Birch, of all the earth-born race most hot
And most rapacious, like himself begot.'

Last Instructions to a Painter, 142–145.

'Black Birch' occurs frequently in contemporary MSS. Birch was member for Leominster, Penrhyn, and Weobly in the first, second, and later Parliaments of the reign respectively. *Flagellum Parliamentarium*, 5. See *Military Life of Colonel Birch*, Camden Society, 1873.

judgment was not his talent. Waller[1] was the delight of the house, and even at eighty he said the liveliest things of any among them. He was only concerned to say that which should make him be applauded, but he never laid the business of the house to heart, being a vain and empty, though a witty, man. He deserves a character, as being one of the great refiners both of our language and poetry, and he was for near sixty years one of the best of all our writers. The two men of quality that were the most considered were the lord Russell and the lord Cavendish. Russell[2] was a man of great candour, and of a general reputation ; universally beloved and trusted ; of a generous and obliging temper. He had given such proofs of an undaunted courage, and of an unshaken firmness, that I never knew any man who had so entire a credit in the nation as he had. He quickly got out of some of the disorders into which the court had drawn him, and ever after that, his life was unblemished in all respects. He had from his first education an inclination to favour the non-conformists and wished the laws could have been made easier to them, or they more pliant to the law. He was a slow man, and of little discourse: but he had a true judgment, when he considered things at his own leisure. His under- 389
standing was not defective: but his virtues were so eminent, that they would have more than balanced real defects, if any had been found in the other. Cavendish, now duke of Devonshire[3], was a libertine both in principle and practice. He went off from the court at first, upon resentments for some disappointments there. He was an ambitious and revengeful man; but he had the courage of a hero, with a much greater proportion both of wit and knowledge than is usual in men of his birth. He had a softness in his

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[1] Edmund Waller was member for Hastings.

[2] 'A person in general repute of an honest, worthy gentleman, without tricks or private ambition, and who was known to venture as great a stake perhaps as any subject of England.' Temple, *Works*, ii. 532.

[3] William Cavendish, born 1640, died 1707; Earl of Devonshire 1684, created Duke of Devonshire 1694.

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exterior deportment, to which there was nothing within that was answerable. Littleton and Powle were the men that laid the matters of the house with the greatest dexterity and care. Powle[1] was very learned in prece-
MS. 197. dents and parliament journals, which goes a great way | in their debates: and, when he had leisure to prepare himself[2], he was a clear and strong speaker. Littleton was the ablest[a] and vehementest arguer of them all. He commonly lay quiet till the end of a debate: and he often ended it speaking with a strain of conviction and authority that was not easily resisted. I lived the very next door to him for several years, and we spent a great deal of our time every day together. He told me all their management, and commonly when he was to put his whole strength to argue any point, he used to talk it over with me, and to set me to object all that I could against him. He lived wholly in London: so matters were most in his hands during the intervals of parliament, and by his means it was that I arrived at such a knowledge of their intrigues. He was a wise and worthy man, who had studied much modern history and the present state and interests of Europe. Sir Thomas Lee was a man that valued himself upon artifice and cunning, in which he was a great master, without being out of countenance when it was discovered[3]. Vaughan[4], the chief

[a] substituted for *strongest*.

[1] Henry Powle, born 1630, elected for Cirencester, Jan. 167⅓. He became Speaker of the Convention Parliament of 168⅘, and was made Master of the Rolls in March, 168⅘; died Nov. 1692. For Littleton, see vol. i. 415. He and Powle are both named by Barillon in 1680 as recipients of sums of money from Louis XIV.

[2] I have seen many of his *occasional* speeches, and they are all very good, and do not deserve this distinction upon them. O.

[3] He agreed to second the motion for £1,200,000 (*supra* 16) for six thousand pounds, which one of the clerks of the treasury was to bring in a hackney coach to Fleet Ditch, where Lee was to meet him in another, and upon a sign given, they were to change coaches: which was executed accordingly; but, unluckily, the coachman knew them both, and told what he had seen. D. He was member for Aylesbury throughout the reign. Cf. *supra* 15.

[4] Edward Vaughan, member for

justice's son, was a man of great integrity, had much welch pride, and did great service. These were the chief men that preserved the nation from a very deceitful and practising court, and from a corrupt house of commons; and by their skill and firmness they, from a small number who began the opposition, grew at last to be the majority [1].

CHAPTER VI.

THE FIFTEEN MONTHS' PROROGATION. ESSEX IN IRELAND. PERSECUTION OF CONVENTICLES IN SCOTLAND.

ALL this I thought fit to lay together, and to fill up as it were an empty place in my history: for, as our main business lay in preparing for, or managing, a session of parliament, so we had now a long interval of above a year, between this session in winter [16]75, and the next session of parliament, which was not till the spring in 1677 [2]. The French were much set on procuring a peace; and they, seeing how much the nation was set on engaging the king in the alliance, prevailed with him to discontinue the session,

Cardigan county, son of John Vaughan, on whom see vol. i. 402. There was another Edward Vaughan, member for Montgomeryshire.

[1] He should have mentioned Sacheverel here, who was very eminent among them, and inferior to few in his abilities. I have had this from one who knew him in Parliament, and I have seen many of his speeches, which manifest this to have been his character. He may be seen in the conference between the two houses about the abdication. The same person used to talk very highly of Garway also, and thought them the ablest parliament men of their time; and so they have been generally deemed, and were much spoken of as such, long after their deaths, which happened not a great while after the Revolution. O. On Sacheverel see Sir G. Sitwell's *The First Whig*.

[2] Fifteen months, Nov. 22, 1675–Feb. 15, 1677. 'Contrarie to the desire of most and to the expectation of almost every man.' *MS. Diary of Sir Edward Dering*. According to the *Kenyon MSS.*, *H. M. C. Rep.* xiv, App. iv. 101, it was believed that Parliament was not intended to meet again.

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March, 167⅝. [a]About this time Lockhart the ambassador in France died[2]. The further he saw into the designs of the court, he grew the more uneasy in the post he was in, though he
390 acted in it with great spirit and resolution, both with relation to his own master and to the French king: of which I will set down two passages, that may be very instructive to ambassadors. In this time of neutrality the French privateers took many English ships, pretending they were Dutch, only with English passes[3]. One of these was taken by a privateer, that, as was believed, Pepys, then secretary to the English admiralty, and in great favour with the duke, had built, and as was said, out of the king's

[a] This section. to the name *Moray* on 96, has been added in very pale ink on the opposite blank page.

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[1] Cf. Dalrymple's *Memoirs*, i. 140, ed. 1790. R. Cf. *supra* 86, note. Danby and Lauderdale who. with the Duke of York, seem alone to have been consulted, refused to sign the negotiations for a personal treaty between Charles and Louis XIV in 167⅝ (of which of course Burnet was ignorant), as their heads would not be safe. Dalrymple, i. 143; Ranke, iv. 24. Charles wrote out the project, from the draft prepared for him by Ruvigny, with his own hand, and signed and sealed it in Ruvigny's presence, Feb. 27, 1676. Ruvigny states that 'the King of England is in a manner abandoned by his ministers, even the most confidential; the Treasurer, who fears the Parliament much more than his master, and who is very opposite to the interests of France . . . has formed all the difficulties . . . with a design to hinder the treaty being concluded, or at least to retard it. The Duke of Lauderdale has supported his master, having without comparison more zeal and respect than his colleagues. The Duke of York, who is entirely in your majesty's interests, hath hardly troubled himself with these difficulties.' Dalrymple, i. 145, and Mignet, *Négociations*, iv. 381-386. Lauderdale alone was trusted in the last stage of the affair. It must be remembered that during all this time Charles was supposed to be mediating in the war. See Marvell, *Growth of Popery, &c.*, 318, for the ammunition exported from England to France during this long recess.

[2] Lockhart's embassy lasted from March, 1673, to May, 1675. *H. M. C. Rep.* iv. 237-242. He died March 20, 167⅝. See vol. i. 139. Upon the episode of the ships in the text, see reference to Marvell in note to vol. i. 243, and the *Lindsay MSS.*, *H. M C. Rep.* xix, App. part ix, 378.

[3] The feeling aroused in England by this was so vehement that Louis was compelled to give way unreservedly. The result was the Treaty of Commerce of November, 1676.

stores. The merchants proved in council, that the ship was English. So Lockhart had an order to demand her: and he pressed it so effectually, that an order was sent from the court of France to discharge her. But before that was executed, the king was prevailed on by Pepys, as was said, to tell the French ambassador, that he did not concern himself in that ship: he believed merchants were rogues, and could bring witnesses to prove whatsoever they hand a mind to: so the court of France might do what they pleased, for him, in that matter. This was writ to Versailles a day or two after the former order was sent; but upon it a new one went to Dunkirk, where the ship lay, to stop her. This came before she could get out. So Lockhart, being informed of that, went to court, and complained heavily. He was told what the king himself had said about it. He answered resolutely, that the king spoke to them only by him. Yet he wrote upon this to the court of England, desiring to be recalled, since he could serve no longer with honour, after he had been so disowned. Upon this the king wrote him a letter with his own pen, excusing the matter the best he could, and justified him in what he had done. And upon that secret orders were sent, and the ship was discharged. The other was a higher point, considering the bigotry of the king of France. Lockhart had a French popish servant, who was dying, and sent for the sacrament: upon which it was brought with the procession ordinary in such cases. Lockhart, hearing of this, ordered his gates to be shut: and upon that many were inflamed at this, and were running to force his gates; but he ordered all his family to stand to their arms, and if any force was offered, to fire. There was great noise made of this. But no force was offered. He resolved to complain first, and so went to court, and expostulated upon it. He said his house was his master's house: and here a public triumph was attempted on his master's religion, and affronts offered him. He said if a priest had brought the sacrament privately, he would have connived at it; but he asked repara-

CHAP. VI. tion for so public an injury. The king of France seemed to be highly displeased at this, calling it the greatest indignity that had ever been done his God during his reign: yet the point did not bear arguing: so he said nothing to that. When Lockhart went from him, Pom-
391 ponne followed him, sent after him from the king, and told him he would force the king to suffer none of his subjects to serve him. He answered, he would order his coachman to drive the quicker to Paris, to prevent that; and left Pomponne to guess his meaning. As soon as he came to his house, he ordered all his French servants to be immediately paid off and dismissed. The court of England was forced to justify him in all this matter: a public letter of thanks was writ to him upon it: and the court of France thought it fit to digest it. But the French king looked on him ever after with great coldness, if not with aversion. Soon after that, he fell into a languishing, which after some months carried him off. I have ever looked on him as the greatest man that his country produced in this age, next to Sir Robert Moray.

The earl of Danby began now to talk against the French interest with open mouth [1]. Ruvigny stayed but two years in England: for though he served his master's interests but too well, yet the popish party could not bear the want of a chapel in the French ambassador's house. So he was
April, 1676. recalled, and Courtin [2] was sent in his room. Before he parted, he talked roundly with lord Danby. He said, he saw he was going into popular interests against those of his master's honour, who, having engaged the king of

[1] In 1679 Danby wrote: 'Who was there but myself to hinder that all things did not go into the French interest?' *Lindsay MSS. H. M. C. Rep.* xiv, App. ix. 408; *infra* 127, note.

[2] Honoré Courtin, seigneur de Chanteraine, born 1622, died 1703. His mission lasted to Sept. 1, 1677. His instructions, with £80,000 for bribery, were given him on April 15, 1676. Mignet, *Négociations*, iv. 406. He was succeeded by Paul Barillon d'Amoncourt, Marquis de Branges. *Id.* 501. For the reasons for the change see Mignet and the *Lindsay MSS.* 382, 385. See the sketches of Courtin and Barillon in Forneron, *Louise de Kéroualle*, 108, 148.

France in the war, and being forced to leave him to fight it out alone, ought not to turn against him; especially since the king of France referred every thing to him as the arbiter and mediator of the peace. He remembered him of the old duke of Buckingham's fate, who thought to become popular by breaking the Spanish match, and it was his ruin. He said the king of France was the king's best friend and truest ally: and if he made the king forsake him, and depend on his parliament, being so tempered as they then were, both the king and he might come to repent it, when it was too late. I had all this from himself. To this lord Danby replied, that he spoke as a faithful servant to his own master, and that he himself would act as a faithful servant to his master. Courtin spoke a great deal to me to the same purpose, in the prince of Condé's presence, when I had the honour to wait on him. He told me there was a strange reverse in things: lord Danby was at that time suffering for being in the French interest, and lord Montagu[1] was popular as being against it: whereas, to his knowledge, during his employment in England, lord Danby was an enemy to their interest as much as lord Montagu was for it. I can say nothing as to one point, whether any great sums came over from France all this while, or not. Some watched the rising and falling of the

[1] Ralph Montagu, second son of Edward, second Lord Montagu of Broughton, was appointed ambassador extraordinary to Louis XIV on Jan. 1, 16$\frac{6}{7}$, and again in Sept. 1671. *H. M. C. Rep.* v, App. 316; Arlington's *Letters to Temple*, 393; vol. i. 399, note. He was ambitious of becoming Secretary of State, and had agreed to buy the office from Henry Coventry for £10,000, but was disappointed through Danby's influence. *Letters to and from the Earl of Danby* (1710). In 1678 he quarrelled with the Duchess of Cleveland, *infra* 151, *Lindsay MSS.* 399; was struck off the Privy Council, and replaced in his embassy by Sunderland. He did not succeed to the title till 1683; was created an earl in 1689 by William III, and duke in 1705 by Queen Anne, through the favour of Marlborough, whose daughter his son John had married. He died in 1708. He erected Montagu House, afterwards the British Museum. His sister, Mrs. Harvey, a woman of much capacity for intrigue, was the medium through whom Barillon in 1680 bribed members of Parliament. Forneron, *Louise de Kéroualle*, 191.

CHAP. VI. exchange, by which men skilful in those matters can judge, when any great sum passes from one kingdom to another, either in specie or by bill: but they could never find out any thing to make them conclude it was done. Lord Montagu told me he tried often to get into that secret,
392 but in vain: he often said to the king, that, if he would trust him, he could make better bargains for him than others had made. But the king never answered him a word on that head: and he believed that what sums soever came over, they were only to the duchess of Portsmouth, or to the king's privy purse; and that the French ambassador had the only managing of that matter, the king perhaps not being willing to trust any of his own subjects with so important and so dangerous a secret. In all companies the earl of Danby was declaring openly against France and popery; and the see of London falling then void by Henchman's death, he brought Compton, brother to the earl of Northampton, to succeed him. He was made bishop of Oxford, upon Crewe's[1] being promoted to Durham, who, bating the dignity of being born of a noble though puritan family, had not any one quality to recommend him to so great a post, unless obedience and
MS. 198. compliance | could supply all other defects. He has neither learning nor good sense, and is no preacher[a]. He was

[a] , *and has not any one thing to commend him,* struck out.

[1] Nathaniel Crewe, third Baron Crewe of Stene, born 1633, died 1722. His father was made a peer at the Restoration. He took orders in 1664, was Rector of Lincoln College in 1668, and Bishop of Oxford in 1671. He was an especial favourite of James. In 1674 he was translated to Durham, and in 1676 was placed on the Privy Council. He supported James in his indulgence policy, and ordered the clergy of his diocese to read the Declaration. Upon the disgrace of Compton and his deprivation of the deanery of the Chapel Royal, Crewe succeeded him; was a member of the Ecclesiastical Commission in 1686, and, when Compton was suspended, administered his diocese along with Sprat, Bishop of Rochester. At the Revolution he made his peace with William, and enjoyed his bishopric with its vast revenues to his death. The redeeming point in his character was his liberality. See *Memoirs of Nathaniel, Lord Crewe*, ed. by Andrew Clark, Camden Miscell. vol. ix.

a fawning abject slave to the court; and thus he was raised, and has been now for above thirty years possessed of the greatest dignity in this church [1]. CHAP. VI.

Compton [2] was a man of much better form. He carried arms for some years. When he was past thirty, he took orders, and after some years was made bishop of Oxford, and was now removed to London. He was an humble and modest man: he applied himself more to his function than bishops had commonly done. He went much about his diocese, and preached and confirmed in many places. His preaching was [a] without much life or learning: for he had not gone through his studies with the exactness that was fitting [b]; and he was not ready in his expression. He was a great patron of the converts from popery, and of those Huguenots whom the bad usage they were beginning to meet with in France drove over to us: and by these means he came to have a great reputation [3]. He was always making complaints to the king, and often in council, of the insolence of the papists, and of Coleman's in particular [4], so that the king ordered the duke to dismiss

[a] *but cold and*, struck out. [b] substituted for *requisite*.

[1] See *infra* f. 822. R.

[2] Henry Compton. born 1652, died 1713. He was the sixth and youngest son of Spencer Compton, second Earl of Northampton. He appears to have served in the Civil Wars, and under the Duke of York in Flanders. At the Restoration he received a cornet's commission in the Royal Horse Guards, but went to Cambridge and took his M.A. degree in 1661. In 1666 he migrated to Christ Church; became Bishop of Oxford in 1674; dean of the Chapel Royal in 1675, and Bishop of London in the same year. His preferment was apparently owing to the friendship of Danby.

[3] There is a volume of letters from foreign Protestants to Compton in the Bodleian. *Rawlinson MSS. c.* 982.

[4] Mrs. Cornwallis, a Roman Catholic, was in great favour with the princess Anne, and had introduced her friend Mrs. Churchill, since Duchess of Marlborough, who soon found, if she could get rid of her introductress, she should have the entire confidence to herself, and Bishop Compton was made use of, to take notice at the council of the dangerous consequence such a woman's being about the princess might have; upon which Mrs. Cornwallis was ordered never to come into her presence more. D.

CHAP. VI. Coleman out of his service; yet he continued still in his confidence. But with these good qualities Compton was a weak man [a], both wilful and strangely wedded to a party [1]. He was as a property to lord Danby, and was turned by him as he pleased. The duke hated him; but lord Danby persuaded both the king and him, that, as his heat did no great hurt to any person, so the giving way to it helped to lay the jealousies of the church party. About a year after that, Sheldon dying, Compton was made believe that lord Danby had tried with all his strength to promote him to Canterbury, though that was never once intended. There were none of the order, that were in any sort fitted to fill that see, whom the court could trust.

Dec. 1677. Sancroft, dean of St. Paul's, was raised to it [2]. He was a man of a solemn deportment, had a sullen gravity in his looks, and was considerably learned. He had put on a monastic strictness, and lived abstracted from much company. These things, together with his living unmarried, and his being fixed in the old maxims of high loyalty, and a superstitious valuing little things, made the court conclude that he was a man who might [b] be entirely gained to serve all their ends, or, at least, that he would be an unactive speculative man, and give them little opposition in any thing that they might attempt, when they had more promising opportunities. And in this their
393 hopes did not fail them. He was a dry, cold man, reserved and peevish; so that none loved him, and few esteemed him [3]: yet the high church party were well pleased with his promotion.

[a] originally *very weak and heavy.*

[b] *either* struck out.

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[1] He means, to the Church. S.

[2] See Salmon's *Lives of the Bishops*, 748. 'So excellent a choice that I know none but do congratulate it except such bishops as were perhaps in expectancy.' Marvell, Jan. 1, 166⅞. Sancroft was succeeded in the deanery by Stillingfleet.

[3] False and detracting. S. But compare this with the character of this archbishop, in the author's second volume of the *History of*

As lord Danby thus raised his creatures in the church, so he got all men turned out of their places that did not entirely depend on him: and he went on in his credit with the king, still assuring him that if he would leave things to his conduct, he would certainly bring about the whole cavalier party again to him [1]. And such was the corruption and poverty of that party, that had it not been that French and popish counsels were so visible in the whole course of our affairs, he had very probably brought them over to have raised the king's power, and [a] to have [a] extirpated the dissenters, and have brought things very near to the state they were in in king Charles I.'s time, before the war.

All this while the papists were not idle [2]. They tried their strength with the king to get the parliament dissolved: in which their hopes carried them so far, that Coleman drew a declaration for justifying it. Their design in this was, once to divide the king and his people: for they reckoned he would never get another parliament that would be so easy to him as this was; for how angry

[a] struck out.

the Reformation, 379. O. See a different account of this archbishop in Mr. Nelson's *Life of Bishop Bull*, Bishop of St. David's. Vide notes, p. 1. *Cole.* Dr. D'Oyley, in his life of the archbishop lately published, well observes, 'that the government of the Church could not have been entrusted to one more firm and temperate in the exercise of his authority, more watchful over its general interests, or more intrepid in the defence of its rights and privileges at the hour of peril.' i. 153. Anthony Wood, who, in his *Athenae Oxon.*, praises Sancroft for his unexceptionable conduct, prudence, and moderation, whilst he sat in the chair of Canterbury, yet in his *Diary*, 276, calls him 'a clownish odd fellow'; pretty much his own character. But see more concerning this learned and conscientious prelate at f. 676 and ff. 802, 810 of this History, f. ed. R.

[1] 'Treasurer layes about him and provides for his family.' William Harbord to the Earl of Essex, *Essex Papers*, i. 258. The marriages of his family and the strength he thereby acquired caused him to be compared to the House of Austria. *Verney MSS.*, Dec. 24, 1674.

[2] See the return to the House of Lords of all conventicles and Papist congregations in London and Westminster in *H. M. C. Rep.* xii, App. vii. 25.

CHAP. VI. soever this was at him, and he sometimes at them [1], yet they [2] saw a severe act against popery, or some steps made against France, would dispose them [3] to forget all former quarrels, and to give money; and as the king always wanted that, and loved to be easy, so the prospect of it was ever in his view. They feared that at some time or other this might make him both sacrifice popery and
MS. 199. forsake France: so they took all possible methods | to engage the king to a more entire dependence on France, and to a distrust of his own people. They were labouring for a general peace in all courts where they had any interest. The prince of Orange's obstinacy was the common subject of their complaints. Lord Shaftesbury tried, upon the duke's concurring in the vote for an address to have the parliament dissolved, if he could separate him from the earl of Danby, and sent a message to him by the lord Stafford, that his voting as he did in that matter had gained much on many who were formerly his enemies. He wished he would use his interest with the king to get that brought about, and he durst undertake a new parliament would be more inclinable to grant the papists a toleration than they would ever find this would prove.

But the duke and lord Danby were too firmly united to be easily divided: for whatever lord Danby gave out, he made the duke believe was all intended, and would really turn to his service. Coleman was very busy in writing many letters to all places, but chiefly to the court of France. He was in all his despatches setting forth the
394 good state of the duke's affairs, and the great strength he was daily gaining. He was either very sanguine, if he believed this himself, or very bold in offering to impose it so positively on others; but he was always full of assurances that if a peace could be brought about, so that the king of France was set at liberty to assist them with his purse and his force, they were never in such hopes of succeeding in

[1] The Parliament. [2] The Papists. [3] The Parliament.

the great design of rooting out this pestilent heresy, that had so long overrun these northern kingdoms, as now. He had a friend, one sir William Throgmorton, of whom he intended to make great use. He and his wife had prevailed with him and his lady to change their religion, and so he sent them over to France, recommending him to the king's confessor, F. Ferrier, as a man that might do them great service, if he could be made one of theirs. So Ferrier, looking on him as a man of importance, applied himself to turn [a] him, which was soon done; and the confessor, to raise the value of his convert, spoke of him to the king in such a strain that he was much considered. When his lady abjured, the duke of Orleans led her up to the altar. He took great state on him, and soon spent all he had. He was a busy man between the two courts; but before he got into any considerable post, Ferrier died: and the new confessor [1] did not take such care of him as his predecessor had done. So he was forced to quit his high living, and retire to a private house, and he sent his lady to a monastery; yet he continued still to be Coleman's agent and correspondent [2]. He went often to see an English lady, that was of their religion, lady Brown; and being one day with her, he received a deep wound by a knife, struck into his thigh, that pierced the great artery. Whether the lady did it to defend herself, or he to shew the violence of his passion, was not known. It was not possible to stop the wound; yet the lady would have him carried out of her house. He died in the house of one Hollman, an eminent man of their religion, then at Paris. The whole matter was carried off in such secrecy, that Lockhart, then at Paris, could never penetrate farther into it; for I had this from his lady after his death. I love not to make judgments upon extraordinary events; but this man's fate, and Coleman's, together with his wife's, who

[a] substituted for *convert.*

[1] Père la Chaise, *supra* 52.

[2] See Coleman's letter to Throgmorton in the Fitzherbert papers, *H. M. C. Rep.* xiii, Part vi. 49, &c.

CHAP. VI. cut her own throat, and had a large share in all he did, were no usual things.

Coleman quickly found out another correspondent, that was more useful to him than he whom he lost could ever have been. F. St. Germain, a Jesuit, was sent over with the duchess, and passed for her confessor, though I have been assured that was a mistake. He had all the heat of his order in him, and was apt to talk very boldly; for I was sometimes in company with him. He was complained of in council by the bishop of London for some practices on one that was come over a convert, whom he was between threatening and persuasion working on in order to the sending him[a] back, that came to be discovered, upon which he fled; and on him Coleman fixed for his chief correspondent. Howard was about this time by Altieri's
395 means promoted to be a cardinal; and upon that the king and duke sent compliments to Rome. This opened a negotiation with that court, that was put in the hands of the internuncio at Brussels. So it was proposed that a sum of money should be given the king, if in return of that some suitable favours for those of their religion could be obtained. Coleman was sent over to Brussels to treat about it by the duke, none being in the secret but the lord Arundel; but, as he understood it, the king himself knew of it. When he came, he found the sum offered was so small, and the conditions demanded were so high, that he made no progress in the negotiation. Whatsoever Coleman did in the main business, he took good care of himself[1]. All his

[a] *him*, struck out.

[1] See the reports of his examination before the Commons, Oct. 30 and Nov. 8, 1678. Hallam, ii. 406 (sm. ed.). As to whether he appropriated the money or distributed it, see Harbord's speech of Dec. 14, 1680, quoted in Sir G. Sitwell's *First Whig* 25, note. Coleman, he said, confessed 'that he had twenty-five hundred pounds from the French ambassador to distribute amongst members of Parliament, and your committee prudently did not take any names from him, it being in his power to asperse whom he pleased, possibly some gentlemen against the French and Popish interest.'

letters were full of their being able to do nothing for want of money; and he made the French ambassador believe he could do his master great service if he was well supplied. | He got once 2500 guineas from him, to gain his master some friends: but he applied it all to furnish out his own expense. He was at that time so lifted up, that he had a mind to pass for the head of the party. Of this I will give one instance, in which I my self had a share. CHAP. VI. MS. 200.

Sir Philip Tyrrwhit, a papist, had married a zealous protestant, who suspecting his religion, charged him with it, but he denied it before her marriage; and carried that so far, that he received the sacrament with her in our church. After they were married, she found that he had deceived her; and they lived untowardly together. At this time some scruples were put in her head, with which she acquainted me; and seemed fully satisfied with the answers that I gave her. She came afterwards to me, and desired I would come to her house, and talk of all those matters with some that her husband would bring to meet us. I told her I would not decline the thing if desired, though I seldom knew any good come of such conferences. She made the same proposition to Dr. Stillingfleet, and he gave the same answer. So a day was set, and we went thither, and found ten or twelve persons there, who were not known to us. We were scarce set down, when Coleman came in, who took the whole debate upon him. I writ down a very exact account of all that passed, and sent it to them, and had their additions to it: and I printed it[1]. The thing made a great noise, and was a new indication of Coleman's arrogance. Soon after that, the lady, who continued firm upon this conference, was possessed with new scruples about the validity of our ordinations. I got from her the paper that was put in her hands, and answered it: and she seemed satisfied with that likewise. But after-

[1] *A relation of a conference held about religion at London, 3 April, 1676, by Edward Stillingfleet, D.D., and Gilbert Burnet, and some gentlemen of the Church of Rome.* 8vo. 1676, reprinted 1687.

CHAP. VI. wards the uneasiness of her life prevailed more on her than her scruples did, and she changed her religion.

1676. Some time after that, I printed the Memoirs of the dukes of Hamilton, which were favourably received. The reading
396 of these got me the acquaintance and friendship of sir William Jones, then attorney general. He was raised to that high post merely by merit, and by his being thought the greatest man of the law: for as he was no flatterer, but a man of a morose temper, so he was against all the measures that they took at court. They were weary of him, and were raising sir John King[1] to vie with him: but he died in his rise, which indeed went on very quick. Jones was an honest and wise man. He had a roughness in his deportment that was very disagreeable: but he was a good-natured man at bottom, and a faithful friend[2]. He grew weary of his employment, and laid it down: and though the great seal was offered him, he would not accept of it, nor return to business. The quickness of his thoughts carried his views far: and the sourness of his temper made him too apt both to suspect and to despise most of those that came to him. My way of writing history made him think I was cut out for it: and so he pressed me to undertake the history of England. But Sanders's book[3], that

[1] Born 1639; knighted 1674; died 1677. See his *Life*, by his father John King, printed 1855; and North's *Life of the Lord Keeper Guilford*, sect. 411.

[2] This is confirmed by Temple, *Works*, ii. 565. But Roger North, in his *Life of the Lord Keeper Guilford*, 69, ed. 1890, gives a very different account. He speaks of his 'immense conceit of himself and of his own worth,' and of his 'disaffection to the crown and monarchy of England.' But for these he would have been 'deservedly a famous professor of the law.'

[3] Nicholas Sanders, 1530–1581, *De Origine ac Progressu Schismatis Anglicani*, published 1585, and translated into French by Maucroix in 1676. In the Introduction to vol. iii. of the *History of the Reformation* (1714), 6, Burnet writes: 'When Saunders's History was published in France . . . those to whom these advices were sent thought me a proper person to be engaged in answering it.' The Bishop of Worcester took him to Sir J. Cotton's library, 'but a great prelate had been beforehand with us. . . .' Cotton refused to admit him without a recommendation from the Archbishop of Canterbury and the Secretary of

was then translated into French, and cried up much in France, made all my friends conclude I was [a] the fittest man [a] to answer it, by writing the History of the Reformation. So now all my thoughts were turned that way. I laid out for MSS. and searched into all the offices. I got for some days into the Cotton library, but duke Lauderdale, hearing of my design, and apprehending it might succeed in my hands, got Dolben, bishop of Rochester, to divert sir John Cotton from suffering me to search into his library. He told him I was a great enemy to the prerogative, to which Cotton was devoted even to slavery [1]: so he said, I would certainly make an ill use of all I found. This wrought so much on him, that I was no more admitted, till my first volume was published; and then when he saw how I had composed it, he gave me free access to it.

At this time the earl of Essex was brought over from being lord lieutenant of Ireland, whose friendship to me was afterwards such, that I think my self obliged to stop and give some account of him [2]. He was the lord Capel's son.

[a] *the fittest man* struck out, and *a proper person to be employed* substituted.

State. Finally he was introduced by Sir J. Marsham; he then worked from morning to night for ten days, until Cotton found him there.

[1] The word *prerogative* has been much used though seldom understood, and as little by the bishop as any. The notion the greatest men of our law have had of it, has been, that it is a power lodged in the crown for which there is no law, but not repugnant to any law. The meaning is, the execution of the law being vested in the king, and it being impossible the legislature should foresee all cases that may happen, have left a power with the chief magistrate to use his discretion upon extraordinary occasions, where the rigour of the law may prove unjust or oppressive, and to exercise the supreme authority in all cases where the law has not directed or limited the execution. But which way Sir John Cotton, who was a very worthy honest gentleman, that understood and loved the constitution of his country, could be devoted, even to slavery, to the prerogative, the bishop would have done well to have produced some better proof for, than his own saying so. But I believe nobody will wonder at his being cautious how he trusted a Scoteh divine in searching for English records, though neither Bishop Dolben nor Duke Lauderdale had interposed. D.

[2] The character given by Burnet of Essex is fully borne out by the

CHAP. VI. His education was neglected by reason of the wars, but when he was at man's age he made himself a master of the Latin tongue, and made a great progress in mathematics, and in all the other parts of learning. He knew our law and constitution well, and was a very thoughtful man. He began soon to appear against the court. The king imputed it to his resentments: so he resolved to make use of him.

1670. He sent him ambassador to Denmark, where his behaviour in the affair of the flag gained him much reputation: though

MS. 201. he said to me there was not much in it. | That king had ordered the governor of Kronenburg to make all ships that passed strike to him. So when lord Essex was sailing by, he sent to him either to strike to him, or to sail by in the night, or to keep out of his reach: otherwise he must

397 shoot, first with powder, but next with ball. Lord Essex sent him a resolute answer, that the kings of England made others strike to them, but their ships struck to none: he would not steal through in the dark, nor keep out of his reach: and if he shot at him, he would defend himself[1]. The governor did shoot at him, but on design shot over him. This was thought great bravery in him: [a] yet he reckoned it was impossible the governor would endeavour to sink a ship that brought over an ambassador. While he was there the king died, which made a great change in

[a] *He himself made no great matter of it, for*—struck out.

Essex Papers. Temple however had a loose opinion of him. Evelyn calls him a 'sober, wise, judicious, and pondering person, not illiterate beyond the rate of most noblemen in this age, very well versed in English history and affairs, industrious, frugal, methodical, and every way accomplished.' *Works*, ii. 493. His rule at the Treasury in later years was very successful. While in Ireland he held his own with boldness and success against Danby, Orrery, Ranelagh, Lauderdale and others. Arlington was faithful to him, Ormond behaved with frankness, and Henry Coventry was a good friend. His brother Henry Capel watched his interests in England. One of his chief correspondents was Lord Conway, who writes most interesting accounts of the state of the court and political intrigues. The Danish embassy was in 1670, and his government of Ireland lasted from Feb. (?), 1672 to April, 1677.

[1] See Smith's *Life and Correspondence of Pepys*, i. 126.

the court. For that king had made one of his servants stadtholder; which was indeed a strange thing, he himself being upon the place. He was a mean person, advanced by the favour the queen bore him. Lord Essex's first business was to justify his behaviour in refusing to strike. Now at his going from England sir John Cotton had desired him to take with him some volumes of his library that related to Danish affairs; which he took, without apprehending that he should have great occasion to use them: but this accident made him search into them; and he found very good materials to justify his conduct; since by former treaties it had been expressly stipulated, that the English ships of war should not strike in the Danish seas. So this raised his character so high at court, that it was writ over to him, that he might expect every thing he would pretend to at his return. The change of government that he saw in Denmark, and the bringing it about with so little difficulty, made a great impression on him: since one of the freest nations in the world was of a sudden brought under a most arbitrary form of government. Many of the ancient nobility seemed uneasy under the change, and even the chancellor himself, though raised by favour from very mean beginnings, could not forbear, even to him, to lament the change of their constitution. CHAP. VI.

Upon his return from Denmark, he was made lord lieutenant of Ireland. He could never understand how he came to be raised to that post; for he had not pretended to it: and he was a violent enemy to popery, not so much from any fixed principle in religion, in which he was too loose, as because he looked on it as an invasion made on the freedom of human nature. In his government of Ireland he far exceeded all that had gone before him, and is still considered as a pattern to all that come after him. He studied to understand exactly well the constitution, and interest of the nation. He read over all their council books, and made large abstracts out of them, to guide him, so as to advance every thing that had been at any time set on March, 1672

CHAP. VI. foot for the good of the kingdom. He made several volumes of tables of the state and persons that were in every county and town, and got true characters of all that were capable to serve the public: and he preferred men always upon merit, without any application from themselves; and watched over all about him, that there should 398 be no bribes going among his servants. The revenue of Ireland was then in the earl of Ranelagh's management, who was one of the ablest men that island had bred, capable of all affairs, even in the midst of a loose run into pleasure, and much riot. He had the art of pleasing masters of very different tempers and interests so much, that he continued above thirty years in great posts. He had undertaken to furnish the king with money for the building of Windsor out of the revenue of Ireland [1]; and it was believed the duchess of Portsmouth had a great yearly pension out of his office. By this means payments in Ireland were not regularly made: so the earl of Essex complained of this. The king would not own how much he had from lord Ranelagh, but pressed lord Essex to pass his accounts. He answered he could not pass them as accounts: but, if the king would forgive lord Ranelagh, he would pass a discharge, but not an ill account. The king was not pleased with this, nor with his exactness in that government: it reproached his own too much. So he took a resolution about this time to put the duke of Ormond in it again [2].

[1] The spoliation of the Irish exchequer for the king's favourites was one of the worst scandals of the reign. Essex remonstrated with boldness and vigour. He succeeded in saving the Phoenix Park which Charles had promised to the Duchess of Cleveland, but only by finding out other lands which might be similarly disposed of. See especially *Essex Papers*, i. 81, 84, 122. From a letter of William Harbord to Essex, *id.* 255, it appears that jewels bought by the Duchess of Portsmouth from Lady Northumberland for £4,000 were to be paid for by Ireland. Forneron, *Louise de Kéroualle*, 83.

[2] Compare Carte's *Life of the Duke of Ormond*, iv. 520 (Clar. Press). He calls it a strange and gross mistake in our historian to represent this, as a ground of the king's resolution for putting the duke again into the government of Ireland. R. In Clarke's *Life of James II*, i. 507, it is stated that the re-appointment of Ormond was brought about by James's persuasion against the secret oppo-

Upon this occasion the earl of Essex told me, that he knew the king did often take money into his privy purse to defraud his exchequer: for he reckoned that what was carried thither, was not so much his own as his privy purse was. And Coventry told lord Essex, that there was once a Plantation cause at the council board, and he was troubled to see the king espouse the worst side: and upon that he went to him, and told him in his ear that it was a vile cause which he was supporting. The king answered him, he had got good money for doing it. CHAP. VI.

About this time there was a proposition made for farming the revenue of Ireland, and lord Danby seemed for some time to favour one set of men, who offered to farm it, but all of the sudden he turned to another. The secret of this broke out, that he was to have great advantages by the second proposition. The matter was brought to the council table, and some were examined upon oath. Lord Widdrington did confess | that he made an offer of a round MS. 202. sum to lord Danby, but that he did not accept of it. Lord Halifax was yet of the council[1]: so he observed that the lord treasurer had rejected that offer very mildly, but not so as to discourage a second attempt: it would be somewhat strange, if a man should ask the use of another man's wife, and if the other should indeed refuse it, but with great civility. This nettled lord Danby, who upon that got him to be dismissed from that board: at which the duke was much pleased, who hated lord Halifax at that time, more even than the earl of Shaftesbury himself; for he had fallen severely on the declaration for toleration in the house of lords. He said[2], if we could make good the eastern compliment, *O king, live for ever!* he could trust the king with every thing; but since that was so much a compliment that

sition of Danby. Carte states that James did this in order to prevent Monmouth, who was supported by Danby and the Duchess of Portsmouth, from succeeding Essex; but this is explicitly denied in Clarke's *Life*.

[1] Halifax (and Holles) were both put out by the council in January, 167⅞. *Portland MSS.* iii. 353. *H. M. C. Rep.* i. 19, Foxcroft's *Halifax*, 123.

[2] *Supra*, 10.

CHAP. VI. it could never become a real one, he could not be implicit in his confidence. Thus matters went on all the [16]76,
399 and to the beginning of the [16]77, that another session of parliament was held. I have brought within this year several things that may be of use to enlighten the reader as to the state of things, though perhaps of their own nature they were not important enough to deserve to be told. But in so bare a year as this proved to be, it seemed no impertinent digression to bring all such matters into the reader's way.

I shall next give some account of Scottish affairs. The duke of Lauderdale had mastered the opposition that was made to him so entirely, that men were now rather silent than quiet. The field conventicles increased mightily: men came to them armed, and upon that great numbers were outlawed: and a writ was issued out, that was indeed legal, but very seldom used, called *intercommoning*, because it made all that harboured such persons, or did not seize them when they had it in their power, to be involved in the same guilt. By this means many, apprehending a severe prosecution, left their houses, and went about like a sort of banditti, and fell under a fierce and savage temper. The privy council upon this pretended they were in a state of war: and upon an old statute, that was almost quite forgot, it was set on foot, that the king had a power to take any castle that lay convenient for his forces, and put a garrison in it. So twelve houses were marked out: of which two were the chief dwelling-houses of two peers. The rest were the houses of gentlemen, that had gone into the party against duke Lauderdale; and though these were houses of no strength, and not at all properly situated with relation to the suppressing of conventicles, yet they were taken. Soldiers were put in them: and the countries about were required to furnish those small garrisons with all things necessary, though this was against the express words of the law that had lately settled the militia. Great opposition was made to this; yet it was kept up above a year, till the houses were quite ruined by the rude soldiers, who under-

stood that the more waste they made, it would be the more acceptable. At last it was let fall. Another thing happened, scarce worth the mentioning, if it were not for the effects that followed on it. One Carstares, a loose and vicious gentleman, who had ruined his estate, undertook to Sharp to go about in disguise to those conventicles, and to carry some with him to witness against such as they saw at them ; in which he himself was not to appear, but he was to have a proportion of all fines that should be set upon this evidence : and he was to have so much for every one of their teachers that he could catch. He had many different disguises, and passed by different names in every one of them. He found Kirkton[1], an eminent preacher among them, who was as cautious as the rest were bold, and had avoided all suspicious and dangerous meetings. Carstares, seeing him 400
walking on the streets of Edinburgh, told him there was a person that was sick, and sent him to beg a visit of him. He, suspecting nothing, went with him. Carstares brought him to his own lodgings ; and there he told him he had a warrant against him, which he would execute, if he would not give him money to let him alone. Kirkton said he had not offended, and was willing to go to prison till his innocence should appear. Carstares really had no warrant : but, as was afterwards discovered, he had often taken this method, and had got money by it. So he went out to procure a warrant, and left Kirkton locked within his chamber. Kirkton called to the people of the house, and told them how he was trepanned, and he got one of them to seek out Baillie of Jerviswood, his brother-in-law, who was a gentleman of great parts, but of much greater virtue. He was indeed deeply prejudiced with those principles, but was otherwise a most extraordinary man. Carstares could

CHAP. VI.

[1] James Kirkton, author of the *History of the Church of Scotland*, minister of Merton before the Restoration ; after the Revolution he became minister at Edinburgh. See the incident in the text given in greater detail in *Wodrow*, ii. 327–329. In the *Lauderdale Papers*, iii. 83, will be found the official statement of the committee of the Privy Council for conventicles to Lauderdale.

CHAP. VI. not find nine privy counsellors to sign a warrant, which was the number required by law: yet when he came back, he pretended he had a warrant, and would force Kirkton to go to prison upon it. Kirkton refused to obey any such warrant till he saw it; and upon that Carstares struggled, and pulled him to the ground, and sate on him, the other crying out Murder! At that time Baillie came to the door: and
MS. 203. hearing | him cry out, he called to Carstares to open the door: and that not being done, he forced it, and found Carstares sitting upon Kirkton. He drew his sword, and made him come off him. He then asked him, what warrant he had to use him as he did? He said he had a warrant, but he refused to shew it. Baillie offered to assist him in executing it, if he had any: but he persisting in this, that he was not bound to shew it, Baillie made Kirkton go out, and he followed him, no violence being used, for which he had many witnesses, whom the noise had brought together: and he said he was resolved to sue Carstares for this riot. But before next council-day a warrant was signed by nine privy counsellors, but ante-dated, for the committing of Kirkton, and of six or seven more of their preachers. Lord Athol told me, he was one of those who signed it with that false date to it. So Baillie was cited before the council: Carstares shewed his warrant, which he pretended he had at the time that Kirkton was in his hands, but did not think fit to shew it, since that would have discovered the names of others, against whom he was also to make use of it. Baillie brought his witnesses to prove his behaviour; but they would not[a] so much as examine them. It was said, that upon Carstares saying he had a warrant, Kirkton was bound to go to jail; and that if it had been found he was carried thither without a warrant, the jailor would not have received him. Duke Hamilton and lord Kincardine were yet of the council, and they argued long against this way of proceeding, as liker a court of inquisition than a legal government. Yet Baillie was fined in five hundred

[a] *not* is omitted in the MS.

pounds[1], and a year's imprisonment: and upon this occasion was taken to turn duke Hamilton and lord Kincardine out of the council[2], as enemies to the church, and as favourers of conventicles. CHAP. VII.

CHAPTER VII.

DANBY DEFEATS THE OPPOSITION. FRENCH CONQUEST OF THE SPANISH LOW COUNTRIES. MARRIAGE OF WILLIAM OF ORANGE AND MARY.

THE parliament of England had been prorogued for about a year and some months, by two different prorogations[3]. One of these was for more than a year. So upon that it was made a question, whether by that the parliament was not dissolved. The argument for that was laid thus. By the ancient laws a parliament was to be held *once a year, and oftener if need be.* It was said, the words, *if need be*, in one act, which was not in another that enacted an annual parliament without that addition, did not belong to the whole period, by which a session was only to be held once a year, if it was needful, but belonged only to the word *oftener*: so that the law was positive for a parliament 1677. 401 Feb. 15, 167⅘.

[1] Fountainhall (*Historical Notices*, 136) states that Lauderdale, to ingratiate himself, caused the fine to be remitted in September, 1667.

[2] Haltoun, or Halton, Lauderdale's brother, was acting as his deputy, and the dismissal of Hamilton and Kincardine was at his instance.

[3] Parliament met on Feb. 15, 167⅘. During the fifteen months' prorogation (*supra* 93) no fewer than five judgeships fell vacant. Speaking of those who succeeded to these places, Marvell says: 'Alas! the wisdom and probity of the law went off for the most part with good Sir Matthew Hales, and justice is made a mere property. . . . What French counsel, what standing forces, what parliamentary bribes, what national oaths and all the other machinations of wicked men have not yet been able to effect, may be more compendiously acted by twelve judges in scarlet.' *Growth of Popery, &c.*, 315. Besides the judgeships, thirty-two vacancies had occurred among the Commons themselves.

CHAP. VII. once a year: and if so, then any act contrary to that law was an unlawful act, and by consequence could have no operation. From whence it was inferred, that the prorogation which did run beyond a year, and by consequence made that the parliament could not sit that year, was illegal; and that therefore the parliament could not sit by virtue of such an illegal act [1]. Lord Shaftesbury laid hold on this with great joy, and he thought to work his point by it. The duke of Buckingham was for everything that would embroil matters [2]. The earl of Salisbury was brought into

[1] The statutes appealed to, 4th and 35th of Edward III, did not, according to the court argument, apply, because there was a Parliament in existence ('holden'), though prorogued. These statutes had moreover been virtually repealed by the Triennial Acts of Charles I and Charles II. On the other hand, it was said that the act of Charles I, which repealed that of Edward III, had itself been repealed by the act of Charles II; but, since that act had not yet come into force, the old law of Edward III still obtained. The opposition were compelled to put forward some constitutional argument, however frivolous; but the real and convincing reasons why this Parliament should have been dissolved are given in Marvell, *Popery, &c.*, 322–333. They resolve themselves into the obvious facts that the members of a House which had sat since 1661 no longer represented the people, and that 'near a third part of the House have beneficial offices under his Majesty in the privy council, the army, the navy, the law, the household, the revenue both in England and Ireland, or in attendance on his Majesty's person.' A pamphlet called *Observations, &c.*, was ordered to be burnt by the hangman; another, published by Cary under the title, *The grand question concerning the prorogation of this parliament for a year and three months stated and discussed*, the substance of which is given in the *H. M. C. Rep.* ix. 71, was declared seditious and ordered to be burnt, the writer being committed; while for another, *The Long Parliament dissolved*, the writer, Browne, was fined 1000 marks, committed to prison until the fine was paid, and otherwise punished. *Fleming Papers*, July 10, 1677; Marvell, March 19, 167$\frac{8}{7}$.

[2] He said in his speech on this occasion, 'That ancient statutes were not like women, the worse for being old.' 'That the words of the statute were as plain as a pikestaff.' I mention this as a specimen of the style of a wit, and of him, who upon his delivering to the Commons, at a conference, the Lord Clarendon's apology, sent to the lords upon his withdrawing out of the kingdom, said, 'The lords desired to have it again, for it had a style they were *in love* with, and therefore desired to *keep* it.' These last words of this duke are very like his manner, and have been generally asserted to have been spoken by him, and mentioned to be so by several historians; but the words are not in the Report made by the solicitor-general (Finch)

it, who was a high-spirited man, that had a very ill opinion of the court. Lord Wharton went also into it, and lord Holles wrote a book for it, but a fit of the gout kept him out of the way. All the rest of the party were against it. They said it was a subtilty, and it was very dangerous to hang so much weight upon such weak grounds. The words, *if need be*, had been understood to belong to the whole act: and the Long parliament did not pretend to make annnal parliaments necessary, but insisted only on a triennial parliament. If there had been need of a parliament during that long prorogation, the king by proclamation might have dissolved it, and called a new one. All that knew the temper of the house of commons were much troubled at this dispute, that was like to rise on such a point. It was very certain the majority of both houses, who only could judge it, would be against it: and they thought such an attempt to force a dissolution, would make the commons do every thing that the court desired[1]. Lord Halifax set himself much against this; and did it not without expressing great sharpness against lord Shaftesbury, who could not be managed in this matter. So, upon the first opening the session, the debate was brought on, and these lords stood against the whole house. That matter was soon decided by a question. But then a second debate rose, which held 402
[a] for two days[a], whether these lords were not liable to censure for offering a debate that might create great distractions in the subjects' minds, concerning the legality of a parliament. Lord Halifax, with the rest of the party, argued against it strongly. They said, if an idle motion was made, and checked at first, he that made it might be

[a] substituted for *many hours*.

of the conference. See *Journal of the House of Commons* of Dec. 4, 1667. The solicitor was a grave man. O. The duke had before called it, 'This scandalous and seditious paper.' R.

[1] Danby was quick to see the advantage given him by his enemies, who appeared also as the enemies of the existing House of Commons. Many votes were actually gained to the Court, and the effect was seen a little later; see *infra*, 119.

CHAP. VII. censured for it, though it was seldom, if ever, to be practised in a free council, where every man was not bound to be wise, nor to make no impertinent motion: but when a
MS. 204. motion was entertained, | and a debate followed, and a question was put upon it, it was destructive of the freedom of public councils to call any to an account for it: they might with the same justice call them to an account for their debates and votes: so that no man was safe unless he could know where the majority would be: here would be a precedent to tip down so many lords at a time, and to garboil the house as often as any party should have a great majority [1]. It was said on the other hand, here was a design to put the nation into great disorder, and to bring the legality of a parliament into dispute. So it was carried to oblige them to ask pardon as delinquents: otherwise it was resolved to send them to the Tower [2]. They refused to ask pardon, and so were sent thither. The earl of Salisbury was the first that was called on, for the duke of Buckingham went out of the house. He desired he might have his servants to wait on him, and the first he named was his cook; which the king resented highly, as carrying in it an insinuation of the worst sort. The earl of Shaftesbury made the same demand: but lord Wharton did not ask for his cook. The duke of Buckingham came in next day, and was sent after them to the Tower. And they were ordered to continue prisoners during the pleasure of the house, or during the king's pleasure. They were much visited: so to check that, though no complaint was made of their behaviour, they were made close prisoners, not to be visited without leave from the king or the house: and particular observations were made of all those that asked leave. This was much cried out on, and the earl of Danby's long imprisonment afterwards was thought a just retaliation for the violence with which he drove this on. Three of the

[1] Foxcroft, *Halifax*, i. 126 note.

[2] 'Thus a prorogation without precedent was to be warranted by an imprisonment without example. Marvell, *Popery, &c.*, 322.

lords lay in the Tower for some months, but they were set at liberty upon their petitioning the king [1]. Lord Shaftesbury would not petition: but he moved in the king's bench that he might be discharged. The king's justice, he said, was to be dispensed in that court [2]. The court said, he was committed by an order from the house of lords, which was a court superior to them: so they could take no cognizance of the matter. Lord Danby censured this motion highly, as done in contempt of the house of lords; and said he would make use of it against him next session of parliament [3]. And yet he was often forced to make the same motion at that bar: and he complained of the injustice of the court for refusing to bail or discharge him; though in that they followed the precedent which at this time was [a] believed to be [a] directed by himself. 403

The debate about the dissolution of the parliament [4] had the effect in the house of commons that was foreseen: for

[a] interlined.

[1] Buckingham soon regained the king's favour. In Clarke's *Life of James II*, i. 544, Danby's anger and disappointment are related when he heard that the duke had been allowed privately to kiss Charles's hand. 'This was by Nelly, Middlesex, Rochester, and the merry gang easily procured.' Marvell, *Portland MSS.* iii. 355.

[2] For his speech on that occasion, June 29, 1667, see the *Danby Papers*, *Brit. Mus. Add. MSS.* 28045, f. 42; and Christie, *Life of the First Earl of Shaftesbury*, ii, App. vi, No. 4.

[3] On this constitutional question see Christie, *Life, &c.*, ii. 238. The removal of Shaftesbury from active political opposition was at this time of the last importance to Danby.

[4] But the validity of the prorogation was much debated there, not as making a dissolution of the Parliament, but leaving the Parliament under the former adjournment, and so this no new session; on this matter, upon the question for naming the grand committees, there was a division of 193 for the prorogation, and 142 against it. I have seen a good MS. account of this debate (in a collection of Mr. Anchitel Gray's), which appears there to be very perplexed, especially as against the prorogation, although the length of the prorogation was a very silly measure. See *Journal of the House of Commons* of 16th, &c., of Feb. 1676. Note, this MS. collection of debates above mentioned, though called Mr. A. Gray's, I have proof, from a particular in it, that some part of it was made by Mr. Richard May, recorder of, and member for, Chichester. O.

CHAP. VII. the commons were much inflamed against lord Shaftesbury and his party[1]. They at first voted 600,000*l.* for the building of thirty ships: for they resolved to begin with a popular bill[2]. A clause was put in the bill by the country party, that the money should be accounted for to the commons, in hope that the lords would alter that clause, and make it be accountable to both houses; which was done by the lords, and conferences were held upon it. The lords thought, that since they paid their share of the tax, it was not reasonable to exclude them from the accounts. The commons adhered to their clause, and the bill was in great danger of being lost. But the king prevailed with the lords
April 16, 1677. to recede[3]. An additional excise that had been formerly given was now falling; so they continued that for three year longer; and they were in all things so compliant, that the court had not for many years so hopeful a session as this was. But all changed of a sudden.

The king of France was then making one of his early campaigns in Flanders; in which he at first took Valenciennes, and then divided his army in two. He with one besieged Cambrai, and the other, commanded by his brother, besieged St. Omer. But though I intend to say little of foreign affairs, yet where I came to the knowledge of particulars that I have not seen in any printed relations,
July 26, 1675. I will venture to set them down. Turenne's death was a great blow to the king of France; but not to his ministers,

[1] Being the beaten party, Shaftesbury was held up to ridicule. 'Today is acted the first time *Sir Popular Wisdom* or *The Politician*, where my Lord Shaftesbury and all his gang are sufficiently personated.' Marvell, Nov. 17, 1677; *Portland MSS.* iii. 357.

[2] In this grant, moreover, the obnoxious provision of appropriating the customs to the navy was omitted: cf. *supra* 87, *n*; *C. J.*, March 5, 167$\frac{8}{7}$. The ships were to be built in two years. Having secured this victory, Danby endeavoured to quiet the anti-Catholic feeling by a bill for the better securing the Protestant religion in case of a Catholic succession. But the implied sanction of such a succession had precisely the opposite effect to that for which he had hoped, and the bill never passed its second reading in the Commons.

[3] The Lords gave way under protest, reserving their rights. *Lords Journals*, April 16, 1677.

whom he despised, and who hated him. But the king had such a personal regard to him, that they were afraid of opposing him too much. He was both the most cautious and the most obliging general that ever commanded an army. He had the art of making every man love him, except those that thought they came up to some competition with him: for he was apt to treat them with too much contempt. It was an extraordinary thing that a random cannon shot should have killed him. He sat by the balance of his body a while in the saddle, but fell down dead in the place: and a great design he had, which probably would have been fatal to the German army, died with him. The prince of Condé was sent to command that army, to his great affliction: for this was a declaration that he was esteemed inferior to Turenne, which he could not well bear, though he was indeed inferior to him in all that related to the command; unless it was in a day of battle, in which the presence of mind and vivacity of thought which were wonderful in him, gave him some advantage. But he had too much pride to be so obliging as a general ought to be: and he was too much a slave to pleasure, and gamed too much, to have that constant application to his business that the other had. | He was entirely lost in the king's good opinion, not only by reason of his behaviour during his minority, but after that was forgiven, when the king had the small pox, he sent for him, and recommended his son to his care, in case he should die at that time. And[a] he, instead of receiving this as a great mark of confidence, with due acknowledgments, expostulated upon the ill usage he had met with. The king recovered, but never forgot that treatment, and took all occasions to mortify him; which the ministers knew well, and seconded him in it: so that, bating the outward respect due to his birth, they treated him very hardly in all his pretensions. The French king came down to Flanders in 76, and first took Condé, and then besieged Bouchain. The siege went on in form, and the king lay

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MS. 205.

[a] *But* struck out.

CHAP. VII. with an army covering it; when of a sudden the prince of Orange drew his army together, and went up almost to the king's camp, offering him battle. All the marshals and generals concluded that battle was to be given, and that the war would be that day ended. The king heard all this coldly. Schomberg was newly made a marshal, and had got great honour the year before against the prince in raising the siege of Maestricht. He commanded in a quarter at some distance. The king said he would come to no resolution till he heard his opinion. Louvois[1] sent for him by a confident person, whom he ordered to tell him what had happened, and that in any opinion he was to give he
405 must consider the king's person. So when he came to the king[a] a council of war was called, and Schomberg was ordered to deliver his opinion first. He said, the king was there on design to cover the siege of Bouchain: a young general was come up, on a desperate humour to offer him battle: he did not doubt but it would be a glorious decision of the war: but the king ought to consider his own designs, and not to be led out of these by any bravado, or even by the great hope of success. The king ought to remain on his post till the place was taken: otherwise he suffered another man to be the master of his counsels and actions. When the place was taken, then he was to come to new counsels: but till then he thought he was to pursue his first design. The king said Schomberg was in the right: so he was applauded that day as a better courtier than a general. I had all this from his own mouth.

To this I will add a pleasant passage that the prince of Condé told young Ruvigny[2], now earl of Galway. The king of France has never yet fought a battle, and has a mighty notion of that matter: and, it seems he apprehends

[a] *'s tent* struck out.

[1] François-Michel Le Tellier, Marquis de Louvois (1639–1691).

[2] Henri de Massue, Marquis de Ruvigny (1648–1721), created Earl of Galway 1697. See *infra* 154.

the danger of it too much. Once he was chiding the prince of Conti for his being about to fight a combat with a man of quality. The king told him he ought to consider the dignity of his blood, and not put himself on the level with other subjects; and that his uncle had declined fighting on that very account. The prince of Conti answered, My uncle might well have done so after he had won two battles; but I, who have yet done nothing, must pretend to no such distinction. The king told this answer to the prince of Condé, who saw he was nettled with it. So he said to him, that his nephew had in that spoke like a young man: for the winning of a battle was no great matter; since, though he who commanded had the glory of it, yet it was the subalterns that did the business: in which he thought he pleased the king, and for which he laughed heartily at him when he told the story. CHAP. VII.

The late king[1] told me, that in these campaigns the Spaniards were both so ignorant and so backward, so proud and yet so weak, that they would never own their feebleness or their wants to him. They pretended they had stores when they had none, and thousands when they scarce had hundreds. He had in their councils often desired that they would give him only a true state of their garrisons and magazines; but they always gave it false. So that for some campaigns all was lost, merely because they deceived him in the strength they pretended to have. At last he believed nothing they said, but sent his own officers to examine every thing. Monterey was a wise man, and a good governor, but a coward. Villa Hermosa was a 406
brave man, but ignorant and weak. Thus the prince had a sad time of it every campaign. But none was so unhappy as this, in which, upon the loss of Valenciennes, he looking on St. Omer as more important than Cambrai, went thither, and ventured a battle too rashly[2]. Luxembourg, with a great body of horse, came into the duke of Orleans's army just as they were engaging. Some regiments of marines,

[1] William. S.

[2] At Cassel, April 11.

CHAP. VII. on whom the prince of Orange depended much, did basely run away[1]: yet the other bodies fought so well, that he lost not much, besides the honour of the day. But upon that St. Omer did immediately capitulate, as Cambrai did some days after. It was thought that the king was jealous of the honour his brother had got in that action, for he never had the command of an army after that time: and courage being the single good quality that he had, it was thought his having no occasion given him to shew it flowed from some particular reason.

April 19, 1677.

April 4, 1677.

All these things happening during the session of parliament, it made | great impression on all people's minds[2]. Sir W. Coventry opened the business in the house of commons, and shewed the danger of all those provinces falling under the power of France; which must end in the ruin of the United Provinces, if a timely stop were not put to the progress the French were making. He demonstrated that the interest of England made it necessary for the king to withdraw his mediation, and to enter into the alliance against France: and the whole house went into this. There were great complaints made of the regiments that the king kept in the French army, and of the great service that was done by them. It is true the king suffered the Dutch to make levies: but there was another sort of encouragement given to the levies of France, particularly in Scotland, where it looked liker a press than a levy[3]. They had not only the public jails given to keep their men in, but when

MS. 206.

[1] This was at Charleroi, Aug. 1677.

[2] Parliament had met Feb. 15, 167$\frac{8}{7}$; Valenciennes was taken in March, and Cambrai and St. Omer on April 4 and 19; the defeat of William at Cassel, which secured the latter success, was on April 11. Thus the Spanish Netherlands were practically in Louis's hands. The advantage gained by Danby (cf. *supra* 118, 119) was now completely lost.

[3] See the case of Mr. Harrington in Marvell's *Growth of Popery, &c.*, 334; *Parl. Hist.* iv. 846, for the debate, March 16, 17, 167$\frac{8}{7}$; Ralph, i. 314; and *Commons Journals*. 'He had met with two Scotch soldiers in town returned from Flanders, who complained that many of their countrymen had in Scotland been seized by force, to be carried over into the French service.'

these were full, they had the castle of Edinburgh assigned them, till ships were ready for their transport. Some that were put in prison for conventicles were, by order of council, delivered to their officers. The Spanish ambassador heard of this, and made great complaints upon it. So a proclamation was ordered, prohibiting any more levies[1]: but duke Lauderdale kept it up some days, and writ down to haste the levies away, for a proclamation was coming down against them. They were all shipped off, but had not sailed, when the proclamation came down: yet it was kept up till they sailed away. One of the ships was driven back by stress of weather, but no care was taken to execute the proclamation. So apparently was that kingdom in a French 407
management.

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The house of commons pressed the king by repeated addresses to fall into the interest of Europe, as well as into his own [2]. The king was uneasy at this, and sent them several very angry messages. Peace and war, he said, were undoubtedly matters within his prerogative, in which they ought not to meddle. And the king in common discourse remembered often the parliament's engaging his father and grandfather in the affairs of Germany, and to break the match with Spain, which proved fatal to them: and he resolved not to be served in such a manner. Upon this occasion, Lord Danby saw his error of neglecting the leading men and reckoning upon a majority, such as could be made. For these did so entangle the debates, and over-

[1] On Dec. 18, 1677, Danby wrote to Lauderdale: 'I suppose you have already received his Ma^ties orders by Mr. S^r. Coventry to forbid all recruits for France?' *Lauderdale Papers*, iii. 240.

[2] Addresses were sent up on March 16, 26, and April 5. The reply to the latter was delayed until April 11, by which time the successes of the French had removed all fear that Louis's success could be seriously checked by Parliament. See Marvell, *Growth of Popery, &c.*, 367, where, however, the battle of Cassel and the taking of St. Omer are wrongly dated. Fresh addresses were sent up on April 13 and 16. As Courtin told Louis on April 8, the English would give everything for a war with France, 'even to their shirts.' Mignet, *Négociations relatives, &c.*, iv. 443.

CHAP. VII. reached those on whom he had practised, that they, working on the aversion that the English nation naturally has to a French interest, spoiled the hopefullest session the court had of a great while, before they were well aware of it [1]. The king, who was yet firmly united with France, dismissed them with a very angry speech, chiding them for going so far in matters that were above them, and that belonged only to him: though they had brought together many precedents in the reigns of the highest spirited of all our kings, in which parliaments had not only offered general advices about the entering into wars, but even special ones as to the conduct that was to be held in them [2]. The whole nation thought it a great happiness, to see a session that lord Shaftesbury's management had, as it were, driven in to the court, end with doing so little mischief; far contrary to all men's expectation.

When the session was over, lord Danby saw his ruin was inevitable, if he could not bring the king off from a French interest: upon which he set himself much to it, and as he talked with an [a]extraordinary zeal[a] against France on all

[a] substituted for *headstrong wilfulness* struck out.

[1] Rare style! S.

[2] On May 25 the Commons refused supply until the king should submit his alliances to them. This interference in questions of peace and war was undoubtedly a new departure, and Charles resented it passionately and with a comprehensive refusal. It was on this occasion that in a conference with Van Beuninghen he exclaimed, tossing his handkerchief into the air, 'I care just that for Parliament.' On May 28 he retorted upon their encroachment by 'requiring' the House to adjourn. This led to an excited protest, nearly reaching violence, and the adjournment was only managed by the arbitrary action of the Speaker, Seymour. See *Parl. Hist.* iv. 890, and the passages from Ralph and Marvell there quoted. A second adjournment, by 'orders from the king,' and again under protest, was imposed from July 16 to Dec. 3; and a third, by proclamation, to April 4, 1678; but Charles allowed the House to meet on Jan. 15, 167$\frac{7}{8}$, the alliance with the Dutch having been then concluded. See Marvell's letters of July 17, 1677, *Portland MSS.* iii. 355, and of Dec. 4, 1677, Grosart's ed. The precedents, produced by Powle, for parliamentary interposition in matters of alliances were in the reigns of Edward III, Richard II, and Henry V.

occasions, so he pressed the king much to follow the advices of his parliament[1]. The king seemed to insist upon this, that he would once have a peace made upon the grounds that he had concerted with France: and, when that was done, he would next day enter into the alliance. But he stood much upon this, that having engaged with France into this war, he could not with honour turn against France till it was once at an end. This was such a refining in a point of honour, which that king had not on all other occasions considered so much, that all men believed there was somewhat else at bottom. The earl of Danby continued to give, by Temple[2], all possible assurances to the prince of Orange, pressing him likewise to make some compliances on his side; and he gave him great hopes of bringing about a marriage with the duke's daughter, which was universally desired by all the protestant party both at home and abroad[3]. Great offers were made the duke to draw him into the alliance: he was offered the command of the whole force of the allies, and he seemed to

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[1] He was steadfast to this policy throughout. See Reresby's *Memoirs*, 115, where the statements in the text are fully confirmed from Danby's own words spoken at the time. James 'was the chief carrier on of the French interest, and made it his business to court the Sectaries or Fanatics, hoping thereby to strengthen the Popish interest.' In Feb., 1684, Danby spoke again to Reresby of 'that national foundation where he would only engage, declaring his aversion to a French or a popish interest. See *supra* 96, *note*.

[2] It was now that Danby was desirous of the appointment of Temple as Secretary of State. See *Danby Papers*, *Add. MSS.* 28054, f. 62; Temple's *Works*, ii. 407, &c., iv. 329, &c. The proposal was renewed in a letter from Danby to Temple of Jan. 8, 167$\frac{8}{9}$ (*Lindsay MSS.* 397), directly from the king, who 'although he has not money for his necessary occasions, yet he is willing to secure to Secretary Coventry £5,000 of the £10,000 he is to have for his place, and will be hereafter willing to reimburse to yourself the latter £5,000 if you will lay it down.' See Temple's letter declining the offer, *Works*, iv. 457.

[3] This design had been spoken of as early as 1670. Reresby, *Memoirs*, 83. Burnet mentions the journey in that year (vol. i. 495, *note*), but evidently was ignorant that this was among its objects. And on Feb. 28, 167$\frac{3}{4}$, Conway wrote in cypher to Essex: 'It is also designed, before [Parliament] meet, to have a Treaty of Marriage on foot between Prince of Orange and Duke of York's daughter.' *Essex Papers*, i. 181.

CHAP. VII. be wrought on by the prospect of so great an authority. There was a[a] party that were still very jealous of lord
MS. 207. Danby in all this matter. | Some thought all this was artifice; that a war would be offered to the next session, only to draw money from the parliament, and thereby to raise an army; and that when the army was raised, and much money given to support it, all would be sold to France for another great sum; and that here would be pay for an army for some years, till the nation should be subdued to an entire compliance with the court. It was given out that this must be the scheme by which he maintained himself in the king and the duke's confidence, even when he declared himself an open enemy to that which they were still supporting. This he did with so little decency, that at Sancroft's consecration dinner he begun a health to the confusion of all that were not for a war with France. He got the prince of Orange to ask the
June, 1677. king's leave to come over at the end of the campaign: with which the court of France was not pleased, for they suspected a design for the marriage. But the king assured
Sept. 1677. Barillon, who was lately sent over ambassador in Courtin's room[1], that there was not a thought of that; that the prince of Orange had only a mind to talk with him: and he hoped he should bring him into such measures as should produce a speedy peace.

The campaign ended unsuccessfully to the prince: for he sat down before Charleroi, but was forced to raise the
Sept. or Oct. 1677. siege[2]. When that was over, he came to England, and staid some time in it, talking with his two uncles about a peace; but they could not bring him up to their terms[3].

[a] *an active* struck out.

[1] See *supra* 96, *note*.

[2] Which occasioned a very severe jest, when he came to England, from the Earl of Mulgrave, who, not being received by him in the manner expected, said, he supposed he could rise before nothing less than a town. D.

[3] See the highly interesting account of this in Temple, *Works*, ii. 419. According to Danby's *Diary*, William came on Oct. 9, 1677; Ranke, iv. 36, says it was in September.

After a fruitless stay for some weeks, he intended to go back, without proposing marriage. He had no mind to be denied: and he saw no hope of succeeding, unless he would enter more entirely into his uncle's measures. Lord Danby pressed his staying a few days longer, and that the management of that matter might be left to him [1]. So next Monday morning, after he had taken care by all his creatures about the king to put him in very good humour, he came to him and told him he had received letters from all the best friends the king had in England, and shewed a bundle of them; in which he was pretty sure the king would not trouble himself to read them; probably they were written as he had directed. They all agreed, he said, in the same advice, that the king should make a marriage between the prince of Orange and the duke's daughter: for they all believed he came over on that account: and, if he went away without it, nobody would doubt but that he had proposed it, and had been denied. Upon which the parliament would certainly make addresses to the king for it: and if the marriage was made upon that, the king would lose the grace and thanks of it: but if it was still denied, even after the addresses of both houses, it would raise jealousies that might have very ill consequences. Whereas if the king did it of his own motion, he would have the honour of it, and by so doing, he would bring the prince into a greater dependence on himself, and beget in the nation such a good opinion of him as would lay a foundation for a mutual confidence. This he enforced with all the topics he could think on. The king said the prince

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[1] The Duke of Leeds (Lord Danby's title afterwards) told me he wrote to the prince to come over by the king's order, and that as soon as he arrived, the duke (of York) told him in great passion he understood the intrigue, and that he was the chief manager, but they should be all disappointed, for the king had promised never to dispose of his daughters without his consent: and that this was a match he would never give his consent to. Lord Danby immediately acquainted the king, who said it was true he had given his brother such a promise, but, 'God's fish' (his usual oath), 'he must consent.' D.

CHAP. VII. had not so much as proposed it. Lord Danby owned he had spoke of it to himself, and that his not moving it to the king was only because he apprehended he was not like to succeed in it. The king said next, My brother will never consent to it. Lord Danby answered, Perhaps not, unless the king took it upon him to command it: and he thought it was the duke's interest to have it done, even more than the king's. All people were now possessed with his being a papist, and were very apprehensive of it. But if they saw his daughter given to one that was at the head of the protestant interest, it would very much soften those apprehensions, when it did appear that his religion was only a personal thing, not to be derived to his children after him. With all this the king was convinced. So he sent for the duke, lord Danby staying still with him. When the duke came, the king told him he had sent for him to desire he would consent to a thing that he was sure was as much for his interest, as it was for his own quiet and satisfaction. The duke, without asking what it was, said he would be always ready to comply with the king's pleasure in every thing. So the king left it to the lord Danby to say over all he had said on that head to himself. The duke seemed much concerned: but the
410 king said to him, Brother, I desire it of you for my sake, as well as your own: and upon that the duke consented to it. So lord Danby sent immediately for the prince of Orange, and in the king's name ordered a council to be presently summoned. Upon the prince his coming, the king in a very obliging way said to him, Nephew, it is not good for man to be alone, I will give you a help meet for you: and so he told him he would bestow his niece on him, and the duke with a seeming heartiness gave his consent in very obliging terms: the
MS. 208. king adding, Nephew, remember that | love and war do not agree well together. In the mean while the news of the intended marriage went over the court and town. All, except the French and the popish party, were much

pleased with it[1]. Barillon was amazed. He went to the duchess of Portsmouth, and got her to send all her creatures to desire to speak to the king; she writ him likewise several billets to the same purpose. But lord Danby had ordered the council to be called, and he took care that neither the king nor the duke should be spoke to till the matter was declared in council. And when that was done, the king presented the prince to the young lady, as the person he designed should be her husband[2]. When Barillon saw it was gone so far, he sent a courier to the court of France with the news: upon whose arrival Montagu[3], that was then our ambassador there, was sent for. When he came to Versailles, he saw the king the most moved that he had ever observed him to be. He asked him, when was the marriage to be made[4]? Montagu understood not what he meant: so he explained all to him. Montagu protested to him that he knew nothing of the whole matter. That king said, he always believed the journey would end in this: and he seemed to think that our court had now forsaken him. He spoke of the king's part in it more decently, but expostulated severely on the duke's part, who had now given his daughter to the greatest enemy he had in the world. To all this Montagu had no answer to make: but next night he had a courier with letters both from the king, the duke, and the prince, to the king of France. The prince had no mind to this piece of courtship, but his uncles obliged him to it, as a civility due to kindred and blood. The king assured the king of France that he had made the match on design to engage the prince to be more tractable in the treaty, that was now going on at Nimeguen[5]. The king of

[1] Reresby, *Memoirs*, 124; *Hatton Correspondence* (Camden Society), ii. 151; Letter of Barillon to Louis XIV, Nov. 4, 1677; Mignet, *Négociations, &c.*, iv. 511; Ranke, iv. 36.

[2] 'The Prince is a very fond husband, but she a very coy bride, at least before folkes.' *Hatton Correspondence*, Nov. 10.

[3] *Supra* 97.

[4] The marriage took place on Nov. 15, 1677.

[5] 'Many people adventure to say that Nimeguen is indeed the theatre

CHAP. VII. France received these letters civilly, but did not seem much satisfied with them. Montagu was called over soon after this, to get new instructions, and lord Danby asked him
411 how the king of France received the news of the marriage. He answered, As he would have done the loss of an army; and that he had spoke very hardly of the duke for consenting to it, and not at least acquainting him with it [1]. Lord Danby answered, he wronged him; for he did not know of it an hour before it was published, and the king himself not above two hours. All this relation I had from Montagu himself [2]. It was a masterpiece indeed, and the chief thing in the earl of Danby's ministry, for which the duke never forgave him.

1678. Upon the general satisfaction that this marriage gave the whole nation, a new session of parliament was called
Jan. 28, 167$\frac{7}{8}$. in the beginning of the year 78 [3]: to which the king

where the piece is publicly represented, but that all is concerted behind the curtain in the King of Britain's closet.' *Lindsay MSS.*, 385.

[1] A week after the marriage fresh conditions of peace were sent to Louis: Danby states that they were the proposals of the confederates, not of Charles. *Danby Papers*, *Add. MSS.* 23,043, f. 159; Mignet, *Négociations, &c.*, iv. 512–518. See, however, Russell's *Life of Lord W. Russell*, i. 96–98. On Dec. 8, 1677, Danby wrote to William: 'The fault will now be on your side of the water if you have not either the peace upon the terms proposed, or us engaged as deep in the war as yourselves.' Danby's *Letters*, 162.

[2] But see Sir William Temple's *Memoirs and Letters*, in which the account of all this transaction varies in many particulars from what is here said. O. Ralph, in his *History of England*, i. 338, compares this account, which the bishop had from Lord Montagu, with that given by Sir William Temple in his *Memoirs* in vol. ii. of his works, who says that even Lord Danby was not in the secret of the king's sudden change, and of his no longer insisting on the peace prior to the marriage, which was effected by the Prince of Orange's rather minatory declaration, and by Temple's arguments, who communicated the resolution to the prince. R.

[3] The Commons met on Jan. 28 in great irritation at the last adjournment (*supra* 126), and debate upon debate took place on this matter. 'They had been kickt from adjournment to adjournment as from one stair down to another, and when they were at the bottom, kickt up again, having no mind yet to go out of door.' Marvell, *Growth of Popery, &c.*, 410. Nevertheless on Jan. 30 they voted £70,000 'for a solemn funeral of his late Majesty King

declared the sense he had of the dangerous state their neighbours were in, and that it was necessary he should be put in a posture to bring things to a balance. So the house was pressed to supply the king in so plentiful a manner as the occasion did require[1]. The court asked money both for an army and a fleet. Sir W. Coventry shewed the great inconvenience of raising a land army, the danger that might follow on it, the little use could be made of it, and the great charge it must put the nation to. He was for hiring bodies from the German princes, and for assisting the Dutch with money: and moved to recall our troops from France, and to employ them in the Dutch service. He thought that which did more properly belong to England, was to set out a great fleet, and to cut off the French trade every where. For they were then very high in their manufactures and trade; their people were ingenious as well as industrious; they wrought hard, and lived low; so they sold cheaper than others could do; and it was found that we sent very near a million of our money in specie every year for the balance of our trade with them. But the king had promised so many commissions to men of quality in both houses, that this carried it for a land army[2]. It was said, what hazard could there

Charles.' *Parl. Hist.* iv. 907. For the violent scenes which took place when the Speaker left the chair, Feb. 4, 167$\frac{7}{8}$, see Townsend's *History of the House of Commons*, i. 33.

[1] It is worth noticing that Charles Bertie, brother-in-law of Danby, and Secretary to the Treasury, expended on secret service, and without account, nearly £250,000 between March 25, 1676, and March 15, 167$\frac{8}{9}$. *Lindsay MSS.*, *H. M. C. Rep.* xiv, App. Part ix. 403; *Commons Journals*, May 10, 1679.

[2] On Feb. 5 it was voted that the king should be supported in the alliance with the Dutch, and, on Feb. 6, that 'ninety ships are necessary for the support of his Majesty's present alliances'; on the 8th, that thirty-two regiments should be equipped; on the 18th, that a million pounds should be raised to enable the king to go to war with France, and that one part should be raised by a poll-tax on all but paupers, and one part by a tax on buildings erected since 1656. *Commons Journals.* It is clear however from Barillon's dispatches, that there was little confidence in any real intention of the king to go to war with France. See Mignet, *Négociations, &c.*, iv. 521. There is no speech of William Coventry recorded in these debates. *Parl. Hist.* iv. 943–950; Marvell, Feb. 9, 167$\frac{7}{8}$.

CHAP. VII. be from an army commanded by men of estates, as this was to be? A severe act passed, prohibiting all importation of the French manufacture or growth for three years, and to the next session of parliament after that. This was made as strict as was possible: and for a year after it was well looked to. But the merchants found ways to evade it, and the court was too much French not to connive at the
MS. 209. breach of it. | In the preamble to this act it was set forth that we were in an actual war with France. This was excepted to, as not true in fact. But the ministry affirmed we were
412 already engaged so far with the allies, that it was really a war, and that our troops were already called home from France[1]. Coventry[2] in some heat said, the king was engaged, and he would rather be guilty of the murder of forty men than do any thing to retard the progress of the war. The oddness of the expression made it to be often objected afterwards to him. A poll bill was granted, together with the continuance of the additional customs, that were near falling off. Six hundred thousand pound was also given for a land army and for a fleet. All the court party magnified the design of raising an army[3]. They said the employing hired troops was neither honourable nor safe. The Spaniards were willing to put Ostend and Nieuport in our hands: and we could not be answerable for these places, if they were not kept by our own people.

At this time the king of France made a step that struck terror into the Dutch, and inflamed the English out of measure. Louvois till then was rather his father's assistant, than a minister upon his own foot. He at this time gained the credit with the king that he maintained so long afterwards. He proposed to him the taking of Ghent, and thought that the king's getting into such a place, so near

[1] Danby was eager for war with France. See the terms of agreement with the Dutch arranged in conversation between Temple and Van Beuninghen. *Lindsay MSS.* 393.

[2] *scil.* Henry Coventry.

[3] This was in the earlier debate of Jan. 28, 167⅞, on the adjournments. See *infra* 186; *Parl. Hist.* iv. 900.

the Dutch, would immediately dispose them to a peace. But it was not so easy to bring their army so soon about it without being observed: so the execution seemed impossible. He therefore laid such a scheme of marches and countermarches, as did amuse all the allies. Sometimes the design seemed to be on the Rhine, sometime on Luxembourg: and while their forces were sent to defend those places where they apprehended the design was laid, and that none of the French generals themselves did apprehend what the true design was, all of the sudden Ghent was invested, and both town and citadel were quickly taken. This was Louvois's masterpiece, and it had the intended effect. It brought the Dutch to resolve on a peace. The French king might have taken both Bruges, Ostend, and Nieuport: but he had no mind to provoke England. He was sure of his point by the fright it put the Dutch in. We were much alarmed at this: the Duke of Monmouth was immediately sent over with some of the guards [1]. CH. VIII. March 5–12, 167⅞. March 25.

CHAPTER VIII.

SCOTCH AFFAIRS. JUDICIAL MURDER OF MITCHELL. THE HIGHLAND INVASION OF THE WEST. PEACE OF NIMEGUEN.

BUT the parliament grew jealous, as they had great cause given them, both by what was then a doing in Scotland, and by the management they observed at court. And now I must look northward to a very extraordinary scene then opened there. Duke Lauderdale and his

[1] See Mignet, *Négociations, &c.*, iv. 537–544, for an analysis of these events. Louis's successes, together with the jealousy aroused among the Dutch by William's union with the English royal family, determined the States, in spite of William's vehement opposition, to conclude a separate peace with France.

CH. VIII. duchess went to Scotland the former year: her design was to marry her daughters into two of the great families of
413 Scotland, Argyll and Murray, which she did[1]. But things being then in great disorder, by reason of the numbers and desperate tempers of those who were intercommuned, Sharp pretended he was in great danger of his life; and that the rather, because the person that had made the attempt on him was let live still. Upon this I must tell what had passed three year before this[2]. Sharp had observed a man that kept shop at his door, who looked very narrowly at him always as he passed by: and he fancied he was the man that had shot at him six year before[3]. So he ordered him to be taken up, and examined. It was found he had two pistols by him that were deeply charged, which increased the suspicion. Yet the man denied all. But Sharp got a friend of his to go to him, and deal with him to make a full confession, and he made solemn promises that he would procure his pardon. His friend answered, he hoped he did not intend to make use of him to trepan a man to his ruin. Upon that, with lifted up hands, he promised by the living God, that no hurt should come to him if he made a full discovery. The person came again to him, and said, if that promise were made in the king's name, the prisoner would tell all. So it was brought before the council. Lord Rothes, Halton[4], and Primrose were ordered to examine him. Primrose said, it would be a strange force of eloquence to persuade a man to confess and be hanged. So duke Lauderdale, being the king's commissioner, gave them power to promise him his life; and as soon as these lords told him this, he immediately kneeled down, he confessed the fact, and told the whole manner of it. There was but one person privy

[1] The elder, Elizabeth, married Lord Lorne, afterwards 1st Duke of Argyll; the younger, Catherine, was married, first to James, Lord Down, eldest son of Alexander, 4th Earl of Murray, and secondly to John, 15th Earl of Sutherland.

[2] In Feb. and March, 167$\frac{3}{4}$. Wodrow, ii. 248–252.

[3] On July 11, 1668. Vol. i. 501; Wodrow, ii. 115.

[4] Upon this title see *infra* 310.

to it, who was then dead. So Sharp was troubled to see so small a discovery made: yet they could not draw more from him. So then it was considered what should be done to him. Some moved the cutting off his right hand. | Others said, he might learn to practise with his left hand, and to take his revenge; therefore they thought both hands should be cut off. Lord Rothes, who was a pleasant man, said, How shall he wipe his breech then? This is not very decent to be mentioned in such a work, if it were not necessary; for when the truth of the promise now given was afterwards called in question, this jest was called to mind, and made the whole matter [a] to be remembered [a]. But Primrose moved, that since life was promised, which the cutting off a limb might endanger, it was better to keep him prisoner during life in a castle they had in the Bass, a rock in the mouth of the Frith: and thither he was sent [1]. But it was thought necessary to make him repeat his confession in a court of judicature: so he was brought into the justiciary court, upon an indictment for the crime, to which it was expected he should plead guilty. But the judge, who hated Sharp, as he went up to the bench, passing by the prisoner, said to him, Confess nothing, unless you are sure of your limbs as well as of your life. Upon this hint, he, apprehending the danger, refused to confess: which being reported to the council, an act passed, mentioning the promise and his confession, and adding that since he had retracted his confession, they likewise recalled the promise of pardon: the meaning of which was this, that if any other evidence was brought against him the promise should not cover him: but it still was understood, that this promise secured him from any

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MS. 210.

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[a] substituted for *more certain*.

[1] He had first been imprisoned in the Tolbooth, had endeavoured to escape, and had been put to the torture. He was sent to the Bass in Jan. 166⅘ and remained there until Dec. 6. The trial in Edinburgh began on Jan. 7, 167⅞. Wodrow, ii. 455-472.

CH. VIII. ill effect by his own confession. The thing was almost forgot after four years, the man being in all respects so very inconsiderable. But now Sharp would have his life. So duke Lauderdale gave way to it, and he was brought to Edinburgh in order to his trial. Nisbet, who had been the king's advocate, and was one of the worthiest and learnedest men of the age, was turned out, and Mackenzie[1] was put in his place, who was a man of much life and wit, but it was neither equal nor correct. He has also published many books, some of law, but all full of faults; for he was a slight and superficial man. Lockhart was assigned counsel for the prisoner. And now that the matter came again into people's memory, all were amazed at the proceeding. Primrose was turned out of his place of register, and was made justice general[2]. He was a man of most exquisite malice, and was too much pleased with the thoughts that the greatest enemies he had were to appear before him, and to perjure themselves in his court: yet he fancied orders had been given to raze the act that the council had made: so he turned the books, and found the act still on record. He took a copy of it, and sent it to Mitchell's counsel: that was the prisoner's name. And a day or two before the trial he went to duke Lauderdale, who, together with Sharp, lord Rothes, and lord Halton, were summoned

[1] *scil.* Sir George Mackenzie of Rosehaugh, appointed Advocate-General Aug. 23, 1677, the writer of the *Memoirs*. See Hickes's statement, Ellis, *Original Letters*, 2nd Series, iv. 49; 'The king's advocate being a fanatic would not pursue him.' Lauderdale therefore got rid of Nisbet to appoint Mackenzie, 'who upon my Lord's moving and the council's pursued him like a gallant man and a good Christian.' Nisbet was appointed Nov. 3, 1664, and was forced to resign in 1677 upon matters which, while bringing him into conflict with the Lauderdale influences, were entirely unconnected, according to Omond, with the Mitchell case. *Lord Advocates of Scotland*, i. 198. His character, as summed up by Omond, 'when bad men were common, he was one of the worst,' (*id.* 199), is in strong contrast with the 'worthiest' of Burnet; all are agreed as to his legal acquirements. See also Mackenzie, *Memoirs*, 324. On Mackenzie, see *Lord Advocates of Scotland*, i. 202-205, 235. He died May 8, 1691.

[2] This was to please the Duchess of Lauderdale. *Id.* 214.

as the prisoner's witnesses. He told him many thought there had been a promise of life given. Duke Lauderdale denied it stiffly. He said he heard there was an act of council made about it, and he wished that might be looked into. Duke Lauderdale said he was sure it was not possible, and he would not give himself the trouble to turn over the books of council. Primrose, who told me this, said his conscience led him to give duke Lauderdale this warning of the matter, but that he was not sorry to see him thus reject it: and upon it he said within himself, 'I have you now.' The trial was very solemn. His confession was brought against him, as full evidence: upon which Lockhart did plead, to the admiration of all, to shew that no extrajudicial confession could be allowed in a court. The hardships of a prison, the hopes of life, with other practices, might draw confessions from men, when they were perhaps drunk, or out of their senses. He brought 415
out upon this a measure of learning that amazed the audience, out of the lawyers of all civilized nations: and when it was opposed to this, that the council was a court of judicature, he shewed that it was not the proper court for crimes of this nature, and that it had not proceeded in this as a court of judicature: and he brought likewise a great deal of learning upon those heads. But this was overruled by the court, and the confession was found judicial. The next thing pleaded for him was, that it was drawn from him upon hope and promise of life: and to this Sharp was examined. The person he had sent to Mitchell gave a full evidence of the promises he had made to him, but Sharp denied them all. He also denied he heard any promise of life made him by the council: so did both the lords of Lauderdale, Rothes, and Halton, to the astonishment of all that were present. Lockhart upon that produced a copy of the act of council that made express | mention of the promise given, and of his having MS. 211.
confessed upon that: and the prisoner prayed that the books of council, which lay in a room overhead to that

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CH. VIII. in which the court sat, might be sent for[1]. And Lockhart pleaded that since the court had judged that the council was a judicature, all people had a right to search into their registers; and the prisoner, who was like to suffer by a confession made there, ought to have the benefit of those books. Duke Lauderdale, who was in the court only as a witness, and so had no right to speak, stood up, and said, he hoped he and those other noble persons were not brought thither to be accused of perjury; and added that the books of council were the king's secrets, and that no court should have the perusing of them. The court was terrified with this, and were divided in opinion. Primrose and one other was for calling for the books. But three were of opinion that they were not to furnish the prisoner with evidence, but to judge of that which he brought. So here was only a bare copy, not attested upon oath, which ought not to have been read. So this defence being rejected, he was cast and condemned.

As soon as the court broke up, [a]the lords[a] went up stairs, and to their shame found the act recorded, and signed by lord Rothes as president of the council. He pretended he signed every thing that the clerk of council put in the book without reading it: and it was intended to throw it on him. But he, to clear himself, searched among his papers, and found a draught of the act in Nisbet's hand. So, he being rich and one they had turned out, they resolved to put it
416 upon him, and to fine him deeply. But he examined the *sederunt* in the book, and spoke to all who were there at the board, of whom nine happened to be in town, who were ready to depose upon oath, that when the council had ordered that act to be drawn, the clerk of council desired

[a] substituted for *Lauderdale and Rothes with the others.*

[1] Mackenzie states that Lockhart refused to speak for Mitchell, being unwilling to offend Lauderdale. But this is clearly wrong. See Wodrow, ii. 464 and 470, *note*; Omond, *Lord Advocates of Scotland*, i. 215; Fountainhall's *Decisions.*

the help of the king's advocate in penning it, which he did, and his draught was approved by the council: and now lord Rothes's jest was remembered. Yet duke Lauderdale still stood to it, that the promise could only be for interceding with the king for his pardon, since the council had not the power of pardoning in them. Lord Kincardine acted in this the part of a Christian to an enemy. Duke Lauderdale had writ to him, he being then serving for him at court, that he referred the account of Mitchell's business to his brother's letters; in which the matter was truly related, that upon promise of life he had confessed the fact; and he concluded desiring him to ask the king that he would be pleased to make good the promise. These letters I saw in lord Kincardine's hands. Before the trial he sent a bishop to duke Lauderdale, desiring him to consider better of that matter, before he would upon oath deny it: for he was sure he had it under his and his brother's hand, though he could not yet fall upon their letters. But duke Lauderdale despised this. Yet before the execution he[1] went to his house in the country, and there he found the letters, and brought them in with him, and shewed them to that bishop. All this made some impression on duke Lauderdale, and he was willing to grant a reprieve, and refer the matter to the king. So a petition was offered to the council, and he spoke for it. But Sharp said, that was upon the matter the exposing his person to any man that would attempt to murder him, since favour was to be shewed to such an assassinate. Then said duke Lauderdale, in an impious jest, Let Mitchell glorify God in the Grass Market, which was the place where he was to be hanged[2]. This action, and all concerned in it, were looked

[1] *scil.* Kincardine.

[2] According to Higgons, upon Mitchell's examination, he being asked what induced him to make so wicked an attempt upon the person of the archbishop, replied, that he did it for the glory of the Lord; for this reason afterward, when it was resolved to hang him, the duke said, 'Let Mitchell glorify God in the Grass Market.' Bevill Higgons's *Remarks*, 206. Salmon relates, but without mentioning his authority, that the archbishop moved in council to have

CH. VIII. at by all people with horror. And it was such a complication of treachery, perjury, and cruelty, as the like had not perhaps been known: and yet duke Lauderdale had a chaplain, Hickes[1], afterwards dean of Worcester, who published a false and partial relation of this matter, in order to the justifying of it[2], who was turned out for not taking the oaths to the late king. Primrose not only gave me an account of this matter, but sent me up an authentic record of the trial, every page signed by the clerk of the court, of which I have here given the abstract[3]. This I set down the more fully, to let my readers see to what a height in wickedness men may be carried after they have once thrown off [a] good principles. What Sharp did now to preserve himself from such practices was probably that which, both
417 in the just judgment of God and the inflamed fury of wicked men, brought him two years after to such a dismal fate.
MS. 212. | Primrose did most inhumanly triumph upon this matter, and said it was the great glory of his life, that the four greatest enemies he had should come and consign the

[a] *all* struck out.

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the assassin reprieved. *Examination*, 762. In a letter, however, lately published, Dr. Hickes says that Mitchell was not at first prosecuted, because the archbishop would not pursue him in *causa sanguinis*, adding, that the king's advocate, Nisbet, would not, being a fanatic. Ellis's *Second Series of Letters*, iv. 40. See more below relative to this unhappy business, *infra*, 310. R.

[1] George Hickes was made chaplain to Lauderdale in 1676, and was employed to defend him when attacked in 1678. *Infra* 146, *note*. In April, 1678, he was sent with Alexander Burnet to represent the Church case to the king and the English bishops. In Dec., 1679, he was made a D.D. of Oxford, Prebendary of Worcester in June, 1680, and dean in Aug., 1683. As one of the non-jurors he was deprived in Feb., $16\frac{8}{9}\frac{8}{9}$. He died in Dec., 1715.

[2] Hickes's *Narrative* of Mitchell's trial, under the title 'Ravillac Redivivus,' really a defence of Lauderdale regarding the western invasion, written to order, will be found in the *Somers Tracts*, viii. 511. It was published in 1678, and a second edition, enlarged, in 1682. See *Lauderdale Papers*, iii. 116, &c.

[3] Lee, *State Trials*, vi. 1207-1262; Kirkton, *Hist. of Scotland*, 383, 384; Burton, *Hist. of Scotland*, vii. 482-490; Fountainhall, *Historical Notices*, 90, 182-185.

damnation of their souls in his hands. I told him that was an expression fitter for a devil than a Christian. The poor creature died more pitied than could have been imagined. CH. VIII. Jan. 18, 167⅞.

This made way to more desperate undertakings. Conventicles grew in the west to a very unsufferable pitch: they had generally with them a troop of armed and desperate men, that drew up and sent parties out to secure them. Duke Lauderdale upon this threatened that he would extirpate them, and ruin the whole country, if a stop was not put to those meetings. The chief men of those parts upon that went into Edinburgh; they offered to guard and assist any that should be sent to execute the laws against all offenders, and offered to leave some as hostages, who should be bound body for body, for their security. They confessed there were many conventicles held among them in a most scandalous manner: but though they met in the fields, and many of them were armed, yet when their sermons were done they dispersed themselves: and there was no violent opposition made at any time to the execution of the law. So they said there was no danger of the public peace of the country. Those conventicling people were become very giddy and furious, and some hot and hair-brained young preachers had the chief following among them, who infused wild principles in them, which were disowned by the chief men of the party. The truth was, the country was in a great distraction, and that was chiefly occasioned by the strange administration they were then under. Many grew weary of their country, and even of their lives. If duke Lauderdale, or any of his party, brought a complaint against any of the other side, how false or frivolous soever, they were summoned upon it to appear before the council, as sowers of sedition, and as men that spread lies of the government: and upon the slightest pretences they were fined and imprisoned. When very illegal things were to be done, the common method was this: a letter was drawn to be signed by the king,

CH. VIII. directing it, upon some colour of law or ancient practice. The king signed whatsoever was thus sent to him, and when his letter was read in council, if any of the lawyers or others of the board offered to object to it, he was brow-beaten as a man that opposed the king's service, and that refused to obey his orders. And by this means things were driven to great extremities [1].

Upon one of those letters, a new motion was set on foot, that went beyond all that had been yet made. All the landlords in the western counties were required to enter into bonds for themselves, their wives, children, servants,
418 tenants, and all that lived upon their estates, that they should not go to conventicles, nor harbour any vagrant teachers, or any intercommuned persons, and that they should live in all points according to law, under the penalties of the laws. This was generally refused by them: they said the law did not impose it on them: they could not be answerable for their servants, much less for their tenants. This put it in the power of every servant or tenant to ruin them. Upon their refusing this, duke Lauderdale writ to the king [2], that the country was in a state of rebellion, and that it was necessary to proceed to hostilities for reducing them. So by a letter such as he

[1] In the *Portland MSS., H. M. C. Rep.* xiii, App. Part ii. 37–50, there are several letters from Hickes, dated respectively Oct. 23, Nov. 20, Nov. 24, and Dec. 17, 1677. In the first, he says that Lauderdale's enemies, in order to discredit him with the bishops, have spread a report that he intends indulgence for the Whigs; that, in their disappointment, the Whigs in the west are intending to rise, and that 'upon their first motion several thousand Highlanders will be brought down to cut them off and quarter on their country.' In the second, the correspondence between Burnet and Hamilton is referred to as the chief means of scattering reports adverse to Lauderdale about London. In the third, he states that the leaders of the fanatics have fled to Northumberland, where they hope to be joined by the Papists; and in the fourth, he again implicates Burnet.

[2] 'In the meantime they doe not rise in armes in the west. How soone they may take armes no man can tell; for, as I have often said, they are perfitely fifth monarchy men, and no judgment can be made upon the grounds of reason what they may attempt.' Lauderdale to Danby, Nov. 8, 1677. *Lauderdale Papers*, iii. 89.

sent up, the king left it to him and the council to take care of the public peace in the best way they could. Upon this, all the force the king had was sent into the west country, with some cannon, as if it had been for some dangerous expedition: and letters were writ to the lords in the Highlands, to send all the strength they could to assist the king's army [1]. The marquis of Athol to shew his greatness sent 2400 men. The earl of Breadalbane sent 1700; and in all, 8000 men were brought into the country, and let loose upon free quarter. A committee of council was sent to give necessary orders. Here was an army: but no enemy appeared. The Highlanders were very unruly, and stole and robbed every where [2]. The gentlemen of the country were required to deliver up their arms upon oath, and to keep no horse above four pound price. The gentlemen looked on, and would do nothing. This put duke Lauderdale in such a frenzy, that at council table he made bare his arm above his elbow, and swore by Jehovah he would make them all enter into those bonds. Duke Hamilton and others, who were vexed to see such waste made on their estates, in ploughing time especially, came to Edinburgh to try if it was possible to mollify him: but a proclamation was issued out, requiring all the inhabitants of those counties to go to their houses, to be assistant to the king's host, and to obey such orders as should be sent them; and by another proclamation, all men were forbidden to go out of the kingdom without leave from the council, on pretence that their stay was necessary for the king's service. These things seemed done on design to force a rebellion; which they thought would be soon quashed, and would give a | good colour for keeping up an army. And duke

Jan.–March, 167⅞.

MS. 213.

[1] The border on the English side was also occupied in force. *Id.* 91.

[2] In this most atrocious act the bishops of Scotland actively co-operated, if they did not suggest it. See their 'Suggestions for the suppression of conventicles in the West, Dec. 21, 1677.' *Id.* 95. It was an excellent opportunity for the broken Highland nobles to recruit their finances, and they used it well. The king's letter approving of this invasion is dated March 26, 1678. *H. M. C. Rep.* ix. 110.

CH. VIII. Lauderdale's party depended so much on this, that they began to divide in their hopes the confiscated estates among them: so that on Valentine's day, instead of drawing mistresses, they drew estates; and great joy appeared in their looks upon a false alarm that was brought them of an insurrection, and they were as much dejected when they
419 knew it was false. It was happy for the public peace, that the people were universally possessed with this opinion: for when they saw a rebellion was desired, they bore the present oppression more quietly than perhaps they would have done, if it had not been for that. All the chief men of the country were summoned before the committee of council, and charged with a great many crimes, of which they were required to purge themselves by oath: otherwise they would hold them guilty, and proceed against them as such. It was in vain to pretend that this was against all law, and was the practice only of the courts of inquisition. Yet the gentlemen, being thus forced to it, did purge themselves by oath; and after all the inquiries that were made, there did not appear one single circumstance to prove that any rebellion was intended[1]. And when all other things failed so evidently, recourse was had to a writ which a man who suspects another of ill designs towards him may serve him with; and it was called law-borroughs, as most used in borroughs. This lay against a whole family: so that the master was answerable if any of his household broke it. So, by a new practice, this writ was served upon the whole country at the king's suit. And upon serving the writ, security was to be given, much like the binding men to their good behaviour. Many were put in prison for refusing to give this security. Duke Hamilton had intimations sent him that it was designed to serve this on him. So he, and ten or twelve of the nobility, with about fifty gentlemen of quality, came up to complain of all this, which looked like French, or rather like Turkish,

[1] 'The patience of the Scots, under their oppression, is not to be paralleled in any history.' Marvell, June 10, 1678.

government. The lords of Athol and Perth, who had been two of the committee of council, and had now fallen off from duke Lauderdale, came up with them to give the king an account of the whole progress of this matter[1]. The clamour this made was so high, that duke Lauderdale saw he could not stand under it. So the Highlanders were sent home, after they had wasted the country near two months; and he magnified this as an act of his compassion, that they were so soon dismissed[2]. Indeed all his own party were against him in it. Lord Argyll sent none of his men down with the other Highlanders; and lord Stairs pretended that by a fall his hand was out of joint, so he signed none of these wild orders. When the Scottish nobility came to London, the king would not see them, because they were come out of the kingdom in contempt of a proclamation; though they said that proclamation, being intended to hinder them from bringing their complaints to the king, was one of their greatest grievances. But it was answered they ought to have asked leave, and if it had been denied them, they were next to have asked the king's leave; and the king insisted still on this. Only he saw the lords of Athol and Perth. The madness of this proceeding made him conclude that duke Lauderdale's head was turned; yet he would not disown, much less punish him for, what he had done. But he intended to put Scotland in another management, and to have set the duke of Monmouth at the head of it. So he suffered him to go to the Scottish lords, and be their intercessor with him. They were all much charmed with the softness of his temper and behaviour; but though he assured them the king would

Ch. VIII.

April, 1678.

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[1] There is a vivid description of the plotting and counter-plotting at court in the *Lauderdale Papers*, iii. 99 and following.

[2] See the king's orders to this effect, April 15, 1678. *Lauderdale Papers*, iii. 112. They were only produced by his desire to avoid further complications in the English Parliament. 'Many of the members of the H. of C. are blowne up by these people's fals calumnies that are come up; so as the king fears they will be hye upon it, and wishes it past before they sit.' The Earl of Moray to Lauderdale. *Ib.* 112, 119.

Ch. VIII. put their affairs in other hands, they looked on that as one of the king's artifices to get rid of them. The matter made great noise, and it was in the time of the session of parliament here, and all people said that by the management in Scotland it appeared what was the spirit of the government, and what would be done here, as soon as the designs of the court were brought to a greater perfection. The earl of Danby's supporting of duke Lauderdale heightened the prejudices that himself lay under. The duke did also justify his conduct, which raised higher jealousies of him, as being pleased with that method of government. The chief of the Scottish nobility were heard before the cabinet council, and the earl of Nottingham held them chiefly to the point of coming out of the kingdom in the face of a proclamation. They said, such proclamations were anciently
MS. 214. legal when we had a king of our own, but now | it was manifestly against law, since it barred them from access to the king, which was a right that was never to be denied them. Nottingham objected next to them, a practice of making the heads of the families or clans in the Highlands to bind for their whole name; and why, by a parity of reason, might they not be required to bind for their tenants? It was answered, that anciently estates were let so low, that service and the following the landlord was instead of a rent; and then in the inroads that were made into England, landlords were required to bring their tenants along with them: but now lands were let at rack, and so an end was put to that service. In the Highlands the feuds among the families were still so high, that every name came under such a dependance on the head or chief of it for their own security, that he was really the master of them all, and so might be bound for them. But even this was only to restrain depredations and murders: but it was an unheard-of stretch to oblige men to be bound for others in matters of religion and conscience, whether real or pre-
421 tended. The whole matter was at that time let fall. And
June, 1678. duke Lauderdale took advantage from their absence to

desire leave from the king to summon a convention of estates, from whom he might more certainly understand the sense of the whole kingdom. And, what by corrupting the nobility, what by carrying elections, or at least disputes about them, which would be judged as the majority should happen to be at first, he issued out the writs, while they were at London knowing nothing of the design, and these being returnable in three weeks, he laid the matter so, that before they could get home all the elections were over: and he was master of above four parts in five of that assembly. So they granted an assessment for three years, in order to the maintaining a greater force: and they wrote a letter to the king, not only justifying, but highly magnifying, duke Lauderdale's government. This was so base and abject a thing, that it brought the whole nation under great contempt[1]. CH. VIII.

[a] And thus I leave the affairs of Scotland, which had a very ill influence on the minds of the English; chiefly on the house of commons then sitting, who upon it made a new address against duke Lauderdale[2]. And that was followed by another of a higher strain, representing to the king the ill effects of his not hearkening to their address the former year with relation to foreign affairs[3]; and May 7, 1678.

[a] No break in MS., although needed.

[1] See the account of the proceedings at the opening of the convention, with the attempt of Hamilton to dispute the right claimed by Lauderdale that the king's commissioners should name the committee for considering affairs to be debated in the convention. *Lauderdale Papers*, iii. 155.

[2] There is a detailed and very interesting account of the debate of Sir Andrew Forrester, *Id.* 133–144. Charles was extremely anxious, and it was on learning that Henry Savile had voted against Lauderdale that he lost his 'naturall mildnesse and command over his anger which never transported him beyond an innocent puff and spitting.' Fountainhall, *Hist. Obs.* 148; cf. vol. i. 452, *note*.

[3] The alliance of Charles with the Prince of Orange, through Danby's management, had, by increasing the latter's influence, and by strengthening Charles, brought about a counter-understanding between the Opposition and Louis XIV. See Ranke, iv. 45. Of this Burnet knew nothing. The Opposition were now willing to prevent Charles from going to war with Louis, if the latter would help them to bring about the dissolution of Parliament, the fall of Danby, and the more complete suppression of the Catholic element. On May 7 James wrote to the Prince of Orange that

CH. VIII. desiring him to change his ministry, and to dismiss all those that had advised the prorogation at that time, and
May 10. his delaying so long to assist the allies. This was carried only by a small majority of two or three [1]. So lord Danby brought up all his creatures, the aged and infirm not
May 11. excepted: and then the majority lay the other way: and by short adjournments the parliament was kept sitting till Midsummer. Once Danby, thinking he had a clear majority, got the king to send a message to the house, desiring
June 18. an additional revenue of 300,000*l.* during life. This set the house all in a flame. It was said, here was no demand for a war, but for a revenue, which would furnish the court so well, that there would be no more need of parliaments. The court party thought such a gift as this would make them useless. So the thing was upon one debate rejected without a division. Danby was much censured for this rash attempt, which discovered the designs of the court
March. too barefacedly. At the same time he ordered Montagu to treat with the court of France for a peace, in case they would engage to pay the king 300,000*l.* a year for three years [2]. So when that came afterwards to be known, it

there was no chance of carrying on the war, since the factious party prevailed. R.O. 'King William's chest.'

[1] The resolution to proceed with the address was carried on May 10 by 176 to 174; the 4th and 6th paragraphs, upon which alone the House divided, by majorities of six and three. On May 11 Danby had a majority of one. Charles's answer to the address was, 'This address is so extravagant that I am not willing speedily to give it the answer it deserves.' On May 13 he prorogued the Parliament to May 23. The demand for an additional revenue was refused without a division; but, on the other hand, a supply was granted on June 21 of more than £400,000. A heated controversy took place between the Houses upon the Lords' assumption of the right to alter a money bill, which was ended by the expedient of 'tacking' the provision of over £200,000 for disbanding the army to that for raising the £400,000. The bill then passed, July 8, and Parliament was at once prorogued. It did not again meet until Oct. 21. *Parl. Hist.* iv. 970–1006.

[2] This was in March. The sum was £240,000. Danby again refused to put his head in peril by signing the agreement, and it was drawn up and signed by Charles alone, May 27, 1678. The terms were that Charles should do his best to secure peace in two months; if unsuccessful, he was to remain neutral, to recall and disband his troops, except 3,000 at Ostend and 3,000 for Scotland, and to prorogue Parliament for

was then generally believed that the design was to keep up and model the army now raised [1], reckoning there would be money enough to pay them, till the nation should be brought under a military government. And the opinion of this prevailed so, that Danby became the most hated minister that had ever been about the king. All people said, now they saw the secret of that high favour he had been so long in, and the black designs that he was contriving. At this time expresses went very quick between England and France: and the state of foreign affairs varied every post, so that it was visible we were in a secret negotiation: of which Temple has given so particular an account that I refer my reader wholly to him. But I shall add one particular that he has not mentioned. Montagu, that [a] was a man of pleasure [2], was in a lewd intrigue with the duchess of Cleveland [3], who was quite cast off by the king, and was then at Paris. The king had ordered him to find out an astrologer, of whom no wonder he had a good opinion, for he had long before his restoration | foretold he should enter London on the 29th of May, 60. He was yet alive, and Montagu found him, and saw he was a man capable of being corrupted. So he resolved to prompt him to send the king such hints as should serve his own ends, and he was so bewitched with Cleveland, that he

CH. VIII. 422 MS. 215.

[a] altered from *who*.

four months beyond the two above mentioned. Temple refused to be connected with the scheme. Dalrymple, i. 167, 216. Temple, *Works*, ii. 436; Mignet, *Négociations, &c.*, 572, &c. Cf. *infra* 154.

[1] There were between 20,000 and 30,000 men. This 'dark hovering' of the army at Blackheath (Marvell, *Growth of Popery, &c.*, 293) had brought Shaftesbury and his friends, James and Louis, into alliance. Dalrymple, i. 190.

[2] His brother, Edward Montagu, had been chamberlain to the queen, who asked the king (having never had an admirer before, nor after) what people meant by squeezing one by the hand; the king told her, love; then said she, Mr. Montagu loves me mightily. Upon which he was turned out. D. 'They say the king himself did once ask Montagu how his mistress (meaning the queen) did.' Pepys's *Diary*, May 20, 1664, in which work this gentleman is frequently mentioned as one of a very indifferent character. R.

[3] Steinway's *Life of Barbara Duchess of Cleveland*, 399.

CH. VIII. trusted her with this secret. But she, growing jealous of a new amour, took all the ways she could think on to ruin him, reserving this of the astrologer for her last shift[1]: and by it she compassed her ends, for the king looked on this as such a piece of treachery and folly, that Montagu was entirely lost upon it, and was recalled[2], Sunderland being sent over ambassador in his room.

[a] The treaty went on at Nimeguen, where Temple and Jenkins were our plenipotentiaries. The States were resolved to have a peace. The prince of Orange did all he could to hinder it. But De Witt's party began to gather strength again; and they infused a jealousy in all people that the prince intended to keep up the war for his own ends[3]. A peace might be now had by restoring all that belonged to the States, and by a tolerable barrier in Flanders. It is true the great difficulty was concerning their allies, the king of Denmark and the elector of Brandenburg, who had fallen on the Swede, upon his declaring for France, and had beat him out of Germany No peace could be had unless the Swede was restored to all. Those princes who had been quite exhausted by that war would not consent to this: so they, who had adhered so faithfully to the States in their extremity, pressed them to stick by

[a] No break in MS.

[1] The letter from the Duchess of Cleveland to the king, containing her charge against Montagu, and which is shockingly disgraceful to all the parties concerned, has been published by Harris, at the end of his *Life of Charles II.* R. See also Forneron, *Louise de Kéroualle*, 153, and *Hatton Correspondence*, i. 168.

[2] He came to England in the summer, probably to help the Opposition to ruin Danby. Charles was greatly incensed; Montagu was struck off the Privy Council and forbidden the court. *Rutland MSS.*, July 14, 1678; *H. M. C. Rep.* xii, App. v. Sunderland was accompanied by Henry Savile, 'turned about by the wheel of Fortune into his Majesty's good graces again' (*id.* July 18), after Charles, in almost the only fit of passion recorded of him, had driven him from court for voting against Lauderdale. *Lauderdale Papers*, iii. 140; *supra* 149. *note.*

[3] William and Temple did their utmost to hinder the final ratification. See the detailed account in Temple's *Works*, ii. and iv see also Ranke, iv. 49.

them. And this was the prince of Orange's constant topic: how could they expect any of their allies should stick to them, if they now forsook such faithful friends? But nothing could prevail. It was given out in Holland that they could not depend on England, that court being so entirely in a French interest that they suspected they would, as they had once done, sell them again to the French[1]: and this was believed to be let out by the 423
French ministers themselves, who, to come at their ends, were apt enough to give up even those who sacrificed every thing to them. It was said the court of France would consider both Denmark and Brandenburg, and repay the charge of the war. Against this it was said, that was to force those princes into a dependence on France, who would not continue those payments so much for past as for future services. In the mean while the French had blocked up Mons. So the prince of Orange went to force them from their posts. Luxembourg commanded there, and seemed to be in full hope of a peace, when the prince came Aug. 14, 1678.
and attacked him: and, notwithstanding the advantage of his situation, it appeared how much the Dutch army was now superior to the French, for they beat them out of several posts. The prince had no order to stop: he indeed knew that the peace was upon the matter concluded, but no intimation was yet made to him[2]. So it was lawful for him to take all advantages, and he was not very apprehensive of a new embroilment, but rather wished it. Yet the French Jan. 10, 167$\frac{7}{8}$, to June 29, 1679.
treasure was so exhausted[3], and their king was so weary of the

[1] See William's exclamation recorded by Temple, *Works*, ii. 462: 'Was ever anything so hot and cold as this court of yours? Will the king, that is so often at sea, never learn a word that I shall never forget since my last passage, when, in a great storm, the captain was all night crying out to the man at the helm, "Steady! steady! steady!"'

[2] Luxembourg regained his position and still held Mons in his grip. The official declaration of the peace arrived next morning. William denied emphatically that he knew of the conclusion of peace when he made his attack.

[3] See the extremely interesting description of French finance in John Brisbane's letter of Nov. 27, 1677, to Danby in the *Lindsay MSS.*, *H. M. C. Rep.* xiv, App., Part ix. 388. Re-

CH. VIII. war, that no notice was taken of the business of Mons, but the treaty at Nimeguen was finished and ratified[1]. Yet new difficulties arose upon the French king's refusing to evacuate the places that were to be restored, till the Swede was restored to all his dominions. Upon this the English struck in again: and the king talked so high as if he would engage anew into the war. But the French prevented that[2], and did evacuate the places: and then they got Denmark and Brandenburg into their dependance, under the pretence of repaying the charge of the war, but it was more truly the engaging them into the interests of France by great pensions[3]. So a general peace quickly followed, and there was no more occasion for our troops beyond sea. [a]The French were so apprehensive of them, that Ruvigny, now earl of Galway[4], was sent over to negotiate matters. That which France insisted most on, was the disbanding the army. And the force of money was so strong, that he had orders to offer six millions[5] of their

Jan. 10, 167$\frac{7}{8}$, to Sept. 1679.

[a] [There is here a marginal note: 'Take in the addition on the margent of the other copy, p. 128'; and what follows to the words 'the troops were' are not found in this MS.]

garding the exhaustion of the Treasury, Brisbane writes thus on May 18 (*id.* 384): 'M. Colbert had at his house at Scean a great meeting of *intéressés*, that is farmers of the revenue and lenders of money, and borrowed several millions. . . . They pay ten *per cent.* interest, which is three *per cent.* more than was paid last winter. . . . There will be unavoidable necessities of anticipating the revenue to a vast proportion of it. For let the revenue be ever so great, the expense must outrun it.'

[1] In a MS. which has been preserved of Lord Shaftesbury's, he says, 'That England got neither honour nor profit by the peace of Nimeguen; and that France broke all her enemies more effectually by that peace, than she could have done by her armies in war.' R.

[2] The Opposition insisted that Louis, with whom they were acting, should give way. Ranke, iv. 52.

[3] Danby knew through Montagu that Ruvigny, who was first cousin to Lady Russell, was coming over to bribe members of Parliament. Dalrymple, i. 184. He states also that Ellis Leighton was deep in the plot. *Danby Papers*, *Add. MSS.* 23,043, f. 1. Upon the whole question of the bribery of members of the country party there are some useful remarks in Lord Russell's *Life of Lord W. Russell*, i. 192 and following, where Barillon's list is given from Dec. 1678 to Dec. 1679.

[4] *Supra* 122.

[5] *scil.* livres tournois. Cf. *supra* 150.

money, in case the army should be disbanded in August. Ruvigny had such an ill opinion of the designs of our court, if the army was kept up, that he insisted on fixing the day for disbanding it; at which the duke was very uneasy. And matters were so managed, that the army was not disbanded by the day prefixed for it[1]. So the king of France saved his money. And for this piece of good management Ruvigny was much commended. The troops were brought into England, and kept up under the pretence that there was not money to pay them off. So all people looked on the next session as very critical. The party 424
against the court gave all for lost: they believed Danby who had so often brought his party to be very near the majority, would now lay matters so well as to be sure to carry the session, and many did so despair of being able to balance his number, that they resolved to come up no more, and reckoned that all opposition would be fruitless, and serve only to expose themselves to the fury of the court. But of a sudden an unlooked for accident changed all their measures, and put the kingdom into so great a fermentation, that it well deserves to be opened very particularly. I am so well instructed in all the steps | of MS. 216.
it, that I am more capable to give a full account of it than any man I know: and I will do it [a] so impartially, that no party shall have cause to censure me for concealing or altering the truth in any one instance. It is the history of that called the Popish Plot.

[a] *so fully and* struck out.

[1] Charles refused to ratify the secret convention of May 27; but Louis secured a favourable peace without his help, and in turn refused to pay the subsidy. The disbanding he secured through his alliance with the Parliamentary Opposition. *Supra* 150, *notes*; Mignet, *Négociations, &c.*, 579, 703; Ranke, iv. ch. 4. For a concise account of the various phases of the Peace of Nimeguen, which extended from Jan. 10, 167⅞, to the autumn of 1679, see *The English Restoration and Louis XIV* (Epochs of Modern History), ch. xxii. Temple pays a striking tribute to French diplomacy: 'The truth is, I never observed, either in what I had seen or read, any negotiation managed with greater address and skill than this had been by the French.' *Works*, ii. 451.

CHAPTER IX.

THE POPISH TERROR AND THE IMPEACHMENT OF DANBY. DISSOLUTION OF THE PENSIONARY PARLIAMENT.

THREE days before Michaelmas Dr. Tonge came to me. I had known him at Sir Robert Moray's. He was a gardener and a chemist, and was full of projects and notions. He had got some credit in Cromwell's time, and that kept him poor. He was a very mean divine, and seemed credulous and simple, but I had always looked on him as a sincere man. At this time he told me of strange designs against the king's person [1]; and that Coniers, a Benedictine, had provided himself of a poniard, with which he undertook to kill him [2]. I was amazed at all this, and did not know whether he was crazed, or had come to me on design to involve me in a concealing of treason. So I went to Lloyd [3], and sent him to the secretary's office with an account of that discourse of Tonge's, since I would not be guilty of misprision of treason. He found at the office that Tonge was making discoveries there, of which they made no other account but that he intended to get himself to be made a dean. I told this next morning to Littleton and Powle [4], and they looked on it as a design of Danby's, to be laid before the next session, thereby to dispose them to keep up a greater force, since the papists were plotting against the king's life. This would put an end to all jealousies of the king, now the papists were conspiring against his life. But lord Halifax, when I told him of it, had another apprehension of it. He said, considering the suspicions all had of the duke's religion, he believed every discovery of that sort would raise a flame which the court

[1] Compare Ralph, i. 540–543. R.

[2] Coniers wrote to the Commons offering to come and justify himself, on condition that he should not be prosecuted as a priest. *Portland MSS.* iii, *H. M. C. Rep.* xiv, App. 2, 362.

[3] Bishop of Worcester.

[4] See *supra* 92.

would not be able to manage. Two days[a] after that, Titus Oates was brought before the council. He was the son of an anabaptist teacher, who afterwards conformed and got into orders, and took a benefice, as this his son did [1]. He was proud and ill natured, haughty, but ignorant. He conversed much with Socinians, and had been complained of for some very indecent expressions concerning the mysteries of the Christian religion. He was once presented for perjury, but he got to be a chaplain in one of the king's ships, from which he was dismissed upon a complaint of some unnatural practices, not to be named. He got a qualification from the duke of Norfolk as one of his chaplains: and there he fell into much discourse with the priests that were about that family. He seemed inclined to be instructed in the popish religion. One Hutchinson, a Jesuit, had that work put on him. He was a weak and light-headed man, and afterwards came over to the church of England. He was a curate about the city near a year, and came oft to me, and preached once for me. He seemed to be a sincere, devout man, who did not at all love the order, for he found they were a crafty, deceitful and meddling sort of people. They never trusted him with any secrets, but employed him wholly in making converts. He went afterwards back to that church. So all this was thought a juggle only to cast an odium upon Oates. He told me that Oates and they were always in ill terms. They did not allow him above ninepence a day, of which he com-

CHAP. IX. Sept. 28, 1678. 425

[a] altered from *The day.*

[1] 'Westminster taught him, Cambridge bred him, then left him instead of books to study men.' *Testis Ovat. British Museum Catalogue of Prints and Drawings*, Div. I. Satires i. 1073, p. 615. Roger North describes his appearance thus: 'A low man, of an ill-cut, very short neck; and his visage and features were most particular. His mouth was the centre of his face, and a compass there would sweep his nose, forehead, and chin within the perimeter. *Cave quos ipse Deus notavit.*' *Examen.* 225. Sir G. Sitwell's *First Whig* is a very valuable collection of evidence upon Oates and all the circumstances connected with the Popish terror.

CHAP. IX. plained much, and Hutchinson relieved him often. They wished they could be well rid of him, and sent him beyond sea, being in very ill terms with him. This made him conclude, that they had not at that time trusted him with their secrets. He was kept for some time at S. Omer's, and from thence sent through France into Spain, and was now returned into England. He had been long acquainted with Tonge, and made his first discovery to him, and by the means of one Kirby a chemist, that was sometimes in the king's laboratory, they signified the thing to the king. So Tonge had an audience, and told the king a long thread of many passages, all tending to the taking away his life; of which the king, as he afterwards told me, knew not what it could amount to [1], yet among so many particulars he did not know but there might be some truth. So he sent him to Danby [2], who intended to make some use of it, but could not give much credit to it, and handled the matter too remissly: for, if at first the thing[a] had been traced quick, either the truth or the imposture of the whole affair might have been made appear. The king ordered Danby to say nothing of it to the duke. In the mean while some letters of an odd strain relating to plots and discoveries were sent by the post to Windsor, directed to Bedingfield, the duke's confessor; who, when he read them, carried them to the duke, and protested he did not know what they meant, nor from whom they came. The duke carried them to the
MS. 217. king: and he fancied | they were writ either by Tonge or Oates, and sent on design to have them intercepted for giving credit to the discovery. The duke's enemies on the
426 other hand gave out that he had got some hints of the discovery, and brought these as a blind to impose on the king. The matter lay in a secret and remiss management for six

[a] substituted for *matter*.

[1] Charles never appears to have believed a word of the plot. See Reresby, *Memoirs*, 146, 151, 191, and *passim*, especially 212.

[2] See Danby's own account of the interview. *Impartial case of the Earl of Danby*, 1679.

weeks. At last, on Michaelmas eve, Oates was brought before the council, and entertained them with a long relation of many discourses he had heard among the Jesuits, of their design to kill the king. He named persons, places, and times, almost without number. He said many Jesuits had disguised themselves, and were gone to Scotland, and held field conventicles, on design to distract the government there. He said he was sent first to St. Omer's, then to Paris, and from thence to Spain, to negotiate this design; and that upon his return, [that] he brought many letters and directions from beyond sea, there was a great meeting of the Jesuits held in London, in April last, in different rooms in a tavern near St. Clement's[1]; and that he was employed to convey the resolutions of those in one room to those in another, and so to hand them round. The issue of the consultation was, that they came to a resolution to kill the king by shooting, stabbing, or poisoning him. That several attempts were made, all which failed in the execution, as shall be told when the trials are related. While he was going on, waiting for some certain evidence to accompany his discovery, he perceived they were jealous of him, and so he durst not trust himself among them any more. In all this there was not a word of Coniers, of which Tonge had spoke to me: so that was dropped. This was the substance of what he told the first day. Many Jesuits were upon this seized on that night, and the next day, and their papers were sealed up. Next day he accused Coleman[2] of a strict correspondence with P. de la Chaise, whose name he had not right, for he called him

Sept. 28, 1678.

[1] Every three years the Jesuits in England held a provincial congregation for the election of proctors, and it was held this year in London on April 24, and actually not at a tavern, but in the apartments of the Duke of York at St. James's. See Reresby, *Memoirs* (ed. Cartwright), May 8, 1685; Sitwell, *First Whig*, 42.

[2] *Supra* 99, 101. See *A Collection of Letters and other writings relating to the horrid Popish Plot; printed from the originals in the hands of George Treby, Esq., Chairman of the Committee of Secrecy of the Honourable House of Commons.* Published by order of the House, London, 1681; containing Coleman's letters, which are also in the Fitzherbert Papers, *H. M. C. Rep.* xiii, Part vi. 49–160.

CHAP. IX. Father le Shee: and he said in general that Coleman was acquainted with all their designs. Coleman had a whole day to make his escape, if he had thought he was in any danger[1]. And he had conveyed all his papers out of the way: only he forgot a drawer under a table, in which the papers relating to 74, 75, and a part of 76 were left: and from these I drew the negotiations that I have formerly mentioned as directed by him. If he had either left all his papers or withdrawn all, it had been happy for his party. Nothing had appeared if all had been destroyed: or if all had been left, it might have been concluded that the whole secret lay in them. But he left enough to give great jealousy, and no more appearing all was believed that the witnesses had deposed. Coleman was out of the way the second day, but hearing that there was a warrant out against him, he delivered himself next day to the secretary of state. When Oates and he were confronted, Oates did
427 not know him at first: but he named him when he heard him speak, yet he only charged him upon hearsay: so he was put in a messenger's hands. Oates named Wakeman, the queen's physician, but did not know him at all, and being asked if he knew anything against him, he answered he did not, adding, God forbid he should say any thing more than he knew, he would not do that for all the world. Nor did he name Langhorn[2], the famous lawyer, that indeed managed all their concerns. The king found him out in one thing: he said, when he was in Spain, he was carried to Don John, who promised great assistance in the execution of their designs. The king, who knew Don John well, asked him what sort of a man he was: he answered, he was a tall lean man: now Don John was a little fat man. At first he seemed to design to recommend himself to the duke and the ministers: for he said he heard the Jesuits oft

[1] He had been warned by Sir Edmund Berry Godfrey, before whom Oates made his deposition on oath the day before appearing at the council, and had been sent to James with a copy. Clarke's *Life of James II*, i. 534; North's *Examen*, 174.

[2] Upon Langhorn, see vol. i. 412.

say, that the duke was not sure enough to them: and they were in doubt whether he would approve of their killing the king: but they were resolved if they found him stiff in that matter to despatch him likewise. He said they had oft made use of his name, and counterfeited his hand and seal without his knowledge. He said the Jesuits cherished the faction in Scotland against Lauderdale; and intended[a] to murder the duke of Ormond, as a great enemy to all their designs: and he affirmed he had seen many letters in which these things were mentioned, and had heard them oft spoke of. He gave a long account of the burning of London, at which time he said they intended to have killed the king: but they relented when they saw him so active in quenching the fire, that, as he said, they had kindled. CHAP. IX.

The whole town was all over inflamed with this discovery. It consisted of so many particulars that it was thought to be above invention. But when Coleman's letters came to be read and examined, it got | a great MS. 18. confirmation; since by these it appeared that so many years before, they thought the designs for the converting the nation, and rooting out the pestilent heresy that had reigned so long in these northern kingdoms, was very near its being executed: mention was oft made of the duke's great zeal for it: and as many indecent reflections were made on the king, for his unconstancy, and his disposition to be brought to anything for money. They depended upon the French king's assistance: and therefore were earnest in their endeavours to bring about a general peace, as that which must finish their design[1]. On the second day after this discovery, the king went to Newmarket.

[a] substituted for *designed.*

[1] In his letter to Père la Chaise (*supra* 52), Coleman expresses a wish to do a little of what Charles *had* done, ask for French help to govern without Parliament and to obtain toleration, and he states that James wished to secure the crown by the help of the Pope, France, and Spain, and then to show favour to the Catholics. See the important letter in the *Fairfax Correspondence*, Civil Wars, ii. 288. Cf. Ralph, i. 390.

CHAP. IX. This was censured as a very indecent levity in him, to go and see horse races, when all people were so much possessed with this extraordinary discovery, to which Coleman's letters had gained an universal credit. While the king was gone, Tonge desired to speak with me. So I went to
428 him to Whitehall, where both he and Oates were lodged under a guard. I found him so lifted up, that he seemed to have lost the little sense he had. Oates came in and made me a compliment, that I was one that was marked out to be killed. He had before said the same of Stillingfleet, but he made that honour he did us too cheap, when he said Tonge was to be served in the same manner, because he had translated the Jesuits' morals into English. He broke out into great fury against the Jesuits, and said he would have their blood: but I, to divert him from that strain, asked him, what were the arguments that prevailed on him to change his religion, and to go over to the church of Rome? He upon that stood up, and laid his hands on his breast, and said, God and his holy angels knew that he had never changed, but that he had gone among them on purpose to betray them. This gave me such a character of him, that I could have no regard to anything that he either said or swore after that.

A few days after this a very extraordinary thing happened, that contributed more than any other thing to the establishing the belief of all this evidence. Sir Edmund Berry Godfrey was an eminent justice of peace, that lived near Whitehall. He had the courage to stay in London, and keep things in order, during the plague, which gained him much reputation, and upon which he was knighted. He was esteemed the best justice of peace in England, and kept the quarter where he lived in very good order. He was then entering upon a great design of taking up all beggars, and putting them to work. He was thought vain and apt to take too much upon him: but there are so few men of public spirits, that small faults, though they lessen them, yet ought to be gently censured. I knew him well,

and never had reason to think him faulty that way. He was a zealous protestant, and loved the church of England, but had kind thoughts of the nonconformists, and was not forward to execute the laws against them: and he, to avoid the being put on doing that, was not apt to search for priests or mass-houses: so that few men of his zeal lived in better terms with the papists than he did. Oates went to him the day before he appeared at the council board; and made oath of the narrative he intended to make, which he afterwards published. This seemed to be done in distrust of the privy council, as if they might stifle his evidence; which to prevent, he put it in safe hands. Upon that Godfrey was chid for his meddling in so tender a matter; and it was generally believed that Coleman and he were long in a private conversation, between the time of his [Coleman's] being put in the messenger's hands and his being made a close prisoner: which was done as soon as report was made to the council of the contents of his letters. It is certain Godfrey grew apprehensive and 429
reserved: for meeting me on the streets, after some discourse of the present state of affairs, he said he believed he himself should be knocked on the head. Yet he took no care of himself, and went about, according to his own maxim, still without a servant, for he used to say that the servants in London were corrupted by the idleness and ill company they fell into while they attended on their masters. On that day fortnight in which Oates had made his discovery, being a Saturday, he went abroad in the morning, Oct. 12, 1678.
and was seen about one o'clock near S. Clement's church, but was never seen any more. He was a punctual man to good hours: so his servants were amazed when he did not come home: yet, he having an ancient mother that lived at Hammersmith, they fancied he had heard she was dying, and so was gone to see her. Next morning they sent thither, but heard no news of him. So his two brothers, who lived in the city, were sent to. They were not acquainted with his affairs: so they did not know whether

CHAP. IX. he might not have stepped aside for debt, since at that time all people were calling in their money, which broke a great many: but no creditor coming about the house, they on
MS. 219. Tuesday | published his being thus lost. The council sat upon it, and were going to order a search of all the houses about the town; but were diverted from it, by many stories that were brought them by the duke of Norfolk: sometimes it was said he was indecently married, and the scene was often shifted of the places where it was said he was. Norfolk's officiousness in this matter, and the last place he was seen at being near Arundel house, brought him under great suspicion[1]. On Thursday one came into a bookseller's shop after dinner, and said he was found thrust through with a sword. That was presently brought as news to me, but the reporter of it was not known[2]. That night late his body was found in a ditch, about a mile out of town, near St. Pancras church. His sword was thrust through him[3], but no blood was on his clothes or about him. His shoes were clean, his money was in his pocket: but nothing was about his neck, and a mark was all round it, an inch broad, which shewed he was strangled. His breast was likewise all over marked with bruises, and his neck was broken. All this I saw; for Lloyd[4] and I went to view his body. There were many drops of white wax-

[1] North (*Examen*, 202) informs us that the Duke of Norfolk went with great joy to tell the news at Whitehall of Godfrey's being found (in his supposed voluntary concealment); and that the duke narrowly escaped being put in the plot, which it was said he owed to the circumstance of Oates having been once his chaplain.

[2] One Adam Angus, an amanuensis to Dr. Burnet, and one John Oswald, a Scotch minister, were in Mr. Chiswell's (the bookseller) shop, when a person, who could never be found out, told Angus as above; though neither Oswald nor Mr. Chiswell's servant in the shop saw any such person. However, the two Scotchmen went with the news to Burnet and Dr. Lloyd. *Cole.*

[3] 'But not bloody, showing that it was stuck in after death.' Luttrell's *Diary*, i. 8.

[4] Upon Lloyd, at this time Vicar of St. Martin's-in-the-Fields, see vol. i. 337. The vehement and inflammatory funeral sermon which he preached upon Godfrey on Oct. 31, 1678, was immediately published, and is reprinted in Tuke's *Memoires of the Life and Death of Sir Edmundbury Godfrey*, London, 1682.

lights on his breeches; which he never used himself[1]; and since only persons of quality or priests use those lights, this made all people conclude in whose hands he must have been. And it was visible he was first strangled, and then carried to that place, where his sword was run into his dead body. For a while it was given out that he was a hypochondriacal man, and had killed himself[2]. Of this the king was possessed, till Lloyd went and told him what he had seen. The body lay two days exposed, many going to see it, who went away much moved with the sight. And indeed men's spirits were so sharpened upon it, that we all looked on it as a very great happiness that the people did not vent their fury upon the papists about the town. CHAP. IX. 430

The session of parliament was to be opened within three days[3]: and it may be easily imagined in what a temper they met. The court party were out of countenance: so the country party were masters this session. All Oates's evidence was now so well believed, that it was not safe for any man to seem to doubt of any part of it. He thought he had the nation in his hands, and was swelled up to a high pitch of vanity and insolence[4]. And now he made a new edition of his discovery at the bar of the house of commons. He said the pope had declared that England was his kingdom, and that he had sent over commissions to several persons: and had by these made Arundel of Wardour chancellor, Powys treasurer, sir William Godolphin, then in Spain, privy seal, Coleman secretary of state, Bellasys general, Petre lieutenant general, Ratcliffe major Oct. 21, 1678.

[1] L'Estrange believed it was mud, not wax. *Brief History*, 1687, 326.

[2] That he was a hypochondriacal man, and inherited his father's distemper, who had made several attempts to destroy himself, is made out beyond all possibility of doubt. See L'Estrange's *Brief History*, Part iii. 182, 183. *Cole.*

[3] Parliament, which had been prorogued on July 15, met on October 21.

[4] 'Yesterday Madame de Mazarin was accused by the same man (Oates), and when he will make an end of accusing people, the Lord knows.' James to the Prince of Orange, Oct. 29, 1678. *Foljambe Papers*, *H. M. C. Rep.* xv, App. v. 123.

CHAP. IX. general, Stafford paymaster general, and Langhorn advocate general; besides many other commissions for subaltern officers. These he said he saw in Langhorn's chamber; and that he had delivered out many of them himself, and saw many more delivered by others. And he now swore, upon his own knowledge, that both Coleman and Wakeman were in the plot; that Coleman had given eighty guineas to four ruffians, that went to Windsor last summer, to stab the king; that Wakeman had undertaken to poison him, for which 10,000*l.* was offered him, but that he got the price raised to 15,000*l.*[1] He excused his not knowing them, when confronted with them; that he was then so spent by a long examination, and by not sleeping for two nights, that he was not then master of himself; though it seemed very strange that he should then have forgot that which he made now the main part of his evidence: and should have then objected only reports upon hearsay, when he had now such matter against them, as he said, upon his own knowledge: and it seemed not very congruous, that those who went to stab the king had but twenty guineas apiece, when Wakeman was to have 15,000*l.* for a safer way of killing him. Many other things in the discovery made it seem ill digested and not credible. Bellasys was almost perpetually ill of the gout. Petre was a weak man, and had never any military command. Ratcliffe was a man that lived in great state in the north, and had not stirred from home all the last summer. Oates also swore he delivered a commission to be a colonel in May last to
431 Howard[2], Carlisle's brother, that had married the duchess of Richmond. But a friend of mine told me he was all that month at Bath, lodged in the same house with Howard, with whom he was every day engaged at play: he was then miserably ill of the gout, of which he died soon after. Oates did also charge general Lambert, as one engaged in the design, who was to have a great post when

[1] *Letters of the Honourable Algernon Sidney to the Honourable Henry Savile* (1742), 112.

[2] *scil.* Thomas Howard.

set at liberty. But he had been kept in prison ever since the restoration, and by that time had lost his memory and sense[1]. | [a] It was thought strange that since Oates had so often said, what I once heard him say, that he had gone in among them on design to betray them, that he had not kept any one of all these commissions to be a real proof in support of his evidence. He had also said to the king, that whereas others ventured their lives to serve him, he had ventured his soul to serve him: and yet he did suffer the four ruffians to go to Windsor to kill him, without giving him any notice of his danger. These were characters strong enough to give suspicion, if Coleman's letters and Godfrey's murder had not seemed such authentic confirmations, as left no room to doubt of any thing[2]. Tillotson indeed told me, that Langhorn's wife, who was still as zealous a protestant as he was a papist, came oft to him, and gave him notice of every thing she could discover among them; though she continued a faithful and dutiful wife to the last minute of her husband's life. Upon the first breaking out of the plot, before Oates had spoke a word of commissions, or had accused Langhorn, she engaged her son into some discourse upon those matters, who was a hot indiscreet papist. He said their designs were so well laid, it was impossible they could miscarry: and that his father would be one of the greatest men of England, for he had seen a commission from the pope constituting him advocate general. This he told me in Stillingfleet's hearing. The earl of Shaftesbury had got out of the Tower in the former session, upon his submission, to which it was not easy to bring him; but when he saw an army raised, he had no mind to lie longer in prison[3]. The matter bore a long

CHAP. IX.

MS. 220.

Feb. 26, $167\frac{7}{8}$.

[a] *But* struck out.

[1] See vol. i. 154, 285.

[2] James admits Coleman's guilt. *Foljambe Papers*, 123.

[3] The submission was very complete; the original document is among the papers of the Marquis of Bath. *H. M. C. Rep.* iv. 232. The order for Shaftesbury's release, signed by Henry Coventry, is in the *Danby Papers*, *Add. MSS.* 23,045, f. 49.

CHAP. IX. debate, the motion he had made in the king's bench being urged much against him. But a submission always take off a contempt: so he got out. And now the duke of Buckingham [1] and he, with the lords of Essex and Halifax, were the governing men among the lords. Many hard things were said against the duke; yet when they tried to carry an address to be made to the king to send him away from court, the majority was against them.

While things were thus in a ferment at London, Bedloe delivered himself to the magistrates of Bristol, pretending he knew the secret of Godfrey's murder: so he was sent up to London. The king told me that when the secretary
432 examined him in his presence, at his first coming he said he knew nothing of the plot; but that he had heard 40,000 men were to come over from Spain, who were to meet as pilgrims at St. Jago's, and were to be shipped for England: but he knew nothing of any fleet that was to bring them over. So this was looked on as very extravagant. But he said he had seen Godfrey's body at Somerset house; and that he was offered 4000*l.* by a servant of the lord Bellasys to assist in carrying it away: but upon that he had gone out of town to Bristol, where he was so pursued with horror that it forced him to discover it. Bedloe had led a very vicious life. He had gone by many false names, by which he had cheated many persons. He had gone over many parts of France and Spain as a man of quality, and he had made a shift to live on his wits, or rather by his cheats [2]: so a tenderness of conscience did not seem to be that to

[1] This is the last mention of Buckingham by Burnet. He died, aged 61, in 1688, completely ruined. There is an interesting account of his last moments from James Gibson, who was with him at the time. It proves that 'the worst inn's worst room' is mythical, for he died at 'the best house in Kirby Moorside,' near Helmsley in Yorkshire. Gibson's letter, which is in the *Fairfax Correspondence*, Civil Wars, ii. 268, and in the *H. M. C. Rep.* vi. 467, ends with a very lifelike touch: 'So far as I ever had any discourse with his Grace, he was always pleased to express a love for good men and good things, how little able so ever he was to live up to what he knew.'

[2] Reresby, *Memoirs*, 147, 149. For the debauchery of his life, see Lyttleton to Hatton, Feb. 7, 1679, *Hatton Correspondence*.

which he was much subject. But the very next day after this, when he was brought to the bar of the house of lords, he made a full discovery of his knowledge of the plot, and of the lords in the Tower: for all those against whom Oates had informed were now prisoners. The king was upon this convinced that some had been with Bedloe after he had been before him, who had instructed him in this narration, of which he had said the night before that he knew nothing: and yet he now not only confirmed the main parts of Oates's discovery, but added a great deal to them. And he now pretended that his rambling over so many places of Europe was all in order to the carrying out this design; that he was trusted with the secret, and had opened many of the letters which he was employed to carry. CHAP. IX.

Here were now two witnesses [1] to prove the plot, as far as swearing could prove it. And among the papers of the Jesuits, that were seized on when they were clapt up, two letters were found that seemed to confirm all. One from Rome mentioned the sending over the patents, of which it was said in the letter that they guessed the contents, though their patrons there carried their matters so secretly, that nothing was known but as they thought fit. The Jesuits, when examined upon this, said these were only patents with relation to the offices in their order. Another letter was writ to a Jesuit in the country, citing him to come to London by the 24th of April; which was the day in which Oates swore they held their consult, and that fifty of them had signed the resolution of killing the king, which was to be executed by Grove and Pickering. Now in the end of that letter it was added, 'I need not enjoin secrecy, for the nature of the thing requires it.' When the Jesuit 433
was examined to this, he said it was a summons for a meeting according to the rule | of their order: and they MS. 221.
being to meet during the sitting of the parliament, that

[1] It appears from a letter of James to the Prince of Orange, October, 1678 (R. O. 'King William's Chest'), that the judges were instructed to consider whether one witness was not enough.

CHAP. IX. was the particular reason for enjoining secrecy. Yet, while men's minds were strongly prepossessed, these answers did not satisfy, but were thought only shifts[1].

At this time Carstares, of whose behaviour in Scotland mention has been made[2], not having met with those rewards that he expected, came up to London, to accuse duke Lauderdale, as designing to keep up the opposition that was made to the laws in Scotland, even at the time that he seemed to prosecute conventicles with the greatest fury; because he had often drawn the chief of their teachers into such snares, that upon the advertisements that he gave they might have been taken; but that duke Lauderdale had neglected it: so he saw he had a mind that conventicles should go on, at the same time that he was putting the country in such a flame to punish them. This he undertook to prove by those witnesses of whom on other occasions he had made use. He also confessed the false date of that warrant upon which Baillie had been censured. He put all this in writing, and gave it to the marquess of Athol, and pressed him to carry him to duke Hamilton and the earl of Kincardine, that he might beg their pardon, and be assured of their favour. I was against the making use of so vile a man, and would have nothing to do with him. He made his application to lord Cavendish, and to some of the house of commons, to whom I gave such a character of him that they would see him no more.

While he was thus looking about to see where he could find a lucky piece of villainy, he happened to go into an eating-house in Covent Garden, that was over against the

[1] 'The highest improbabilities, the absurdest contradictions, the most apparent falsities, the asseverations of dying men, the infamy and manifest perjury of the witnesses, made not the least impression on behalf of the accused, either upon Parliament, Judge, or Jury.' Clarke's *Life of James II*, i. 536. See also Temple, *Works*, ii. 491. Halifax seems to have believed in the plot, and in Oates too, to a certain extent, as did the two Coventrys. Foxcroft's *Halifax*, i. 133. *Savile Correspondence*, 107. See the letter from Sancroft, Archbishop of Canterbury, *Somers Tracts*, viii. 59. For the ridicule showered upon the plot in France, see Fountainhall, *Hist. Obs.* 7.

[2] *Supra* 113 and *infra* 181.

shop of one Staley, the popish banker, who had been in great credit, but was then under some difficulties; for all his creditors came to call for their money. Staley happening to be in the next room to Carstares and his company, Carstares pretended he heard him say in French, that the king was a rogue, and persecuted the people of God; and that he himself would stab him if nobody else would. The words were writ down, which he resolved to swear against him. So next morning they went to him, and told him what they would swear against him, and asked a sum of money of him. He was in much anxiety, and saw great danger on both hands: yet he chose rather to leave himself to their malice, than be preyed on by them. So he was seized on, and they swore the words against him: and he was appointed to be tried within five days [1]. When I heard who the witnesses were, I thought I was bound to do what I could to stop it. So I sent both to the lord chancellor and to the attorney general, to let them know what profligate wretches these witnesses were. Jones, the attorney general, took this ill of me, that I should disparage the king's evidence. The thing grew public, and 434
raised great clamour against me. It was said I was taking this method to get into favour at court. I had likewise observed to several persons of weight, how many incredible things there were in the evidence that was given. I wished they would make use of the heat the nation was in to secure us effectually from popery: we saw certain evidence to carry us so far, as to graft that upon it: but I wished they would not run too hastily to the taking men's lives upon such testimonies. Lord Holles had more temper than [a] I expected from a man of his heat. Lord Halifax was of the same mind. But the earl of Shaftesbury could not bear the discourse. He said we must support the evidence, and that all those who undermined the credit of the witnesses

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[a] *that*, MS.

[1] See the trial in the second volume of *State Trials*, 133, and also Echard's account of it, in his *History*, 953. O.

CHAP. IX. were to be looked on as public enemies[1]. And so inconstant a thing is popularity, that I was then most bitterly railed at by those who seemed formerly to put some confidence in me. It went so far that I was advised by some not to stir abroad for fear of public affronts. But these things did not daunt me. Staley was brought to his trial, which did not hold long. The witnesses gave a full evidence against him, and he had nothing to offer to take away their credit. He only shewed how improbable it was, that in a public house he should talk such things with so loud a voice as to be heard in the next room, in a quarter of the town where almost every body understood French. He was cast[2]: and prepared himself very seriously for death. Dr. Lloyd went to see him in prison. He was offered his life if he would discover their plots: he protested he knew of none, and that he had not said the words sworn against him, nor any thing to that purpose[3]. And thus he died, the first of those who suffered on the account of the plot. Duke Lauderdale, having heard how I had moved in this matter, railed at me with open mouth, and said I had studied to save Staley, for the liking I had to any that would murder the king: and he infused this so into the king, that he repeated it in the house of lords to a company that were standing about him.

Yet so soon could he turn to make use [of] a man whom

[1] Shaftesbury's eager and unscrupulous espousal of the plot was dictated by the desire to ruin Danby and to defeat the king's hope of tolerating the Catholics. Christie, ii. 289 300. Danby had merely wished to ward off attack upon himself; but 'My Lord Shaftesbury, who soon found out his drift, said, Let the Treasurer cry as loud as he please against popery, and think to put himself at the head of the plot, I will cry a note louder and soon take his place.' Clarke's *Life of James II*, i. 546. See the extraordinary deposition of Francis Caryll as to his treatment by Buckingham and Shaftesbury. *Faixfax Correspondence*, Civil Wars, ii. 300; see also Ralph, i. 539.

[2] Anglice, found guilty. S.

[3] Echard says, in his *History of England*, that at his execution he denied the words, for which he was condemned, or if he did use them, declared they were the effect of a vast passion, without any design against the king's person. There was a third witness to the words, who called Carstares his captain. R.

he had censured so unmercifully, that two days after this he sent the earl of Dumbarton, that was a papist, and had been bred in France, but was duke Hamilton's brother, to me, to desire me to come to him secretly, for he had a mind to talk with me. He said he believed I could do him service, if I had a mind to it: and the see of Chichester being then void, he said he would not dispose of it till he saw whether I would deserve it or not[1]. I asked, if he fancied I would be a spy, or betray any body to him. But he undertook to me that the king should ask me no questions, but should in all things leave me to my liberty. CHAP. IX.

An accident fell in, before I went to him, which took off much from Oates's credit. When he was examined by the house of lords, and had made the same narrative to them that he had offered to the commons, they asked him if he had now named all the persons whom he knew to be involved in the plot? He said there might be some inferior persons, whom he had perhaps forgot, but he had named all the persons of note. Yet he, it seems, afterwards bethought himself: and Mrs. Elliot, wife to Elliot of the bedchamber, came to the king, and told him Oates had somewhat to swear against the queen, if he would give way to it[2]. The king was willing to give Oates line enough, as 435 Nov. 22–26, 1678.

[1] Upon this offer of the Bishopric of Chichester upon conditions, and Burnet's reply, see the *Life of the Author* affixed to the last edition, vol. vi. 270. Burnet here states that the offer was made by Lauderdale, though the words 'he would not dispose of it' agree better with the *Life*.

[2] 'That great villain Oates did on Sunday last accuse the queen of her having designed to poison his majesty . . . and yesterday had the impudence to say the same to His Majesty in full Council: now Oates is so secured that he cannot gett away if he would.' James to the Prince of Orange, Nov. 26, 1678. *Foljambe Papers*, 125. On Nov. 28, 1678, Oates accused the queen before the House of Commons. As late as Dec. 26, 1680, he was repeating the slander in private, and drew upon himself a rebuke from Reresby. It is strange to find him then the chief guest at the table of Gunning, Bishop of Ely. Reresby's *Memoirs*, 196; *First Whig*, 44. From Danby's notes of the examination of Oates before the Lords, Nov. 25, it appears that he declared that, if all other attempts upon the king's life failed, the queen was to be employed. *Add. MSS.* 23,043, f. 5. In Clarke's *Life of James II*, i. 528, it is stated that this was but one project of the country

CHAP. IX. he expressed it to me, and seemed to give way to it. So he came out with a new story: that the queen sent for some Jesuits to Somerset house, and that he went along with them, but stayed at the door when they went in; where he heard one, in a woman's voice, expressing her resentments of the usage she had met with, and assuring them she would assist them in taking off the king: upon that he was brought in, and presented to her, and there was then no other woman in the room but she. And when he was bid describe the room, it proved to be one of the public rooms of that court, which are so great, that the queen, who was a woman of a low voice, could not be heard over it, unless she had strained for it. Oates, to excuse his saying that he could not lay any thing to the charge of any beside those he had already named, pretended he thought then it was not lawful to accuse the queen: but this did not satisfy people. Bedloe, to support this, swore that being once in the chapel at Somerset house, he saw the queen, the duke, and some others, very earnest in discourse in the closet above, and that one came down with much joy, and said the queen had yielded at last; and that one explained this to him beyond sea, and said it was to kill the king. And, besides Bedloe's oath that he saw Godfrey's body in Somerset house, it was remembered that at that time the queen was for some days in so close a retirement that no person was admitted. Prince Robert came then to wait on her, but was denied access. This raised a strange suspicion of her: but the king would not suffer that matter to go any further [1].

party for securing a divorce for Charles, all hope of issue by the queen having been given up.

[1] The king's constant and steady protection of his queen against these horrible slanders reflects credit on his conduct in this instance, during these difficult and dangerous times. Even that prejudiced partisan, Oldmixon, in his *History of the Stuarts*, confesses his persuasion of the queen's innocence. 'I shall not,' he says, 'enlarge upon Oates's and Bedloe's accusation of the queen, for I do not much give into it, having occasion to know more of that princess than the common writers, as the archdeacon (Echard) has it. For some of the last words she said before her death at Lisbon were to

While the examinations were going on, and preparation was making for the trial of the prisoners, a bill was brought into the house of commons, requiring all members of either house, and all such as might come into the king's court or presence, to take a test against popery; in which not only transubstantiation was renounced, but the worship of the Virgin Mary and the saints, as it was practised in the church of Rome, was declared to be idolatrous. This passed in the house of commons without any difficulty. But in the house of lords, Gunning, bishop of Ely, maintained that the church of Rome was not idolatrous[1]: and he was answered by Barlow, bishop of Lincoln. The lords did not much mind Gunning's arguments, but passed the bill: and though Gunning had said that he could not take that test with a good conscience, yet as soon as the bill was passed he took it in the crowd with the rest[2]. The duke

CHAP. IX. Oct. 28, 1678. 436 Nov. 20.

an English physician (Dr. Crichton), from whom I had it. The queen, sitting up in her bed, called to him to hold her, while she said softly to this effect, That when she was in England, she had been wrongfully charged with endeavouring to bring in popery; that she had never desired any more favour for those of her own religion than was granted them by her marriage articles; that she had never been a promoter of the French interest; on the contrary, that it was one of her greatest griefs, at her going out of the world, to think that when she was gone, the French faction in her brother's court might do the confederates ill offices, for it was she that had kept him firm to them'; 618. Oldmixon repeats this account in his *History of the Three succeeding Reigns*, 6. R. Ossory, the queen's chamberlain, writing to his mother, says of this: 'The king carried himself most worthily, showing a detestation of what some thought might be acceptable to him.' The queen, while in public, 'showed not the least emotion; but yesterday, when she was in private, she ceased not weeping, bewailing her condition.' *H. M. C. Rep.* vi. 723.

[1] In 1664 Gunning (see vol. i. 320) was accused of contradicting one of the Thirty-nine Articles, and consequently of not being a member of the Church of England. *Portland MSS.* iii; *H. M. C. Rep.* xiv, App. ii. 288.

[2] Evelyn, in his *Memoirs*, i. 475, says: 'I went with Sir William Godolphin, a member of the Commons' house, to the Bishop of Ely (Dr. Pet. Gunning), to be resolved, whether masses were idolatry, as the test expressed it, which was so worded, that several good Protestants scrupled, and Sir William, though a learned man, and excellent divine himself, had some doubts about it. The bishop's opinion was, that he might take it, though he wished it had been otherwise worded in the test.'

CHAP. IX. got a proviso to be put in it for excepting himself[1]. He spoke upon that occasion with great earnestness, and with tears in his eyes. He said he was now to cast himself upon their favour in the greatest concern he could have in this world. He spoke much of his duty to the king, and of his zeal for the nation: and solemnly protested that whatever his religion might be, that should only be a private thing between God and his own soul, and that no effect of it should ever appear in the government. The proviso was carried for him by a few voices: and, contrary to all
Nov. 21. men's expectations, it passed in the house of commons[2]. There was also a proviso put in excepting nine ladies about the queen: and she said she would have all the ladies of that religion cast lots who should be comprehended, only
MS. 223. she named Portsmouth, as one whom she would not expose to the uncertainty of a lot; which was not thought very decent in her, if her circumstances at that time had not required an extraordinary submission to the king in every thing[3].

Coleman was brought to his trial. Oates and Bedloe swore flatly against him as was mentioned before. He denied that he had ever seen either the one or the other of

[1] On Nov. 2, after a conference between the Houses, Shaftesbury, supported by Halifax, Essex, and Barlow, Bishop of London, demanded the dismissal of the duke. On the 4th, Russell, in the Commons, moved an address to the same effect. On the 9th, Charles expressed his readiness to pass any bills 'to make you safe in the reign of my successor (so they tend not to impeach the right of succession, nor the descent of the Crown in the true line, and so as they restrain not my power, nor the just rights of any Protestant successor).' It was in the debate on the address that Sacheverell gave the first direct hint of exclusion. *Parl. Hist.* iv. 1034; Sitwell, *First Whig*, 63. The Opposition were still acting in concert with Barillon, their common object being the overthrow of Danby and the disbanding of the army. They persuaded him that the attack on the Duke of York was the readiest means to both. Ranke, iv. 64.

[2] By a majority of two only, and to the intense anger of the Opposition. *Commons Journals*, Nov. 21, 1678. The numbers were 158 and 156.

[3] The Duchess of Portsmouth always behaved herself with great respect to the queen, which her predecessor the Duchess of Cleveland never did; who, the queen used to say, was a cruel woman. D.

them in his whole life: and defended himself by Oates's not knowing him when they were first confronted, nor objecting those matters to him for a great while after. He also pressed Oates to name the day in August in which he had sent the fourscore guineas to the four ruffians. But Oates would fix on no day, though he was very punctual in matters of less moment. Coleman had been out of town almost that whole month, but no day being named, that served him in no stead. He urged the improbability of his talking to two such men, whom he had by their own confession never seen before. But they said he was told that they were trusted with the whole secret. His letters to P. la Chaise[1] was the heaviest part of the evidence. He did not deny that there were many impertinent things in his letters: but said he intended nothing in them but the king's service and the duke's. He never intended to bring in the catholic religion by rebellion or by blood, but only by a toleration: that by the aid that was prayed from France, was only meant the assistance of money, and the interposition of that court. After a long trial he was con- 437
vict: and sentence passed upon him to die as a traitor. He continued to his last breath denying every tittle of that which the witnesses had sworn against him. Many were sent from both houses, offering to interpose for his pardon if he would confess. He still protested his innocence, and that he knew nothing but in the way of negotiation. A committee of the house of commons was sent to examine him. He behaved himself very modestly before them. He asserted his own innocence, and took great care to vindicate the duke. He said his own heat might make him too forward, for, being persuaded of the truth of his religion, he could not but wish that all others were not only almost but altogether such as he was, except in that chain; for he was then in irons. He confessed he had mixed too much of interest for raising himself in all he did: and that he had received 2500 guineas from the French ambassador to gain

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[1] *Supra* 159.

CHAP. IX. some friends to his master, but that he had kept them to himself. He had acted by order in all that he had done, and he believed the king knew of his employment, particularly that at Brussels: but though he seemed willing to be questioned concerning the king, the commons did not think fit to do it, nor to report what he said concerning it: only in general they reported that he spoke of another thing, about which they did not think fit to interrogate him, nor to mention it. Littleton was one of the committee, and gave me an account of all that passed that very night: and I found his behaviour made great impression on them all. He suffered with much composedness and devotion, and
Dec. 3, 1678. died much better than he had lived. It was given out at that time, to make the duke more odious, that Coleman was kept up from making confessions, by the hopes the duke sent him of a pardon at Tyburn[1]: but he could not be so ignorant, as not to know that at that time it was not in the king's power to pardon him[2], while the tide went so high.

The nation was now so much alarmed, that all people were furnishing themselves with arms, which heightened the jealousy of the court. A bill passed in both houses for raising all the militia, and for their keeping together for six weeks, a third part, if I remember right, being to serve a fortnight, and so round. I found some of them hoped, when that bill passed into a law, they would be more masters, and that the militia would not separate till all the demands of the two houses should be granted. I gave the king notice of the consequence of that bill, and of the
Nov. 30, 1678. effects it might have. He rejected the bill when offered to him for his assent, and thanked me for the advice I sent him[3]. I waited often on him all the month of December.

[1] See Luttrell, *Brief Narration*, i. 4.

[2] 'I cannot pardon him,' said Charles afterwards of Plunket, 'because I dare not.' *Infra* 293 note.

[3] He refused to give up the control of the militia, 'though but for half an hour.' *Parl. Hist.* iv. 1052. 'All things look as they did in the beginning of the late rebellion.' James to the Prince of Orange, Dec. 6, 1698. *Foljambe Papers*, 175.

He came to me to Chiffinch's, a page of the back stairs, and kept the time he assigned me to a minute. He was alone, and talked much and very freely with me. We agreed in one thing, that the greatest part of the evidence was a contrivance. But he suspected some had set on Oates, and instructed him, and named the earl of Shaftesbury. I was of another mind. I thought the many gross things in his narrative shewed there was no abler head than Oates or Tonge in the framing it[1], and Oates in his first story had covered the duke and the ministers so much, that from thence it seemed clear that lord Shaftesbury had no hand in it, who hated them much more than he did popery. He fancied there was a design of a rebellion on foot. | I assured him I saw no appearances of it. I told him there was a report breaking out, that he intended to legitimate the duke of Monmouth. He answered quick, that, as well as he loved him, he had rather see him hanged: yet he apprehended a rebellion so much, that he seemed not ill pleased that the party should flatter themselves with that imagination, hoping that would keep them quiet and in a dependance upon himself: and he suffered the duke of Monmouth to use all methods to make himself popular, reckoning that he should keep him in his own management. He was surprised when I told him that Coleman had insinuated that he knew of all their foreign negotiations, or at least he seemed so to me. I pressed him much to oblige the duke to enter into conferences with some of our divines, and to be present at them himself. This would very much clear him of jealousy, and might have a good effect on his brother: at least it would give

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MS. 224.

[1] 'A certain lord of his (lord Shaftesbury's) confidence in parliament, once asked him what he intended to do with the plot, which was so full of nonsense, as would scarce go down with *tantum non* ideots; what then could he propose by pressing the belief of it upon men of common sense, and especially in parliament? It is no matter, said he, the more nonsensical, the better; if we cannot bring them to swallow worse nonsense than that, we shall never do any good with them.' North, *Examen*, i. cap. 11, § cxx. 95.

CHAP. IX. the world some hopes, as Henry IV of France, his grandfather, did, which kept a party firm to him for some years before he changed. He answered that his brother had neither Henry IV's understanding nor his conscience: for he believed that king was always indifferent as to those matters[1]. He would not hearken to this, which made me inclined to believe a report I had heard, that the duke had got a solemn promise of the king that he would never speak to him of religion. The king spoke much to me concerning Oates's accusing the queen, with the whole progress of it. He said she was a weak woman, and had some disagreeable humours; but was not capable of a wicked thing: and considering his faultiness towards her in other things, he thought it a horrid thing to abandon her. He said he looked on falsehood and cruelty as the greatest of crimes in the sight of God. He knew he had led a bad life, of which he spoke with some sense, but he was breaking himself of all his faults, and he would never do a base and a wicked thing. I spoke on all these subjects what I thought became me, which he took well: and I encouraged him much in his resolution of not exposing the queen to perish by false swearing. I told him there was no possibility of laying the heat that was now raised, but by changing his ministry: and told him how odious the earl of Danby was, and that there was a design against him, but I knew not particulars. He said he knew that lay at
439 bottom. The army was not yet disbanded, and the king was in great straits for money. The house of commons gave a money bill for this[2]: yet they would not trust
Dec. 16, 1678. the court with the disbanding the army: but ordered the money to be brought into the chamber of London[3],

[1] His brother was of another opinion, as the Earl of Thanet told me, who once took an occasion to tell the duke, he had heard that his grandfather said, the crown of France was worth a mass. To which he answered very hastily, 'That story is false, Harry the fourth was as good a catholic as I am.' D.

[2] The result of the union between Barillon and the Opposition. Ranke, iv. 68.

[3] December 16. See Ranke, iv. 68. This had been proposed in Oct. 1675 (cf. *supra* 87, *note*), but not then adopted.

and named a committee for paying off and breaking the army. I perceived the king thought I was reserved to him, because I would tell him no particular stories, nor name persons. Upon which I told him, since he had that opinion of me, I saw I could do him no service, and would trouble him no more; but he should certainly hear from me, if I came to know any thing that might be of any consequence to his person or government. CHAP. IX

This favour of mine lasted all the month of December 78. I acquainted him with Carstares's practice against duke Lauderdale, and all that I knew of that matter, which was the ground on which I had gone with relation to Staley. The king told duke Lauderdale of it, without naming me; and he sent for Carstares, and charged him with it. Carstares denied all, but said that duke Hamilton and lord Kincardine had pressed him to it: and he went to the king, and affirmed it confidently to him. He did not name lord Athol, hoping that he would be gentle to him for that reason. The king spoke of this to duke Hamilton, who told him the whole story as I had done. Lord Athol upon that sent for Carstares, and charged him with all this foul dealing, and drew him near a closet, where he had put two witnesses. Carstares said somebody had discovered the matter to duke Lauderdale: that he was now upon the point of making his fortune, and that if duke Lauderdale grew to be his enemy, he was undone. He confessed he had charged duke Hamilton and lord Kincardine falsely, but he had no other way to save himself. After the marquis of Athol had thus drawn every thing from him, he went to the king with his two witnesses, and the paper that Carstares had formerly put in his hand. Carstares was then with the king, and was, with many imprecations, justifying his charge against the two lords: but he was confounded when he saw lord Athol, and upon that his villainy appeared so evidently, that the part I had acted in that matter was now well understood and approved of. Carstares died not long after under great horror, and

CHAP. IX. ordered himself to be cast into some ditch as a dog; for he said he was no better. But I could never hear what he said of Staley's business.

While all matters were in this confusion, a new incident happened that embroiled them yet more. The earl of Danby had broke with Montagu[1], but he knew what letters he had writ to him, and with what secrets he had trusted him. He apprehended Montagu might accuse
440 him: so he resolved to prevent him. Jenkins, who was then at Nimeguen, writ over, according to a direction sent him, as was believed, that he understood Montagu had been in a secret correspondence and in dangerous practices with the pope's nuncio at Paris. This was meant of one Con, whom I knew well, who had been long in Rome: and most of the letters between England and Rome passed through his hands. He was a crafty man, but knew news well, and loved money. So Montagu made use of him, and gave him money for such secrets as he could draw from him. Upon Jenkins's letter, the king sent a message to the house of commons, letting them know that he was resolved to bring Montagu to a trial, for being a confederate with Rome, and in the plot to bring in popery[2]. And at the same time he sent to secure his cabinets and papers: a device of lord Danby's to find his own letters and destroy them, and then to let the prosecution fall: for they knew they had nothing against Montagu[3]. But he understood the arts of a court too well to be easily catched; and had

[1] Danby had refused to obtain the Secretaryship of State for him. *Supra* 97, *note*. Salmon's *Examination*, 828.

[2] See Salmon's *Examination*, 828, where it is stated that Charles had intelligence of the association of Montagu and the pope's nuncio from Olivencranz, the Swedish ambassador. See Grey's Debates, vi. 337–359.

[3] Montagu probably had a promise of indemnification from Louis, as Barillon urged. Dalrymple, i. 251. He was now acting in concert with Barillon and the Opposition. He had promised Louis to cause Danby's fall within six months on promise of 40,000 livres a year, or 100,000 crowns in hand—of which he actually received 50,000. He stood for Northampton on his return, and beat the government candidate.

put a box in which those letters were in sure hands out of the way. A great debate rose upon this matter in the house of commons. It was thought a high breach of privilege to seize on the papers of a member of their house when there was nothing of treason swore against him. After some hours spent in the debate, during which Montagu sat silent very long, at last, when the box was brought to him from the person to whom he had trusted it, he opened it, and took out two of lord Danby's letters [1], that contained instructions for him to treat with the king of France for 300,000*l.* a year for three years, if a peace succeeded, since it would not be convenient for the king to meet a parliament in all that time, and he was charged to mention no part of this to the secretary [2]. Winnington, who from small beginnings, and with as small a proportion of learning in his profession, in which he was rather bold and ready than able, was now come to be solicitor general, fell severely upon those letters [3]. He said, here was a minister who,

Dec. 19, 1678.

[1] The most important was dated March 25, 167⅞, cf. *supra* 151, and signed by Danby, 'only writ in obedience to the king's command, who signed the instructions of that letter himself.' *Danby Papers, Add. MSS.* 23,044, f. 26; 23,043, f. 159. It was endorsed, 'This was writ by my order, C. R.' Danby's real defence was that the letter 'was written by the king's command, upon the subject of peace and war, wherein His Majesty is at all times sole judge and ought to be obeyed, not only by all ministers of state, but by all subjects.' *Memoirs relating to the Impeachment* (1710), 151, 227; *State Trials*, xi. See Danby's statement in his letters to Hatton, March 28, 1679, *Hatton Correspondence*, and to the Duke of Newcastle of the same date, *Portland MSS., H. M. C. Rep.* xiii, App. ii. 154. See also Montagu's letter to Danby regarding these money dealings, *id.* vi. 389; ix. 451, &c.; Reresby, 155. Lauderdale knew of the letter, but refused to sign it. The two original drafts, or copies in Danby's writing, of his letters to Montagu, dated Jan. 15, 167⅞, and March 25, 1678, each bearing the holograph docket of Charles II, 'I aprove of this letter, C. R.,' and three autograph letters of Montagu to Danby, Jan. 11, 12, and April 12, with autograph letters in reply and principal proposals of peace, with Danby's marginal alterations, are in the *Webster MSS., H. M. C. Rep.* iii. 421.

[2] See Henry Sidney's *Diary*, i. 69.

[3] The old Lord Trevor, who knew him well, said to me, 'that Winnington was in very little esteem in Westminster hall.' But he was certainly a man of parts, as appears in all his parliamentary performances in these times. He was much sunk afterwards, and very little considered, which carried him, after the

CHAP. IX. going out of the affairs of his own province, was directing the king's ambassadors and excluding the secretary of state, whose office that was, from the knowledge of it: here was the faith of England to our allies, and our own interest likewise, set to sale for French money, and that to keep off a session of parliament. This was a design to sell the nation, and to subvert the government: and he concluded that was high treason: upon which he moved that lord Danby should be impeached of high treason. The earl of Danby's party was much confounded: they could neither deny nor justify his letters, but they argued that they could not be high treason, since no such fact was comprehended
441 in any of the statutes of treason. The letters seemed to be writ by the king's order, who certainly might appoint any person he pleased to send his orders to his ministers abroad. They reflected on the business of the earl of Strafford, and on constructive treason, which was a device to condemn a man for a fact against which no law did lie. Maynard, an ancient and eminent lawyer, explained the words of the statute of 25 Edward III that the courts of law could only proceed upon one of the crimes there enumerated. But the parliament had still a power by the clause in that act to declare what they thought was treason[1]: so an act passed declaring poisoning treason, in king Henry VIII's time: and as by the statute it was only treason to conspire against the prince of Wales, yet if one should conspire against the whole royal family, when there was no prince of Wales, they would without doubt declare that to be high treason. After a long debate it was voted by a majority of above seventy voices, that lord Danby should be im-

revolution, into opposition to the measures of the court. O. He succeeded Sir William Jones in 1673, and was removed at Danby's desire in Jan. 167§ for Finch, second son of the chancellor. Luttrell, 6. For the speech referred to (Dec. 16), see *Parl. Hist.* iv. 1065. See also Powle's speech of March 22 in the debate on the illegality of the pardon, in which the view of the country party as to Danby's crimes is correctly given, *id.* 1115.

[1] Yes, by a new act, but not with a retrospect; therefore Maynard was a knave or a fool, with all his law. S.

peached of high treason[1], and the impeachment was next day carried up to the lords. The earl of Danby justified himself, that he had served the king faithfully, and according to his own orders. And he produced some of Montagu's letters[2], to shew that at the court of France he was looked on as an enemy to their interest[3]. He said they knew him well that judged so of him; for he was indeed an enemy to it, and among other reasons he gave this for one, that he knew the French king held both the king's person and government under the last degree of contempt. These words were thought very strange with relation to both kings. A great debate arose in the house of lords concerning the impeachment; whether it ought to be received as an impeachment of high treason, only because | the commons added the word high treason in it. It was said, the utmost could be made of it was to suppose it true: but even in that case they must needs say plainly, that was not within the statute. To this it was answered, that the house of commons that brought up the impeachment were to be heard to two points: the one was, to the nature of the crime: the other was, to the trial of it. But the lords could not take upon them to judge of either of these, till they heard what the commons could offer to support the charge. They were bound therefore to receive the charge, and to proceed according to the rules of parliament, which

CHAP. IX.

Dec. 23. 1678.

Dec. 20, 1678.

MS. 226.

[1] Cf. Reresby, *Memoirs*, 153.

[2] 'Meanwhile the treasurer endeavoured to destroy the credit of his accuser, and on the 7th (of Dec.) produced some letters from him, when in France, which were read in the house, and made it appear, that Montagu had been very guilty of the offences he threw upon his lordship, but his enemies were so many and so powerful, that the whole edge was bent against him; in a word, the tide was not to be stemmed, and six articles of impeachment were drawn against him.' *Id.* [Dec. 20, 1678]. R. This is told in different words, but to the same purpose, in Cartwright's revised edition of the *Memoirs*. It was on the 20th, not the 7th, that Bertie produced two of Montagu's letters in the Commons; Grey, vi. 359.

[3] In Danby's published letters (1710) he insists that he was the only person who 'hindered all things going into the French interest for diverse years,' and states that Monmouth was deep in the French interest. Cf. *Lindsay MSS.* 408; *supra* 176; Reresby, 155.

CHAP. IX. was to commit the person so impeached, and then give a short day for his trial: so it would be soon over if the commons could not prove the matter charged to be high treason. The debate went on with great heat on both sides: but the majority was against the commitment[1].

442 Upon this it was visible the commons would have complained that the lords denied them justice: so there was no hope of making up the matter, and upon that the parliament was prorogued[2].

Dec. 30, 1678.

This was variously censured. The court condemned Montagu for revealing the king's secrets[3]. Others said, that since lord Danby began to fall on him it was reasonable and natural for him to defend himself. The letters did cast a very great blemish not only on lord Danby but on the king, who, after he had entered into alliances, and had received great supplies from his people to carry on a war, was thus treating with France for money, which could not be asked or obtained from France on any other account, but that of making the confederates accept of lower terms than otherwise they would have stood on; which was indeed the selling of the allies and of the public faith. All that the court said in excuse for this was, that since the king saw a peace was resolved on, after he had put himself to so great a charge to prepare for war, it was reasonable for him to seek to be reimbursed as much as could be from France. This was ordinary in all treaties, where the prince that desired a peace was made to buy it. This indeed would have justified the king, if it had been demanded above board[4]: but such underhand dealing was mean and

[1] Upon the refusal of the Lords to commit, see Hallam's *Const. Hist.* sm. ed. ii. 411.

[2] And dissolved on Jan. 24, 167$\frac{8}{9}$; to save Danby and to ward off a fresh attack on James. For a concise statement of what this second 'Long' Parliament had done, see Ranke, iv. 71.

[3] Montagu tried to leave the country at the dissolution. He then engaged in a plot to induce Louis to declare Monmouth Prince of Wales, but neither Barillon nor Shaftesbury would act with him. Dalrymple, i. 312, 341, 355; Sidney's *Diary*, ii. 13. He retired to the continent in 1680 or 1681.

[4] Style of a gamester. S.

dishonourable: and it was said, that the States went in to the peace with such unreasonable earnestness upon the knowledge, or at least the suspicion, that they had of such practices. This gave a new wound to the king's credit abroad, or rather it opened the old one: for indeed after our breaking both the treaty of Breda and the triple alliance, we had not much credit to lose abroad. None gained so much by this discovery as secretary Coventry; since it now appeared that he was not trusted with those ill practices. He had been severely fallen on for the famed saying of the murder of forty men. Birch aggravated the matter heavily, and said it seemed he thought the murder of forty men a very small matter, since he would rather be guilty of it than oppose an alliance made upon such treacherous views [1]. Coventry answered, that he always spoke to them sincerely, and as he thought; and that if an angel from heaven should come and say otherwise, (at this they were very attentive, to see how he could close a period so strangely begun,) he was sure he should never get back to heaven again, but should be a fallen and a lying angel. Now the matter was well understood, and his credit was set on a sure foot. CHAP. IX.

After the prorogation, the earl of Danby saw the king's affairs and the state of the nation required a speedy session. He saw little hope of recovering himself with that parliament, whence so great a majority was already so deeply engaged: so he entered into a treaty with some of the 443
country party for a new parliament. He also undertook to get the duke to be sent out of the way against the time of its meeting. Lord Holles, Littleton, Boscawen, and Hampden were spoke to. They were all so apprehensive of the continuance of that parliament, and that another set of ministers would be able to manage them as the court pleased, that they did undertake to save him, if he could

[1] Cf. *supra* 134; Grey, v. 9; vi. 15. On the enmity between Birch and Coventry, see Sidney's *Letters*, 44. Coventry resigned the secretaryship to Leoline Jenkins in July, 1687.

CHAP. IX. bring these things about; but it was understood that he must quit his post, and withdraw from affairs. Upon which they promised their assistance to carry off his impeachment with a mild censure. The duke went into the advice of a dissolution upon other grounds. He thought the house of commons had engaged with so much heat in the matter of the plot, that they could never be brought off, or be made more gentle in the matter of religion. He thought a new parliament would act in a milder strain, and not fly so high; or that they would give no money, and so the king and they would break: for he dreaded nothing so much as the bargains that were made with the present parliament, in
MS. 227. which popery was always to be the sacrifice. Thus | both the duke and lord Danby joined in advising a dissolution, which was not resolved on till the January following.

Dec. 17, 1678. In December, Ireland [1], Whitebread, and Fenwick, three Jesuits [2], and Grove and Pickering, two of the servants in the queen's chapel, were brought to their trial. Oates and Bedloe swore home against Ireland, that in August last he had given particular orders about killing the king. Oates swore the same against the other Jesuits, but Bedloe swore only upon hearsay against them. So, though they had pleaded to their indictment, and the jury was sworn, and the witnesses examined, yet, when the evidence was not found full, their trial was put off to another time, and the jury was not charged with them. This looked as if it was resolved that they must not be acquitted. I complained of this to Jones, but he said they had precedents for it. I always thought that a precedent against reason signified no more but that the like injustice had been done once before. And the truth is, the crown has, or at least had, such advantages in trials of treason, that it seems strange how any person was ever acquitted. Ireland, in his own defence, proved by many witnesses that he went from

[1] With respect to Ireland, see *Savile Correspondence* (Camb. Soc.), 107.

[2] Whitebread and Fenwick were also Jesuits, and these five were not condemned and executed until June 20, 1679: *infra* 225–227.

London on the second of August to Staffordshire, and did not come back till the twelfth of September; yet, in opposition to that, a woman swore that she saw him in London about the middle of August. So, since he might have come up post in one day, and gone down in another, this did not satisfy. Oates and Bedloe swore against Grove and Pickering that they had undertaken to shoot the king at Windsor; that Grove was to have 1500*l* for it, and that Pickering chose thirty thousand masses, which at a shilling a mass amounted to the same sum. They attempted it three several times with a pistol: once the flint was loose, at another time there was no powder in the pan, and the third time the pistol was charged only with bullets. This was strange stuff; but all was imputed to a special providence of God, and the whole evidence was believed. So they were convicted, condemned, and executed; but denied to the last every particular that was sworn against them[1]. Jan. 24, 167⅘.

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This began to shake the credit of the evidence, when a more composed and credible person came in to support it. One Dugdale, that had been the lord Aston's bailie, and lived in a fair reputation in the country, was put in prison for refusing the oaths of allegiance and supremacy[2].

[1] From the *Savile Correspondence*, 93 and *passim*, it appears that the persecution of the papists in England was in great measure the cause of, or at any rate was made the excuse for, that of the Huguenots in France. The dying speeches of Ireland, Whitebread, and the rest, which are extant, were translated by Père la Chaise, and published in France. For the effect, see *id.* 112. And in 1681 Barillon was ordered to give an account of the treatment of Catholics in England, 'that being the model designed for what treatment the English Protestants shall find here.' *Id.* 174. In 1679 was published 'An impartial consideration of those speeches which pass under the name of the five Jesuits lately executed, in which it is proved that according to their principles they not only might, but also ought, to die after that manner, with solemn protestations of their innocency.'

[2] Higgons, in his *Remarks on Burnet's History*, 209, points out, that on Lord Stafford's trial (he might have added, on the trial of the five Jesuits), it was proved, that Dugdale was a man of bad character, and had defrauded Lord Aston his master; and observes, that the bishop himself, in 505, relates, that on the trial of College, Dugdale forswore himself so directly, that he *quite sunk his credit, and was never more heard of.*

CHAP. IX. He did then, with many imprecations on himself, deny that he knew of any plot; but afterwards he made a great discovery of a correspondence that Evers, the lord Aston's Jesuit, held with the Jesuits in London; who had writ much to Evers of the design of killing the king, and desired him to find out men proper for executing it, whether they were gentlemen or not. This, he swore, was writ plain in a letter from Whitebread, the provincial, directed to himself, but he knew it was meant for Evers. He and Govan, another Jesuit, pressed this Dugdale to undertake it: they promised he should be canonized for it, and the lord Stafford offered him 500*l.* if he would set about it. He was a man of sense and temper, and behaved himself decently, and had somewhat in his air and deportment that disposed people to believe him: so that the king himself began to think there was somewhat in the plot, though he had very little regard either to Oates or Bedloe. Dugdale's evidence was much confirmed by one circumstance. He had talked of a justice of peace in Westminster that was killed, on the Tuesday after Godfrey was missed: so that the news of this must have been writ from London on the Saturday night's post. He did not think it was a secret: and so he had talked it as news in an alehouse. The two persons to whom he said he spoke it remembered nothing of it, the one being the minister of the parish: but several others swore they had heard it. He saw this, as he swore, in a letter writ by Harcourt the Jesuit to Evers, in which Godfrey was named[1]. But he added a strange story to this, which he said Evers told him afterwards; that the duke had sent to Coleman when he was in Newgate to persuade him to discover nothing, and that he desired to know of him whether he had ever discovered it to any other person; and that Coleman sent back answer, that he had spoke of it to Godfrey, but to no

[1] Harcourt's chamber was ransacked for papers which it was hoped would discover the land and money of the Jesuits. *Portland MSS.*, *H. M. C. Rep.* xiii, App. ii. 155.

other man: upon which the duke gave order to kill him. CHAP. IX.
This was never made public till the lord Stafford's trial: 445
and I was amazed to see such a thing break out after so long a silence, and it looked like an addition to Dugdale's first evidence, though he had been noted for that, as having brought out all his discoveries at once. But the earl of Essex told me he swore it on his first examination, but since it was only upon hearsay from Evers, and so was nothing in law, and yet would heighten the fury against the duke, the king charged Dugdale to say nothing of it.

| At the same time a particular discovery was made of MS. 228.
Godfrey's murder. Prance, a goldsmith that wrought for the queen's chapel, had gone from his house for two or three days the week before the murder[1]; and one that lodged in his house, calling that to mind upon Bedloe's swearing he saw the body in Somerset house, fancied that this was the time in which he was from home, and that he might be concerned in that matter; though it appeared afterwards that his absence was the week before, and he said he went from his own house fearing to be put in prison, as many were upon suspicion, or on the account of his religion. Yet upon this information he was seized on, and carried to Westminster. Bedloe accidentally passed by, not knowing any thing concerning him: and at first sight he charged some to seize on him, for he was one of those whom he saw about Godfrey's body: yet he denied every thing for some days. Afterwards he confessed he was in it,

[1] There is a letter dated 1687 (? 1678) among the papers of Montacute House, giving an account of the taking and confession of Brance (? Prance). *H. M. C. Rep.* i. 58. The minutes of his examination, and of that of the other prisoners, before the Lords, are in *id. Rep.* ix, App. Part ii. 51, &c. See also the Newsletter in the *Fleming Papers*, and *A True Narrative and Discovery*, by Mr. Miles Prance, of Covent Garden, Goldsmith, 1679, Dec. 31, 1678, and Jan. 2, 167⅞. Prance received a pardon for his confession; *id.* Jan. 21, 1679. See the depositions of Prance and Bedloe in parallel columns in Ralph, i. 419, with the absurd contradictions in them. Compare with the remarks of James, *Foljambe Papers*, 127.

CHAP. IX. and he gave this account of it. Girald and Kelly, two priests, engaged him and three others into it; who were Green, that belonged to the queen's chapel, Hill. that had served Godden the most celebrated writer among them, and Berry, the porter of Somerset house [1]. He said, these all, except Berry, had several meetings, in which the priests persuaded them it was no sin, but a meritorious action, to despatch Godfrey, who had been a busy man in taking depositions against them, and that the taking him off would terrify others. Prance named an alehouse where they used to meet, and the people of that house did confirm this of their meeting there. After they had resolved on it, they followed him for several days. The morning before they killed him, Hill went to his house, to see if he was yet gone out, and spoke to his maid, and finding he was yet at home, they stayed his coming out. This was confirmed by the maid, who upon Hill's being taken went to Newgate, and in a crowd of prisoners distinguished him, and said he was the person that had asked for her master the morning before he was lost. And then he said they dogged him into a place near St. Clement's church, where he was kept till night. This laid the suspicion still heavier on the duke of Norfolk [2]. Prance was appointed to be at Somerset house at night, and, as Godfrey went by the water gate, two of them pretended to be hot in quarrel, and one run
446 out to call a justice of peace, and so he pressed Godfrey to go in and part them. He was not easily prevailed on to do it, yet did at last. Green then got behind him, and pulled a cravat about his neck, and drew him down to the ground, and strangled him. Upon that Girald would have run him through, but the rest diverted him from that, by representing the danger of a discovery by the blood's being seen there. Upon that they carried up his body to Godden's room, of which Hill had the key, he being then in France. Two days after, they removed it to a room

[1] Luttrell notes that the place where Godfrey was found was Green Berry Hill, 9.

[2] Cf. *supra* 164.

cross the upper court, which he could never describe particularly; and that not being found a convenient place, they carried it back to Godden's lodgings. At last it was resolved to carry it out in the night, in a sedan, to the remote parts of the town, and from thence to cast it into some ditch. On Wednesday a sedan was provided, and one of the centinels swore he saw a sedan carried in, but none saw it brought out. Prance said they carried him out, and that Green had provided a horse, on whose back he laid him when they had got clear of the town, and then he carried him as he believed to the place where his body was found. This was a consisting story, which was supported in some circumstances by collateral proofs. He added another particular, that some days after the fact those who had been concerned in it, and two others who were on the secret, appointed to meet at Bow, where they talked much of that matter. This was confirmed by a servant of that house, who was coming in and out to them, and heard them often mention Godfrey's name; upon which he stood at the door out of curiosity to hearken, but one of them came out and threatened him for it. The priests were not found: but Green, Hill, and Berry, were apprehended upon it. Yet some days after this, Prance desired to be carried to the king, who would not see him but in council: and then he denied all that he had formerly sworn, and said it was all a fiction. But as soon as he was carried back to prison, he sent the keeper of Newgate to the king, to tell him that all he had sworn was true, but that the horror and confusion he was in put him on denying it: yet he went off from this again, and denied every thing. Dr. Lloyd was upon this sent to him, to talk with him. At first he denied every thing to him; but he said to me that he was almost dead through the disorder of his mind, and with cold in his body; but after that Lloyd had made a fire, and put him in a bed, and began to discourse the matter with him, he returned to his first confession, which he did in such a manner, | that Lloyd said to me it was not MS. 229.

CHAP. IX.

CHAP. IX. possible for him to doubt of his sincerity in it[1]. So he persisting in his first confession, Green, Hill, and Berry were brought to their trial. Bedloe and Prance, with all the circumstances formerly mentioned, was the evidence against them. On the other hand they brought witnesses
447 to prove that they came home in a good hour on the nights in which the fact was said to be done. Those that lived in Godden's lodgings deposed that no dead body could be brought thither, for they were every day in the room that Prance had named; and the centinels of that night of the carrying him out said they saw no sedan brought out.
Feb. 21, 167⅞. They were, upon a full hearing, convicted and condemned.
Feb. 28, 167⅞. Green and Hill died as they had lived, papists; and with solemn protestations denied the whole thing. Berry declared himself a protestant, and that though he had changed his religion for fear of losing his place, yet he had still continued to be one in his heart. He said he looked on what had now befallen him as a just judgment of God upon him for that dissimulation. He denied the whole matter charged on him. He seemed to prepare himself seriously for death, and to the last minute he affirmed he was altogether innocent. Lloyd attended on him, and was much persuaded of his sincerity. Prance swore nothing against him but that he assisted in the fact, and in carrying about the dead body. So Lloyd reckoned that, those things being done in the night, Prance might have mistaken him for some other person who might be like him, considering

[1] Lloyd, however, in a letter to Sir Roger L'Estrange, April 16, 1686, says thus: 'I never saw how Prance's evidence could stand, and I never went about to support it.' And again: 'As for Otes's and Bedloe's and Prance's informations, they would make me renounce every thing that dependeth on their credit.' And again: 'I believe Prance can say nothing more than every one knows of the murther of sir E. B. Godfrey. Yet he is best able to confute his own fictions concerning it; and his word may be of some credit in this, though of none in any thing else.' *Brief History of the Times*, Part iii. 85. Thus, if Lloyd was sincere in what he wrote to Sir Roger L'Estrange, it is quite contradictory to what Burnet makes him say in this place. But these two bishops did all in their power to inflame matters against the papists. *Cole.*

the confusion that so much guilt might have put him in. CHAP. IX.
He therefore believed Prance had sworn rashly with relation to him, but truly as to the main of the fact. The papists took great advantage from Berry's dying a protestant, and yet denying all that was sworn against him, though he might have had his life if he would have confessed it. They said this shewed it was not from the doctrine of equivocation, or from the power of absolution, or any other of their tenets, that so many died denying all that was sworn against them, but from their own conviction. And indeed this matter came to be charged on Lloyd, as if he had been made a tool for bringing Berry to this seeming conversion, and that all was done on design to cover the queen. But I saw him then every day, and was well assured that he acted nothing in it but what became his profession, with all possible sincerity. Prance began after this to enlarge his discoveries. He said he had often heard them talking of killing the king, and of setting on a general massacre, after they had raised an army. Dugdale had also said he had heard them discourse of a massacre. The memory of the Irish massacre was yet so fresh, as [to] raise a particular horror at the very mention of this; though where the numbers were so great as in Ireland, that might have been executed, yet there seemed to be no occasion to apprehend the like where the numbers were in so great an inequality as two hundred to one. Prance did also swear that a servant of the lord Powys had told him that there was one in their family who had undertaken to kill the king; but that some days after he told him they had now gone off from that design. It looked very strange, and added no credit to his other evidence, that the papists 448
should be thus talking of killing the king as if it had been a common piece of news. But there are seasons of believing as well as of disbelieving: and believing was then so much in season, that improbabilities or inconsistencies were little considered. Nor was it safe so much as to make reflections on them: that was called the blasting of the

CHAP. IX. plot, and the disparaging of the king's evidence. Though indeed Oates and Bedloe did by their behaviour detract more from their own credit, than all their enemies could have done. The former talked of all persons with insufferable insolence: and the other was a scandalous libertine in his whole deportment.

The lord chief justice at that time was sir William Scroggs[1], a man more valued for a good readiness in speaking well, than either for learning in his profession, or for any moral virtue. His life had been indecently scandalous, and his fortunes were very low. He was raised by the earl of Danby's favour, first to be a judge, and then to be chief justice; and it was a melancholy thing to see so bad, so ignorant, and so poor a man, raised up to that great post. Yet he, now seeing how the stream run, went into it with so much zeal and heartiness, that he was become the favourite of the people. But, when he saw the king had an ill opinion of it, he grew colder in the pursuit of it. He began to neglect and check the witnesses: upon which they, who behaved themselves as if they had been the tribunes of the people, began to rail at him. Yet in all the trials he set himself, even with indecent earnestness, to get the prisoners to be always cast.

MS. 230. | Another witness came in soon after these things, Jennison, the younger brother of a Jesuit, and a gentleman of a family and estate. He, observing that Ireland had defended himself against Oates chiefly by this, that he was in Staffordshire from the beginning of August to the 12th of September, and that he had died affirming that to be true, seemed much surprised with it; and upon that turned protestant. For he said, he saw him in London on the

[1] Judge of the Common Pleas, 1676; Lord Chief Justice, 1678; died Oct. 25, 1683. 'A ranter but (except in the affair of Oates) on the right side.' North's *Life of Guilford*, 195, 196. 'Son of a one-eyed butcher near Smithfield Bars, and his mother a big fat woman with a red face like an ale wife.' Dugdale. He was a man of coarse, even bestial habits; on his excessive drinking, see *Hatton Correspondence*, *passim*. See *infra*, 262, 290. He died in 1683.

19th of August, on which day he fixed upon this account, that he saw him the day before he went down in the stage coach to York, which was proved by the books of that office to have been the 20th of August. He said he was come to town from Windsor, and hearing Ireland was in town, he went to see him, and found him drawing off his boots. Ireland asked him news, and in particular how the king was attended at Windsor? And when he answered, that he walked about very carelessly, with very few about him, Ireland seemed to wonder at it, and said it would be easy then to take him off: to which Jennison answered quick, God forbid! but Ireland said he did not mean that it could be lawfully done. Jennison in the letter in which he writ this up to a friend in London added, that he remembered an inconsiderable passage or two more, and that perhaps Smith (a priest that had lived with his father) could help him to one or two more circumstances relating to those matters: but he protested, as he desired the forgiveness of his sins and the salvation of his soul, that he knew no more, and wished he might never see the face of God if he knew any more. This letter was printed, and great use was made of it, to shew how little regard was to be had to those denials with which so many had ended their lives. But this man in the summer thereafter published a long narrative of his knowledge of the plot. He said he himself had been invited to assist in killing the king, and he named the four ruffians that went to Windsor to do it; and he thought to have reconciled this to his letter, by pretending these were the circumstances that he had mentioned in it. Smith did also change his religion, and deposed that, when he was at Rome, he was told in general of the design of killing the king. He was afterwards discovered to be a vicious man; yet he went no further than to swear that he was acquainted with the design in general, but not with the persons that were employed in it. By these witnesses the credit of the plot was universally established: yet no real proofs appearing,

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CHAP. IX. beside Coleman's letters and Godfrey's murder, the king by proclamation did offer both a pardon and 200*l.* to any one that would come in, and make further discoveries. This was thought too great a hire to purchase witnesses: money had been often offered to those who should bring in criminals; but it was said to be a new and an indecent practice to offer so much money to men that should merit it by swearing: and it might be too great an encouragement to perjury.

While the witnesses were weakening their own credit, some practices were discovered that did very much support it. Reading, a lawyer of some subtilty but of no virtue, was employed by the lords in the Tower to solicit their affairs. He insinuated himself much into Bedloe's confidence, and was much in his company: and in the hearing of others he was always pressing him to tell all he knew. He lent him money very freely, which the other wanted often: and he seemed at first to design only to find out somewhat that should destroy the credit of his testimony. But he ventured on other practices, and offered him much money if he would turn his evidence against the popish lords only into a hearsay, so that it should not come home against them. Reading said Bedloe began the proposition to him [1], and employed him to see how much money these lords would give him if he should bring them off: upon which Reading, as he pretended afterwards, seeing that innocent blood was like to be shed, was willing, even by indirect means, to endeavour to prevent it: yet he freed the lords in the Tower. He said they would not promise a farthing; only the lord Stafford said he would give himself two or three hundred pound, which he might dispose of as he pleased. While Reading was driving the bargain, Bedloe was too hard for him at his own trade of craft: for, as he acquainted both prince Rupert [2] and the earl of Essex with the whole negotiation, from the first step of it,

[1] Sidney's *Letters*, 48. April 28, 1679.

[2] This is the last notice in the text of Rupert, who died in Nov. 1682.

so he placed two witnesses secretly in his chamber, when Reading was to come to him, and he drew him into those discourses which discovered the whole practice of that corruption. Reading had likewise drawn a paper, by which he shewed him with how few and small alterations he could soften his deposition so as not to affect | the lords. With these witnesses and this paper Bedloe charged Reading. The whole matter was proved beyond contradiction: and as this raised his credit, so it laid a heavy load on the popish lords, though the proof came home only to Reading: and he was set in the pillory for it. Bedloe made a very ill use of this discovery, which happened in March, to cover his having sworn against Whitebread and Fenwick only upon hearsay in December: for, being resolved to swear plain matter upon his own knowledge against them, when they should be brought again on the trial, he said Reading had prevailed on him to be easy to them, as he called it; and that he had said to him that the lords would take his saving of these Jesuits as an earnest of what he would do for themselves; though it was not very probable that those lords would have abandoned Ireland, when they took such care of the other Jesuits. The truth was, he ought to have been set aside from being a witness any more, since now by his own confession he had sworn falsely in that trial: he first swore he knew nothing of his own knowledge against the two Jesuits; and afterwards he swore copiously against them, and upon his own knowledge. Wyld, a worthy and ancient judge, said upon that to him, that he was a perjured man, who ought to come no more into courts, but to go home and repent. Yet all this was passed over, as if it had been of no weight: and the judge was turned out for his plain freedom. There was soon after this another practice discovered concerning Oates. Some that belonged to the earl of Danby conversed much with Oates's[1] servants.

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MS. 231.

[1] See Sidney's *Letters*, 56. 'So as his Lordship is found to have done just the same thing for which Reading stood the last week in the pillory, &c.' See also Danby's letter to his wife, Aug. 12, 1679. *Lindsey MSS.* 413.

CHAP. IX. They told them many odious things that he was daily speaking of the king, which looked liker one that intended to ruin than to save him. One of these did also affirm, that Oates had made an abominable attempt upon him, not fit to be named. Oates smelled this out, and got his servants to deny all that they had said, and to fasten it upon those who had been with them, as a practice of theirs: and they were upon that likewise set in the pillory. And to put things of a sort together, though they happened not all at once: one Tasborough, that belonged to the duke's court, entered into some correspondence with Dugdale, who was courting a kinswoman of his. It was proposed that Dugdale should sign a paper, retracting all that he had formerly sworn, and should upon that go beyond sea; for which he was promised in the duke's name a considerable reward. He had written the paper as was desired, but he was too cunning for Tasborough, and he proved his
451 practice upon him. He pretended he drew the paper only to draw the other further on, that he might be able to penetrate the deeper into their designs. Tasborough was fined, and set in the pillory for tampering thus with the king's evidence.

This was the true state of the plot, and of the witnesses that proved it; which I have opened as fully as was possible for me: and I had particular occasions to be well instructed in it. Here was matter enough to work on the fears and apprehensions of the nation: so it is not to be wondered at, if parliaments were hot, and juries were easy in this prosecution. The visible evidences that appeared made all people conclude there was great plotting among them, and it was generally believed that the bulk of what was sworn by the witnesses was true, though they had by all appearance dressed it up with incredible circumstances. What the men of learning knew concerning their principles, both of the Pope's deposing of kings, and of the lawfulness of murdering them when so deposed, made them easily conclude, that since they saw the duke was so entirely

theirs, and that the king was so little to be depended on, they might think the present conjuncture was not to be lost: and since the duke's eldest daughter was already out of their hands and hopes, they might make the more haste to set the duke on the throne. The tempers as well as the morals of the Jesuits made it reasonable to believe that they were not apt to neglect such advantages, nor to stick at any sort of falsehood in order to their own defence. The doctrine of probability, besides many other maxims that are current among them, made many give very little credit to their witnesses, or to their most solemn denials, even at their execution. Many things were brought | to shew, that MS. 232. by the casuistical divinity taught among them, and published by them to the world, there was no practice so bad but that the doctrines of probability and of ordering the intention might justify it. Yet many thought that, what doctrines soever men might by a subtilty of speculation be carried into, the approaches of death, with the seriousness that appeared in their deportment, must needs work so much on the probity and candour which seemed rooted in human nature[1], that even immoral opinions, maintained in the way of argument, could not resist it. Several of our divines went far in this charge, against all regard to their dying speeches; of which some of our own church complained, as inhuman and indecent. I looked always on this as an opening their graves, and the putting them to a second death[2].

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[1] Credat Judaeus Apella. S.

[2] See *An impartial consideration of these speeches . . . in which it is proved that according to their principles they not only might, but also ought to die after that manner, with solemn protestations of their innocency*, 4to, 1679, attributed to John Williams, D.D.

CHAP. X.

CHAPTER X.

FALL OF DANBY. EXCLUSION DEBATES. CLOSE OF THE POPISH TERROR. THE BOTHWELL BRIGG REBELLION. DISSOLUTION.

Jan. 24, 167$\frac{8}{9}$. IN January a new parliament was summoned [1]. The elections were carried with great heat, and went almost every where against the court [2]. Lord Danby resolved to leave the treasury at Lady-day: and in that time he made great advantage in several payments that he got the king to order [3], which were due upon such slight pretences, that it was believed he had a large share of them to himself: 452 so that he left the treasury quite empty [4]. He persuaded the king to send the duke beyond sea [5], and so there might Feb. 167$\frac{8}{9}$. be no colour for suspecting that the councils were influenced by him. He endeavoured to persuade the duke that it was fit for him to go out of the way. If the king and the parliament came to an agreement, he might depend on the promises that the king would make him

[1] To meet on March 6. The last Parliament was dissolved on Jan. 24, *supra* 188. The writs were antedated in order nominally to fulfil the law; Deering, *MS. Diary*.

[2] The court had confidently looked forward to a change in the temper of Parliament, but now found that they could not reckon on more than twenty-five or thirty votes, instead of 150, as in the last House; Ranke, iv. 73. Russell, representing the Whig Opposition, was elected for two counties.

[3] *Lindsey MSS.*, 399, 407, 409.

[4] In the *Danby Papers*, *Add. MSS.* 23,043, f. 157, there is a list of the economies he claimed for his administration of the Treasury. He had disbanded 300 sail after the Dutch war and the Blackheath army; had paid off the arrears on the dockyards, on Tangier, and on the household; had satisfied the bankers' debt, financed the wars of Algiers and the suppression of the Virginian rebellion 'without a penny from parliament'; had paid the seamen with money, instead of tickets; had abated taxes and vastly improved the excise and hearth money; had reduced interest on the debt from ten per cent. to eight; and at the same time had increased the proportion actually paid of Crown salaries. In particular he claims credit for his economy of the secret service money (see *supra* 115, *note*): had he been more lavish, he says, after his fall, he would have now been less friendless.

[5] After a fresh attempt by Sancroft and Morley to induce James to return to Protestantism. See the order in the *Lindsey MSS.*, 401.

of recalling him immediately: and if they did not agree, no part of the blame could be cast on him; which must happen otherwise if he staid still at court. Yet no rhetoric would have prevailed on him to go, if the king had not told him positively, it was for both their service, and so it must be done. CHAP. X.

Before he went away, the king gave him all possible satisfaction in the matter of the duke of Monmouth, who was become very popular, and his creatures were giving it out that he was the king's lawful son. So the king made a solemn declaration in council, and both signed it and took his oath on it, that he was never married nor contracted to that duke's mother[1]; nor to any other woman, except to his present queen[2]. The duke was sent away upon very short warning, not without many tears shed by him at parting, though the king shed none. He went first March 3, 167⅞

[1] Evelyn, in his *Memoirs*, i. 567, mentioning this disavowal of the king, says, that the duke in his person much resembled [Robert] Sidney, who had been familiar with his mother; which aids a similar suggestion in the *Life of King James*, printed from the Stuart papers. This Sidney was son of the Earl of Leicester, and brother of Algernon Sidney. Clarke's *Life of James II*, i. 491; see also *Sacharissa*, 192. R.

[2] By his own letters (to the first Lord Dartmouth) from Brussels, he seems very well satisfied with the civilities he received there, but very jealous of the king. In one dated July 22 [he reached Brussels on March 27; *Foljambe Papers*, 128], he writes, 'There is one thing troubles me very much, and puts odd thoughts into my head; it is, that all this while, his majesty has never said a word, nor gone about to make a good understanding between me and the Duke of Monmouth; for though it is a thing I shall never seek, yet methinks it is what his majesty might press. Think of this, and I am sure you may draw consequences from it, which I shall not mention to you, but are obvious enough to any one that considers.' About this time the Princess of Orange thought herself with child, as I find by a letter of the duke's from Brussels, in which he says, 'I did not design to go to the Hague, except my daughter had been brought to bed, and of that there was no likelihood, but now I am going thither upon another account, which is to endeavour to undeceive those who persuade her she is yet with child.' The duke afterwards told my father, the women who were constantly about her person assured him, that they had never perceived that the prince had given her any real reason to think she could be with child, though he lay always in the bed with her, and she was at that time one of the most beautiful women in Europe. D.

CHAP. X. to Holland, and then to Brussels, where he was but coldly received [1].

At the opening the parliament in March, the parting with an only brother to remove all jealousy was magnified with all the pomp of the earl of Nottingham's eloquence. Lord Danby's friends were in some hopes that the great services he had done would make the matters brought against him to be handled gently. But in the management he committed some errors, that proved very unhappy to him.

453 Seymour and he had fallen into some quarrellings: both being very proud and violent in their tempers [2]. Seymour had in the last session struck in with that heat against popery, that he was become popular upon it: so he managed the matter in this new parliament, that though the court named Meres, yet he was chosen speaker. The

[1] See Barillon's letter to Louis of March 28, 1681, quoted in Christie's *Life of Shaftesbury*, ii. App. vii, p. cxvi, describing Shaftesbury's final attempt to induce Charles to give his sanction to the plot for getting rid of the queen and declaring Monmouth successor. Charles appears, from a letter of Dorothy Sidney (Sidney's *Diary*, Aug. 15, 1679) to have behaved better than usual to the queen at this time. She speaks of 'the King and Queen, who is now a mistress, the passion her spouse has for her is so great.' On Monmouth's claim, see Sidney's *Letters*, 53. In Deering's *MS. Diary* for Jan. 12, 167$\frac{8}{9}$, he writes, 'I dined with My Lord Chancellor in Green St., who, after dinner, he and I being alone, told me that the King had that day acquainted him and showed him a declaration made with his own hand concerning the Duke of Monmouth, and that he intended to acquaint therewith the Archbishop of Canterbury, the Lord Chancellor, and the two secretaries. But my Lord said he told it me that I might remember it, and if occasion should be, might be a witness I had heard it from him. The substance of the declaration made and signed by His Majesty was that there was never any marriage, &c.' See *infra* 251, for James's return.

[2] Temple states (*Works*, ii. 492) that the quarrel was with Lady Danby, upon whom see Reresby's *Memoirs*, 163. 'Several persons had got into good employments, not by my Lord's kindness so much as by giving money to this lady, who had driven a secret trade of taking bribes for good offices, and not without my Lord's knowledge.' On her influence with her husband, see Sidney's *Letters*, 31. In the *Danby Papers* there is, in a memorandum to the king, the following remark regarding Seymour, 'This man, the most odious to the House, till he disturbed your Majesty's affairs.' *Add. MSS.* 28,042, f. 21. The difference with Danby was made up when the latter was imprisoned; *id.* 28,053, f. 212.

nomination of the speaker was understood to come from the king, though he was not named as recommending the person: yet a privy counsellor named one, and it was understood to be done by order. And so the person thus named was put in the chair, and was next day presented to the king, who approved the choice. When Seymour was next day presented as the speaker, the king refused to confirm the election. He said he had other occasions for him, which could not be dispensed with. Upon this great heats arose, with a long and violent debate. It was said the house had the choice of their speaker in them, and that their presenting the speaker was only a solemn shewing him to the king, such as was the presenting the lord mayor and sheriffs of London in the exchequer; but that the king was bound to confirm their choice. This debate held a week, and created much anger.

A temper was found at last. Seymour's election was let fall[1]: but the point was settled, that the right of electing was in the house, and that the confirmation was a thing of course[2]. So another was chosen speaker[3]. And the house immediately fell on Danby[4]. Those who intended to serve him said, the heat this dispute had raised, | which was imputed wholly to him, had put it out of their power to serve him. But he committed other errors. He took out a pardon under the great seal. The earl of Nottingham durst not venture to pass it. So the king ordered the seal to be put to the pardon in his own presence[5]. And thus, according to lord Nottingham's

March 15, $167\frac{8}{9}$.

MS. 233.

[1] By a short prorogation of the Parliament. O.

[2] The Earl of Oxford (Harley), who had been Speaker, used to say, that all the Commons got by this contest was, that a Speaker might be moved for by one who was not a privy counsellor. Lord Russell now moved for Gregory. O.

[3] Serjeant Gregory. Grey, vii. 2.

[4] 'They are resolved to venture an hundred dissolutions rather than not ruin my Lord Treasurer.' *Hatton Corresp.*, March 8, $167\frac{8}{9}$; *Lindsey MSS.* 399.

[5] This was not forgotten at the settlement of 1689. The seal was affixed with the utmost secrecy, in spite of the opposition of the Lord Chancellor, and was not entered in any office. *Report of the Committee of the Commons*, *Parl. Hist.* iv. 1114.

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figure, when he was afterwards questioned about it, it did not pass through the ordinary methods of production, but was an immediate effect of his majesty's power of creating[1]. He also took out a warrant to be marquis of Caermarthen[2]. And the king, in a speech to the parliament, said he had done nothing but by his order, and therefore he had pardoned him, and, if there was any defect in his pardon, he would pass it over and over again till it should be quite legal.

Upon this a great debate was raised. Some questioned whether the king's pardon, especially when passed in bar to an impeachment, was good in law[3]. This would encourage ill ministers, who would be always sure of a pardon, and so would act more boldly, if they saw so easy a way to be secured against the danger and impeachments. The king's pardon did indeed secure one against all prosecution at his suit: but as in the case of murder, an appeal lay from which the king's pardon did not cover the person, since the king could no more pardon the injuries done his people than he could forgive the debts that were owing to them, so from the same parity it was inferred, that since

[1] His words, as reported by the committee of the Commons, were, that it was *a stampt pardon of creation*. See the *Journal of the House of Commons*, March 22 and 24, 1678. O.

[2] On March 13, 167$\frac{8}{9}$, Danby states that the king promised him, not only the marquisate, but £5,000 a year, and that he at once took out warrants for both. See Ranke, iv. 77, for the scene at the debate in the Lords, while the king was present, upon the conferring of the title, drawn from Sarotti's despatches. On March 24, Charles sent him an autograph letter commanding him to absent himself from court, but kept in close communication with him. *Lindsey MSS.* 416. He complains of being made a sacrifice. 'In no case ought a minister of State to be made a sacrifice of State to the will of the people.' *Danby Papers, Add. MSS.* 23,043, ff. 7, 11.

[3] See Hallam, *Const. Hist.*, sm. ed. ii. 414, on this question. Danby's own view, *Add. MSS.* 23,043, f. 128, was that 'The King's justice is founded by rules for the most part, but his mercy has no limits but by his own pleasure . . .; an essential part of our liberties [is] that the King should be invested with a fulnesse of power to show mercy.' See also his 'reasons for adhering to the pardon,' *id.* f. 87. The uproar raised by this had its effect upon Charles. When James asked for a pardon before leaving for Scotland in 1680, it was refused. Clarke's *Life of James II*, i. 597; cf. Sidney's *Letters*, 39, 54.

the offences of ministers of state were injuries done the public, the king's pardon could not hinder a prosecution in parliament, which seemed to be one of the chief securities, and most essential parts, of our constitution. Yet on the other hand it was said, that the power of pardoning was a main article of the king's prerogative: none had ever yet been annulled: the law had made this one of the trusts of the government, without any limitation upon it: all arguments against it might be good reasons for the limiting it for the future: but what was already passed was good in law, and could not be broke through. The temper proposed was, that upon lord Danby's going out of the way, an act of banishment should pass against him [1], like that which had passed against the earl of Clarendon. Upon that, when the lords voted that he should be committed, he withdrew [2]. So a bill of banishment passed in the house of lords, and was sent down to the commons. Winnington [3] fell on it there in a most furious manner. He said it was an act to let all ministers see what was the worst thing that could happen to them, after they had been engaged in the blackest designs, and had got great rewards of wealth and 454
honour: all they could suffer was, to be obliged to live beyond sea. This inflamed the house so, that those who intended to have moderated that heat found they could not stop it. Littleton sent for me that night to try if it was possible to mollify Winnington. We laid before him that the king seemed brought near a disposition to grant every thing that could be desired of him: and why must an attainder be brought on, which would create a breach that could not be healed? The earl of Danby was resolved to bear a banishment, but would come in rather than be attainted, and plead his pardon [4]: and then the king was

[1] *Lindsey MSS.* 409.

[2] In April, Danby was in hiding; *id.* 406. He surrendered himself on the 15th when the Bill of Attainder had been passed

[3] *Supra* 183.

[4] Birch tried to induce Danby to waive his pardon, and trust to the generosity of the Commons. *Lindsey MSS.* 419.

CHAP. X. upon the matter made the party in the prosecution, which might ruin all. We knew how bad a minister he had been, and had felt the ill effects of his power: but the public was to be preferred to all other considerations. But Winnington was then so entirely in Montagu's management, and was so blown up with popularity, and so much provoked by being turned out of the place of solicitor general, that he could not be prevailed on. It was offered afterwards from the court, as Littleton told me, both that Danby should by act of parliament be degraded from his peerage, as well as banished, and that an act should pass declaring that for the future no pardon should be pleaded in bar to an impeachment. But the fury of the time was such that all offers were rejected. And so a very probable appearance of settling the nation was lost: for the bill for banishing lord Danby was thrown out by the commons, and instead of it a bill of attainder was brought in. The treasury was put in commission: the earl of Essex was put at the head of it[1], and Hyde[2] and Godolphin were of the commission.

MS. 234. | The earl of Sunderland was brought over from France,

Feb. 167⅘. and made secretary of state[3]. And these two[4] joined with the duke of Monmouth to press the king to change his councils, and to turn to another method of government, and to take the men of the greatest credit into his confidence. Lord Essex was much blamed for going in so early into the court, before the rest were brought in. He said to me he did it in the prospect of working the change that was afterwards effected. Lord Sunderland also told me that the king was easy in the bringing in lord Shaftesbury[5];

[1] Where he was a great success. Sidney's *Diary*, Aug. 5, 1679. He was perfectly outspoken with the king upon any unconstitutional action. *Id.* July 21, 1679.

[2] Laurence Hyde, Clarendon's second son, afterwards Earl of Rochester.

[3] Feb. 167⅘. It was done through the influence of the Duchess of Portsmouth to please Louis XIV. Sunderland gave Williamson £6,000 for the plan. *Lindsey MSS.* 403.

[4] Namely Essex and Sunderland: Halifax should be added. Temple, *Works*, ii. 477, 502.

[5] Sunderland was nephew of Shaftesbury's second wife, the daughter of Lord Spencer of Wormleighton. Burnet omits the influence

for he thought he was only angry in revenge, because he was not employed; but that he had so ill an opinion of lord Halifax[1], that it was not easy to get over that. The duke of Monmouth told me [a] that he had as great difficulty in overcoming that, as ever in any thing that he studied to bring the king to. CHAP. X.

At last the king was prevailed on to dismiss the whole council, which was all made up of lord Danby's creatures, and the chief men of both houses were brought into it[2]. This was carried with much secrecy, that it was not so April 21, 1679.

[a] *the same, and added* struck out.

of the Duchess of Portsmouth. The women were cowed by the Popish Terror and its possible consequences to them, and the duchess reconciled herself to Shaftesbury. It appears, however, from Temple, *Works*, ii. 496, that Charles was himself anxious to bring in Shaftesbury.

[1] See Ranke, v. 100, for one reason; Temple, *Works*, ii. 495; Foxcroft's *Life of Halifax*, i. 147.

[2] Temple's idea in this scheme, which was his suggestion and went by his name, according to Dartmouth (though Sidney, *Letters* (1742), 34, says that Halifax was its author), was to upset the Monmouth faction, then supported by Essex, Sunderland, Shaftesbury, and the duchess. James himself had information that 'this great alteration was resolved on at Lord Sunderland's, none attending His Majesty there but the Duke of Monmouth and Lord Shaftesbury. The Dutchesse [of Portsmouth] is sayed to brage she helped to perswade his Majesty to do it.' *Foljambe Papers*, 129. The new Council was to consist of fifteen officers of the Crown, with (Temple, ii. 493) ten peers, and five members of the Commons. Sidney's *Letters*, 31. For Temple's belief in the influences of landed wealth, see Christie's *First Earl of Shaftesbury*, ii. 324. The formation of this Council was hailed with unbounded popular joy. Temple, ii. 497. One effect is well expressed by Reresby, 168: 'Most of the other lords and gentlemen of the Privy Council, though very good patriots before in the esteem of both houses, began to lose their credit ...; so true is it that the Court and Country livery can never be worn together.' Shaftesbury was President, contrary to Temple's desire. Charles promised to take no important step without consulting this Council. A special committee was appointed for important affairs, on which were Shaftesbury, Sunderland, Temple, Essex, and, shortly, Halifax. William Coventry was not even one of the Council. See Foxcroft's *Life of Halifax*, vol. i. ch. vi. Onslow, in a note on this passage, says of Temple: 'That part of his Memoirs is the most excellent picture of courts and courtiers, and of faction and its leaders. Temple was too honest for those times. He was made only for such a prince as king William; but he would take no public employment even under him.'

CHAP. X. 1679 much as suspected till the day before it was done. The king was weary of the vexation he had been long in, and desired to be set at ease; and at that time he would have done any thing to get an end put to the plot, and to the fermentation that was now over the whole nation: [a]so that if the house of commons would have let the matter of lord Danby's pardon fall, and have accepted of limitations on his brother instead of excluding him, he was willing to have yielded in every thing else. He put likewise the admiralty and the ordnance into commissions; out of all which the duke's creatures were so excluded, that they gave both him and themselves for lost. But the hatred that Montagu bore lord Danby, and lord Shaftesbury's hatred of the duke, spoiled all this. There were also many in the house of commons that finding themselves forgot, while others were preferred to them, resolved to make themselves considerable, and they infused in a great many a mistrust of all that was doing[1]. It was said the king was still what he was before; no change appeared in him; and all this was only an artifice to lay the heat that was in the nation, to gain so many over to him, and [b] to draw money from the commons. So they resolved to give no money till all other things should be first settled. No part of the change that was then made was more acceptable than that of the judges: for lord Danby had brought in some sad creatures to those important posts; and Jones had the new modelling of the bench, and he put in [c] very

[a] *and seemed ready to have consented to anything*, struck out.
[b] *so* struck out.
[c] *some* struck out.

[1] 'I am informed that all those of the House of Commons who have now upon this new change had any preferment have already quite lost their creadit in that House, and that there are already new cabals and partys setting up there amongst those who have had no preferment, so that . . . in my mind all things tend to a Republike. For you see all things tend towards the lessening of the king's authority, and the new modell things are put into is the very same as it was in the tyme of the Commonwealth.' James to the Prince of Orange, May 11, 1679. *Foljambe Papers*, 129.

worthy men, in the room of those ignorant judges that were now dismissed[1].

The main point[a] in debate was, what security the king should offer to quiet the fears of the nation, upon the account[b] of the duke's succession. The earl of Shaftesbury proposed the excluding him simply, and making the succession to go on as if he were dead, as the only mean that was easy and safe both for the crown and the people. This was nothing but the disinheriting the next heir, which certainly the king and parliament might do, as well as any private man might disinherit his next heir, if he had a mind to it[2]. The king would not consent to this. He had faithfully promised the duke that he never would. And he thought if acts of exclusion were once begun, it would not be easy to stop them; and that upon any discontent at the next heir, they would be set on foot: religion was now the pretence, but other pretences would be found out, when there was need of them. This insensibly would change the nature of the English monarchy, so that from being hereditary it would become elective[3]. The lords of Essex and Halifax upon this proposed such limitations of the duke's authority, when the crown should devolve on him, as would disable him from doing any harm, either in

[a] *now* struck out.

[b] *of the right* struck out.

[1] See the passage quoted from Marvell in note to *supra* 115, and Sidney's *Letters*, 42: 'Some judges were yesterday put out; Wild (*supra* 199) for inability of body, and Barton and Thurland of mind, with some others; to whom old Ellys, Raymond and Pemmerton, Leake and Atkins, the younger, are to succeed.' James remarks, 'They turned out fower of the judges, all loyal men, and put in others in their places that I feare will find out what they please law.' James to Prince of Orange, May 14, 1679. *Foljambe Papers*, 130.

[2] That is not always true. Yet it was certainly in the power of king and Parliament to exclude the next heir. S. See Reresby's account, under May 11, of the debate. *Memoirs*, 169.

[3] Danby was told by Charles that he 'would be content that something were enacted to pare the nails of a popish successor, but that he would not have his brother taken away, nor the right line of the succession interrupted.' *Id.* 149.

CHAP. X. church or state: such as the taking out of his hands all power in ecclesiastical matters, the disposal of the public money, with the power of peace and war, and the lodging these in both houses of parliament; and that whatever
456 parliament was in being, or the last in being at the king's death, should meet without a new summons upon it, and assume the administration of affairs [1]. Lord Shaftesbury argued against this, as much more prejudicial to the crown than the exclusion of one heir was: for this changed the whole government, and set up a democracy instead of a monarchy. Lord Halifax's arguing now so much against the danger of turning the monarchy to be elective, was the more extraordinary in him, because he had made a hereditary monarchy the subject of his mirth, and had often said, Who takes a coachman to drive him because his father was a good coachman? Yet he was now jealous of a small slip in the succession [a]. But at the same time he
MS. 235. studied | to infuse in some a zeal for a commonwealth; and to these he pretended that he preferred limitations to an exclusion, because the one kept up the monarchy still, only passing over one person, whereas the other brought us really into a commonwealth, as soon as we had a popish king over us. And it was said by some of his friends, that the limitations proposed were so advantageous to public

[a] *yet he spoke now quite in another strain* struck out.

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[1] There was a third proposal, for a Regency, by which James was to retain the title, but to be banished. The Princess of Orange and Anne were to be successively regent; and if James had a son educated as a Protestant, he was to succeed on coming of age. The objection was that if James had the title, he would try for the power too. For the arguments against expedients or limitations on a Popish king, see Temple, *Works*, ii. 502, 513. To them should be added the ease with which limitations could be evaded, the fact that they would imply the repeal of the oath of uniformity, the dislike and fear of James personally, the fact that William of Orange would not approve of limitations which he might afterwards find it difficult to throw off, and the practical alteration of the monarchy into a republic. See *Somers Tracts*, viii. 116, for the old Cavaliers' view of the case.

liberty, that a man might be tempted to wish for a popish king, to come at them [1].

Upon this great difference of opinion, a faction was quickly formed in the new council, the lords Essex, Sunderland, and Halifax declaring for limitations, and against the exclusion, while lord Shaftesbury, now made president of the council, declared highly for it [2]. They took much pains on him to moderate his heat: but he was become so intolerably vain, that he would not mix with them unless he might govern. So they broke with him, and the other three were called the triumvirate [3]. Lord Essex applied himself to the business of the treasury, to the regulating the king's expence, and the improvement of the revenue. His clear though slow sense made him very acceptable to the king. Lord Halifax studied to manage the king's spirit, and to gain an ascendant there by a lively and libertine [4] conversation. Lord Sunderland managed foreign affairs, and had the greatest credit with the duchess of Portsmouth. After it was agreed on to offer the limitations, the lord chancellor, by order from the king, made the proposition to both houses. The duke was struck with the news of this, when it came to him to Brussels. I saw a letter writ by his duchess next post, in which she wrote, that for all the high things that were said by their enemies they looked for them, but that speech of the lord chancellor's was a surprise, and a great mortification to them. [a] Their apprehensions of that did not hang long

[a] *But* struck out.

[1] See upon this Miss Foxcroft's remarks, *Life of Halifax*, i. 154.

[2] James at once wrote from Brussells a naïve letter to George Legge, in which his desire to secure Shaftesbury's support struggles curiously with that of maintaining his royal position towards him. *H. M. C. Rep.* xi, App. v. 32. 'Little Sincerity' was the cant name between the king and James for Shaftesbury at this time. Clarke's *Life*, i. 562.

[3] See Sidney's *Letters*, 34. Temple acted with them. *Supra* 208, *note*. They were especially anxious to get rid of Lauderdale. James says that he was applied to to assist them in this, but refused. Clarke's *Life*, 569.

[4] Probably meaning 'sceptical,' not 'immoral.' See Foxcroft's *Halifax*, i. 159, note 3.

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upon them. The exclusion was now become the popular expedient. So, after much debating[1], a bill was ordered for excluding the duke of York. I will here give a short abstract of all that was said, both within and without doors, for and against the exclusion.

457 Those who argued for it, laid it down for a foundation that every person who had the whole right of any thing in him had likewise the power of transferring it to whom he pleased. So the king and parliament were entirely possessed of the whole authority of the nation, and so had a power to limit the succession, and every thing else relating to the nation, as they pleased; and by consequence there was no such thing as a fundamental law, by which the power of parliament was bound up: for no king and parliament in any former age had a power over the present king and parliament; otherwise the government was not entire, nor absolute. A father, how much soever determined by nature to provide for his children, yet had certainly a power of disinheriting them, without which, in some cases, the respect due to him could not be preserved. The life of the king on the throne was not secure, unless this was acknowledged: for if the next heir was a traitor, and could not be seized on, the king would be ill served in opposition to him, if he could not bar his succession by an exclusion. Government was appointed for those that were to be governed, and not for the sake of the governors themselves: therefore all things relating to it were to be measured by the public interest and the safety of the people. In none of God's appointments in the Old Testament regard was had to the eldest. Isaac, Jacob, Judah, Ephraim, and more particularly Solomon, were preferred without any regard to the next in line. In the several kingdoms of Europe, the succession went according to particular laws, and not by any general law. In England, Spain, and

[1] 'I must confess I do not know three men of a mind, and a spirit of giddiness reigns amongst us, far beyond any I have ever observed in my life.' Sidney's *Letters*, 53.

Sweden, the heir general did succeed: whereas it was only the heir male in France and Germany. And whereas the oath of allegiance tied us to the king and his heirs, the word *heir* was a term that imported that person who by law ought to succeed, and so it fell to any person who by law was declared next in the succession. In England the heir of the king that reigned had been sometimes set aside, and the right of succession was transferred to another person. Henry VII set up his title on his possessing the crown. Henry VIII got his two daughters, while they were both by acts of parliament illegitimated, put in the succession: and he had a power given him to devise it after them and their issue at his pleasure. Queen Elizabeth, when she was in danger from the practices of the queen of Scots, got an act to pass asserting the power of the parliament to limit the succession of the crown. It was high treason to | deny this during her life, and was still highly penal to MS. 236. this day. All this was laid down in general, to assert a power in the parliament to exclude the next heir, if there was a just cause for it. Now as to the present case. The popish religion was so contrary to the whole frame and constitution of our government, as well as to that dignity inherent in the crown of being the head of the church, that a papist seemed to be brought under a disability to hold the crown. So great a part of the property of the nation as the abbey lands was shaken by the prospect of such a succession. The perfidy and the cruelty of that religion 453 made the danger more sensible. [a] Fires and courts of inquisition was that which all must reckon for, who would not redeem themselves by an early and zealous conversion. The duke's own temper was much insisted on. It appeared by all their letters, how much they depended on him: and his own deportment shewed there was good reason for it. He would break through all limitations, and call in a foreign power, rather than submit to them. Some mercenary lawyers would give it for law, that the prerogative could not

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[a] *As all* struck out.

CHAP. X. be limited, and that a law limiting it was void of it self. Revenges for injuries, when joined to a bigotry in religion, would be probably very violent.

On the other hand, some argued against the exclusion that it was unlawful in itself, and against the unalterable law of succession, (which came to be the common phrase.) Monarchy was said to be by divine right: so the law could not alter what God had settled. Yet few went at first so high. Much weight was laid on the oath of allegiance, that tied us to the king's heirs: and whoso was the heir when any man took that oath, was still the heir to him. All lawyers had great regard to fundamental laws; and it was a maxim among our lawyers that even an act of parliament against Magna Charta was null of itself[1]. There was no arguing from the changes in the course of the succession that had been the effects of prosperous rebellions, nor from Henry VII's reigning in the right of his queen, and yet not owning it to be so. Nor was it strange, if in so violent a reign as Henry VIII's acts were made in prejudice of the right of blood. But though his daughters were made bastards by two several acts, yet it was notorious they were both born in a state of a marriage: and when unlawful marriages were annulled, yet such issue as descended from them *bona fide* used not to be illegitimated. But though that king made a will pursuant to an act of parliament, excluding the Scotish line, yet such regard the nation had to the next in blood, that, without examining into the will, the Scotish line was received. It is true queen Elizabeth, out of her hatred to the queen of Scots, got the famed act to pass that declares the parliament's power of limiting the succession; but since that whole matter ended so fatally, and was the great blemish of her reign, it was not reasonable to build much on it. These were the arguments of those who thought the parliament had not the power to enact an exclusion of the next heir: of which opinion the earl of Essex was at this time. Others

[1] A sottish maxim. S.

did not go on these grounds: but they said that [a] a father has indeed a power of disinheriting his son, yet he ought never to exert it but upon a just and necessary occasion. It was not yet legally certain that the duke was a papist. This was a condemning him unheard. A man's conscience was not even in his own power: it seemed therefore to be an unjustifiable severity, to cut off so great a right only for a point of opinion. It is true it might be reasonable to secure the nation from the ill effects that opinion might have upon them, which was fully done by the limitations; 459 but it was unjust to carry it further. The protestants had charged the church of Rome heavily for the league of France, in order to the excluding the house of Bourbon from the succession to the crown of France, because of heresy: and this would make the charge return back upon us, to our shame. In the case of infancy or of lunacy guardians were assigned: but the right was still in the true heir. A popish prince was considered as in that state: and these limitations were like the assigning him guardians. The crown had been for several ages limited in the point of raising of money, to which it may be supposed a high spirited king did not easily submit, and yet we had long maintained this: and might it not be hoped, the limitations proposed might be maintained in one reign, that could not be very long, considering the zeal and the number of those who were concerned to support them? | Other princes MS. 237. might think themselves obliged in honour and religion to assist him, if he was quite excluded: and it might be the occasion of a new popish league, that might be fatal to the whole protestant interest; whereas if the limitations passed, other princes would not so probably enter into the laws and establishment settled among us. It was said many in the nation thought the exclusion unlawful, but all would jointly concur in the limitations: so this was the securest way, that comprehended the greatest part of the nation. And

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[a] *though* struck out.

CHAP. X. probably Scotland would not go into the exclusion, but merit at the duke's hands by asserting his title: so here was a foundation of wars round about us, as well as of great distractions among ourselves. Some regard was to be had to the king's honour, who had so often declared he would not consent to an exclusion, but to any limitations, how hard soever.

These were the chief arguments[1] upon which this debate was managed. For my own part, I did always look on it as a wild and extravagant conceit, to deny the lawfulness of an exclusion in any case whatsoever. But for a great while I thought the accepting the limitations was the wisest and best method[2]. I saw the driving on the exclusion would probably throw us into great confusions: and therefore I made use of all the credit I had with many in both houses to divert them from pursuing it with such eagerness, that they would hearken to nothing else. Yet, when I saw the party so deeply engaged, and so violently set upon it, both Tillotson and I, who thought we had some interest in lord Halifax, took great pains on him, to divert him from opposing it so furiously as he did: for he became as it were the champion against the exclusion. I foresaw a great breach was like to follow; and that was plainly the game of popery, to keep us in such an unsettled state. This was like either to end in a rebellion, or in an abject submission of the nation to the humours of the court. I confess that which I apprehended most was a rebellion, though it turned afterwards quite the other way; but men of more experience, and who had better advantages to make a true judg-
460 ment of the temper of the nation, were mistaken as well as my self. All the progress that was made in this matter in the present parliament was, that the bill of exclusion was

[1] There were also against exclusion, though unexpressed, the force of tradition, the dislike of coercing the sovereign, and the dread of the designs of Shaftesbury and Monmouth.

[2] It was the wisest, because it would be less opposed; and the king would consent to it; otherwise an exclusion would have done better. S.

read twice in the house of commons. But the parliament was dissolved before it came to a third reading [1]. May 15–22, 1679.

The earl of Danby's prosecution was the point on which the parliament was broken. The bill of attainder for his wilful absence was passed by the commons, and sent up to the lords: but when it was brought to the third reading, he delivered himself, and was upon that sent to the Tower[2]. Upon which he moved for his trial. The man of the law he depended most upon was Pollexfen, an honest and learned, but perplexed, lawyer. He advised him positively to stand upon his pardon. It was a point of prerogative never yet judged against the crown: so he might in that case depend on the house of lords, and on the king's interest there. It might perhaps produce some act against all pardons for the future: but he thought he was secure in his pardon. It was both wiser and more honourable for the king, as well as for himself, to stand on this, than to enter into the matter of the letters, which would occasion many indecent reflections on both. So he settled on this, and pleaded his pardon at the lords' bar[3]: to which the commons put in a reply, questioning the validity of the pardon, on the grounds formerly mentioned; and they demanded a trial and judgment. May 5, 1679.

Upon this a famous debate arose concerning the bishops' right of voting in any part of a trial for treason [4]. It was said that, though the bishops did not vote in the final judgment, yet they had a right to vote in all preliminaries. Now the allowing or not allowing the pardon to be good

[1] Prorogued on May 27 (after passing the Act for the better observance of the law of Habeas Corpus, *infra* 264) to Aug. 14, but dissolved by proclamation before that date in July, lest, according to Danby (*Add. MSS.* 23,044, f. 32), he should, rather than allow an attainder to pass against him, produce letters gravely compromising the king. See *infra* 232, and Ranke, iv. 84.

[2] He was not released on bail until the spring (Feb. 12, 168$\frac{3}{4}$) of 1684; and he was discharged from his recognizances by the Lords on May 19, 1685. See *infra* 433, and f. 640. See his letters to the Duke of Newcastle and others in the *Portland MSS*, *H. M. C. Rep.* xiii, App. ii. 154.

[3] Hallam, *Const. Hist.*, sm. ed. ii. 414.

[4] See Sidney's *Letters*, 70.

CHAP. X. was but a preliminary, and yet the whole matter was concluded by it. The lords of Nottingham and Robarts[1] argued for the bishops' voting; but the lords Essex, Shaftesbury, and Holles were against it. Many books were writ on both sides, of which an account shall be given afterwards, but upon this debate it was carried by the majority that the bishops had a right to vote. Upon which the commons said they would not proceed, unless the bishops were obliged to withdraw during the whole trial. May 27, 1679. And upon that breach between the two houses the parliament was prorogued[2], and soon after it was dissolved; and the blame of this was cast chiefly on the bishops. The MS. 238. truth was, they desired to have withdrawn, but | the king would not suffer it. He was so set on maintaining the pardon, that he would not venture such a point to the votes of the temporal lords; and he told the bishops that they must stick to him, and to his prerogative, as they would expect that he should stick to them if they came to be pushed at. By this means they were exposed to the popular fury.

461 Hot people began every where to censure them, as a set of men that for their own ends, and for every punctilio that they pretended to, would expose the nation and the protestant religion to ruin; and in revenge, many began to declare openly in favour of the nonconformists. And upon this the nonconformists behaved themselves very indecently: for though many of the more moderate of the clergy were trying, if an advantage might be taken from the ill state we were in, to heal those breaches that were among us, they on their part fell very severely upon the body of the clergy. The act that restrained the press was to last only to the end of the first session of the next parliament that should meet after that was dissolved. So now upon the

[1] 'Old Roberts, in appearing of late for King and Bishops, thinks himself of merit to succeed him [Ormond, in Ireland]; but he is as singular in that opinion as in many others.' Sidney's *Letters*, 85, June 2, 1679.

[2] At the advice of Temple and the 'Triumvirate,' Sunderland, Essex, and Halifax; and to the intense anger of Shaftesbury.

end of the session, the act not being revived, the press was open, and it became very licentious, both against the court and the clergy. And in this the nonconformists had so great a hand, that the bishops and the clergy, apprehending that a rebellion and with it the pulling the church to pieces were designed, set themselves on the other hand to write against the late times, and to draw a parallel between the present time and them[1]: which was not decently enough managed by those who undertook the argument, and who were believed to be set on and paid by the court for it. The chief manager of all those angry writings was one sir Roger L'Estrange[2], a man who had lived in all the late times, and was furnished with many passages, and an unexhausted copiousness in writing: so that for some years he published three or four sheets a week under the title of the *Observator*, all tending to defame the contrary party, and to make the clergy apprehend that their ruin was designed. This had all the success he could have wished for, as it drew considerable sums that were raised to acknowledge the service he did. Upon this the greater part of the clergy, who were already much prejudiced against that party, being now both sharpened and furnished by these papers, delivered themselves up to much heat and indiscretion, which was vented both in their pulpits and common conversation, and most particularly at the elections of parliament men: and this drew much hatred and censure upon them. They seemed now to lay down all fears and apprehensions of popery, and nothing was so common in their mouths as the year 41, in which the late wars begun, and which seemed now to be near the being acted over again. Both city and country were full of many indecencies that broke out on this occasion. But as there were too many of the clergy whom the heat of their tempers and 462
the hope of preferment drove to such extravagancies, there

[1] See North's *Life of Lord Keeper Guilford*, 200.

[2] A superficial meddling coxcomb. In a different hand from Swift's. 'A person of excellent parts, bating some affectations.' Evelyn, *Memoirs*, i. 559. R. Luttrell speaks of him as 'hurtful to the Protestant interest.'

CHAP. X. were still many worthy and eminent men among them, whose lives and labours did in great measure rescue the church from those reproaches that the follies of others drew upon it. Such were, besides those whom I have often named, Tenison [1], Sharp [2], Patrick, Sherlock, Fowler, Scott, Calamy, Clagett, Cudworth, two Mores [3], Williams, and many others, whom though I knew not so particularly as to give all their characters, yet they deserved a high one; and were indeed an honour both to the church and to the age in which they lived.

I return from this digression to give an account of the arguments by which that debate concerning the bishops voting in preliminaries was maintained. It was said the bishops were one of the three estates of which the parliament was composed, and that therefore they ought to have a share in all parliamentary matters: that as the temporal lords transmitted their honours and fees to their heirs, so the bishops did transmit theirs to their successors: and they sat in parliament, both as they were the prelates of the church, and barons of the realm: but in the time of popery, when they combined to raise the ecclesiastical as well as the papal power, they had a mind to withdraw themselves wholly from the king's courts, and to form themselves into a state apart; that upon this attempt of theirs, our kings would not dispense with their attendance, and [a]

[a] *upon that* struck out.

[1] For Tenison and Patrick, see vol. i. 338.

[2] John Sharp, afterwards Archbishop of York; he advised Anne not to make Swift a bishop. William Sherlock was Dean of St. Paul's and Master of the Temple. Edmund Fowler, afterwards Bishop of Gloucester, was the first to declare his refusal to read James's Declaration. John Scott was Rector of St. Giles in the Fields, author of *The Christian Life*. William Clagett, preacher at Gray's Inn, was author of a vast number of controversial works of an antipopery character. His sermons, with a *Life* by John Sharp, Archbishop of York, are published. He died in 1688.

[3] Dr. Henry More was a man of the purest repute, and one of the Cambridge Platonists; vol. i. 333, 334. Of another More there is no trace. For Cudworth, see i. 131. Williams afterwards became Bishop of Chichester.

several regulations were made, chiefly the famed ones at Clarendon ; not so much intended as restraints on them in the use of their rights as they were barons, but as obligations on them to perform all but those that in compliance with their desires were then expected. The clergy who had a mind to be excused from all parliamentary attendance, obtained leave to withdraw in judgments of life and death, as unbecoming their profession, and contrary to their canons. Princes were the more inclinable to this, because bishops might be more apt to lean to the merciful side : and the judgments of parliament | in that time were MS. 239. commonly in favour of the crown against the barons : the bishops had leave given them to withdraw from these. But they had a right to name a proxy for the clergy, or to protest for the saving their rights in all other points as peers : so that this was rather a concession in their favour, than a restraint imposed on them : and they did it on design to get out of those courts as much as they could. At the reformation all such practices as were contrary to the king's prerogative were condemned : so it was said that the king having a right by his prerogative to demand 463 justice in parliament against such as he should accuse there, none of the peers could be excused from that by any of the constitutions made in the time of popery, which were all condemned at the reformation. The protestation they made, and their asking leave to withdraw, shewed it was a voluntary act of theirs, and not imposed on them by the law of parliament. The words of the article of Clarendon seemed to import, that they might sit during the trial, till it came to the final judgment and sentence of life or limb ; and by consequence, that they might vote in the preliminaries [1].

On the other hand it was argued, that bishops could not

[1] 'The determination of the house of lords in the earl of Danby's case, which hath been ever since adhered to, is consonant to these constitutions of Clarendon, That the lords spiritual have a right to stay and sit in court in capital cases, till the court proceeds to the vote of guilty or not guilty.' Blackstone's *Commentaries*, book iv, ch. 19, p. 264. R.

CHAP. X. judge the temporal lords as their peers: for if they were to be tried for high treason, they were to be judged only by a jury of commoners: and since their honour was not hereditary, they could not be the peers of those whose blood was dignified: and therefore, though they were a part of that house with relation to the legislature and judicature, yet the difference between a personal and hereditary peerage made that they could not be the judges of the temporal lords, as not being to be tried by them. The custom of parliament was the law of parliament: and since they had never judged in those cases, they could not pretend to it. Their protestation was only in bar, with relation to the lords doing any thing besides the trial during the time that they were withdrawn. The words of the article of Clarendon must relate to the whole trial, as one complicated thing, though it might run out into many branches: and since the final sentence did often turn upon the preliminaries, the voting in these was upon the matter the voting in the final sentence. Whatever might be the first inducements to frame those articles of the clergy, which at this distance must be dark and uncertain, yet the laws and practice pursuant to them were still in force: by the act of Henry the 8 it was provided that till a new body of canon law should be formed, that which was then received should be still in force, unless it was contrary to the king's prerogative or the law of the land: and it was a remote and forced inference to pretend that the prerogative was concerned in this matter.

Thus the point was argued on both sides. Dr. Stillingfleet gave upon this occasion a great proof of his being able to make himself quickly the master of any argument which he undertook: for after the lawyers and others conversant in parliament records, in particular the lord Holles, who undertook the argument with great vehemence, had writ many books about it, he published a treatise that discovered more skill and exactness in searching and judging
464 those matters than all that had gone before him, and

indeed he put an end to the controversy in the opinion of all impartial men[1]. He proved the right that the bishops had to vote in those preliminaries, beyond contradiction in my opinion, both from our records and from our first constitution[2]. But now, in the interval of parliament, other matters came to be related. CHAP. X. May 27–Oct. 21, 1679.

The king upon the prorogation of the parliament became sullen and thoughtful[3]: he saw he had to do with a strange sort of people, that could neither be managed nor frightened: and from that time his temper was observed to change very visibly. He saw the necessity of calling another parliament, and of preparing matters in order to it: therefore the prosecution of the plot was still carried on. So five of the Jesuits that had been accused of it were brought to their trial: they were Whitebread, their provincial, Fenwick, Harcourt, Govan, and Turner. Oates repeated against them his former evidence: and they

[1] Still, those who managed the controversy on the other side did not waive it; for Oldmixon, in his *History of the Stuarts*, 632, observes, that Lord Holles mentions, in the Preface to his *Considerations*, Stillingfleet's *Grand Question*, &c. which shows, that some observations were made by him on this subject after the doctor's treatise. R.

[2] By the great charter (which is the undeniable constitution of England), every man is to be tried for his life by his peers; the bishops, before the Reformation, pretended they were exempt from any trial by laymen; since the Reformation, they have always been tried by a jury of commoners; which puts it out of dispute who are their peers, and consequently whose peers they are. And are, in all cases whatever, obliged to give their testimony upon oath, like other people. D. It is certain, that the bishops were anciently called peers; and the meaning of the term peer of England, is by no means uncertain, but places those to whom it is assigned, on a level with the nobility in general. It does not follow, because it has happened that their privileges are not of equal extent with those of the temporal nobility, that the bishops are not peers of the realm, as they are denominated in an Act of the 25th of Edward III. R.

[3] Reresby contradicts this, *Memoirs*, 173. 'I wondered to see him so cheerful amongst so many troubles; but it was not his nature to think much, or to perplex himself.' May 23, 1679. Burnet's account gives a very slight idea of the fierceness of this session just over. Shaftesbury was now furious at the breach of faith which the prorogation displayed. *Supra*, 209 *note*. The perturbation which it caused in the Dutch States is described by Henry Sidney, *Diary*, Oct. 22, 1679; see also Sidney's *Letters*, 78.

CHAP. X. prepared a great defence against it: for sixteen persons came over from their house at St. Omer's, who testified that Oates had staid among them all the while from December 77 till June 78; so that he could not possibly be at London in the April at those consults, as he had sworn. They remembered this the more particularly, because he sat at a table by himself in the refectory, which made his being there to be the more observed; for as he was not mixed with the scholars, so neither was he admitted to the Jesuits' table. They said he was among them every day, except one or two in which he was in the infirmary. They
MS. 240. also testified | that some of those who, as he swore, came over with him into England in April had staid all that summer in Flanders. In opposition to this, Oates had found out seven or eight persons who deposed that they saw him in England about the beginning of May; and that he being known formerly to them in a clergyman's habit, they had observed him so much the more by reason of that change of habit. With one of these he dined, and he had much discourse with him about his travels. An old Dominican friar, who was still of that church and order, swore also that he saw him, and spoke frequently with him at that time. By this the credit of the St. Omer's scholars was quite blasted. There was no reason to mistrust those who had no interest in the matter, and swore that they saw Oates about that time; whereas the evidence given by scholars bred in the Jesuits' college, when it was to save some of their order, was liable to a very just suspicion. Bedloe swore now against them all, not upon hearsay as
465 before, but on his own knowledge; and no regard was had to his former oath mentioned in Ireland's trial. Dugdale did likewise swear against some of them: one part of his evidence seemed scarce credible. He swore that Whitebread did in a letter that was directed to himself, though intended for F. Evers, and that came by the common post, and was signed by him, desire him to find out men proper to be made use [of] in killing the king, of what

quality soever they might be. This did not look like the cunning of Jesuits, in an age in which all people make use either of ciphers or of some disguised cant. But the overthrowing the St. Omer's evidence was now such an additional load on the Jesuits, that the jury came quickly to a verdict, and they were condemned[1]. At their execution they did, with the greatest solemnity and the deepest imprecations possible, deny the whole evidence upon which they were condemned: and protested that they held no opinions either of the lawfulness of assassinating princes, or of the pope's power of deposing them, and that they counted all equivocation odious and sinful. All their speeches were very full of these heads; Govan's was much laboured, and too rhetorical. A very zealous protestant, that went oft to see them in prison, told me that they behaved themselves with great decency, and with all the appearances both of innocence and devotion. CHAP. X. June 20, 1679.

Langhorn, the lawyer, was tried next: he made use of the St. Omer's scholars, but their evidence seemed to be so baffled that it served him in no stead. He insisted next on some contradictions in the several depositions that Oates had given at several trials: but he had no other proof of that besides the printed trials, which was no proof in law. The judges said upon this, that which is perhaps good law but yet does not satisfy a man's mind, that great difference was to be made between a narrative upon oath and an evidence given in court. If a man was false in any one oath, there seemed to be just reason to set him aside, as no good witness. Langhorn likewise urged this, that it was six weeks after Oates's first discovery before he named him: whereas if the commission had been lodged with him, he ought to have been seized on and searched first of all. Bedloe swore he saw him enter some of Coleman's treasonable letters in a register, in which express mention was made of killing the king. He shewed the

[1] 'The trials were in all respects fair, even by the confession of their adversaries.' Sidney's *Letters*, 101, 102.

CHAP. X. improbability of this, that a man of his business could be set to register letters. Yet all was of no use to him; for he was cast. Great pains was taken to persuade him to discover
466 all he knew; and his execution was delayed for some weeks, in hopes that somewhat might be drawn from him. He offered a discovery of the estates and stock that the Jesuits had in England, the secret of which was lodged with him: but he protested that he could make no other discovery, and persisted in this to his death[1]. He spent the time in which his execution was respited, in writing some very devout and well composed meditations[2]. He was in all respects a very extraordinary man: he was learned and honest in his profession; but was out of measure fierce and bigoted in his religion. He died with great constancy.

June 20 to July 14, 1679. These executions, with the denials of all that suffered, made great impressions on many[3]. Several books were writ, to shew that lying for a good end was not only thought lawful among them, but had been often practised, particularly by some of those who died for the gunpowder treason, denying those very things which were afterwards not only fully proved, but confessed by the persons concerned in them. Yet the behaviour and last words of those who suffered made impressions which no books could carry off.

Some months after this Sergeant, a secular priest, who had been always in ill terms with the Jesuits, and was a zealous papist in his own way, appeared before the council upon security given him; and he averred that Govan, the Jesuit, who died protesting he had never thought it lawful

[1] Compare Sidney's *Letters*, 111, 124, 137; and *Hatton Correspondence*, i. 188.

[2] See *Mr. Langhorn's Memoires, with some meditations and devotions of his, during his imprisonment: as also his Petition to His Majesty, and his speech at his execution* [*July* 14], *written with his own hand: publ.* 1679.

[3] 'Those who use to extol all that relates to Rome admire the constancy of the five priests executed last week, but we simple people find no more in it than that the Papists, by arts formerly unknown to mankind, have found ways of reconciling falsehood in the utmost degree with the hopes of salvation, but the best have no more to brag of than that they have made men dye with lies in their mouths.' Sidney's *Letters*, 123.

to murder kings, but had always detested it. had at his last being in Flanders said to a very devout person, from | whom Sergeant had it, that he thought the queen might lawfully take away the king's life for the injuries he had done her, but much more because he was a heretic. Upon that Sergeant run out into many particulars, to shew how little credit was due to the protestations made by Jesuits even at their death. This gave some credit to the tenderest part of Oates's evidence with relation to the queen. It shewed that the trying to do it by her means had been thought of by them. All this was only evidence from second hand: so it signified little. Sergeant was much blamed for it by all his own side. He had the reputation of a sincere and good, but of an indiscreet, man [1]. The executions were generally imputed to lord Shaftesbury, who drove them on [a] not doubting but [a] that some one or other, to have saved himself, would have accused the duke. But by these the credit of the witnesses, and of the whole plot, was sinking apace. The building so much, and shedding so much blood, upon the weakest part of it, which was the credit of the witnesses, raised a general prejudice against it all; and took away the force of that which was certainly true, which was that the whole party had been contriving a change of religion by a foreign assistance; so that it made not impression enough, but went off too fast. It was like the letting blood, (as one observed,) which abates a fever. Every execution, like a new bleeding, abated the heat that the nation was in; and threw us into a cold deadness, which was like to prove fatal to us.

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Wakeman's trial came on next [2]. Oates swore he saw

[a] *in hope* struck out, and *not doubting but* substituted.

[1] John Sergeant (1622–1707), author of a large number of Romanist controversial works, which are detailed in Mr. Cooper's article upon him in the *Dict. Nat. Biog.*

[2] July 18, 1679. It had been delayed, it was said, at the solicitation of the Portuguese ambassador, and 'to avoid the indecency of the discourses that would have been made.' Sidney's *Letters*, 102, 124.

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him write a bill to Ashby, the Jesuit, by which he knew his hand: and he saw another letter of his writ in the same hand, in which he directed Ashby, who was then going to the Bath, to use a milk diet, and to be pumped at the Bath; and that in that letter he mentioned his zeal in the design of killing the king. He next repeated all the story he had sworn against the queen: which he brought only to make it probable that Wakeman, who was her physician, was in it. To all this Wakeman objected, that at first Oates accused him only upon hearsay, and did solemnly protest he knew nothing against him: which was fully made out. So he said all that Oates now swore against him must be a forgery, not thought of at that time[1]. He also proved both by his own servant, and by the apothecary at the Bath, that Ashby's paper was not writ, but only dictated by him: for he happened to be very weary when he came for it, and his man wrote it out: and that of the milk diet was a plain indication of an ill laid forgery, since it was known that nothing was held more inconsistent with the Bath water than milk. Bedloe swore against him that he saw him receive a bill of 2000*l.* from Harcourt, in part of a greater sum; and that Wakeman told him afterwards that he had received the money; and that Harcourt told him for what end it was given, for they intended the king should be killed, either by those they sent to Windsor, or by Wakeman's means: and if all other ways failed, they would take him off at Newmarket. Bedloe in the first giving his

[1] 'Oates displayed considerable ingenuity in the manner of qualifying his evidence, so as to elude the objections of his adversaries. Though his vexation occasionally betrayed itself in passionate and irreverent expressions, he maintained the contest without flinching; and in a tone of conscious superiority, till he was unexpectedly confronted with Sir Philip Lloyd, clerk of the council, who deposed, that when the lord chancellor asked Oates, if he knew any thing personally of Sir George Wakeman, he raised his hands to heaven, and protested before God, that he did not, and yet that very morning he had charged him with several overt acts of treason, committed, as he said, in his own presence. This was a blow which he could not parry: feigning indisposition, he asked leave to retire, and the jury acquitted all the prisoners.' Lingard's *History of England*, xiii. 176 (ed. 1831).

evidence deposed that this was said by Harcourt when Wakeman was gone out of the room: but observing, by the questions that were put him, that this would not affect Wakeman, he swore afterwards that he said it likewise in his hearing. Wakeman had nothing to set against all this, but that it seemed impossible that he could trust himself in such matters to such a person: and if Oates was set aside, he was but one witness. Three other Benedictine priests were tried with Wakeman. Oates swore that they were in the plot of killing the king; that one of them, being their superior, had engaged to give 6000*l.* towards the carrying it on. Bedloe swore somewhat circumstantial to the same 468
purpose against two of them: but that did not rise up to be treason: and he had nothing to charge the third with. They proved that another person had been their superior for several years; and that Oates was never once suffered to come within their house, which all their servants deposed; and they also proved that when Oates came into their house the night after he made his discovery, and took Pickering out of his bed, and saw them, he said he had nothing to lay to their charge. They urged many other things to destroy the credit of the witnesses: and one of them made a long declamation, in a high bombast strain, to shew what credit was due to the speeches of dying men. The eloquence was so forced and childish, that this did them more hurt than good. Scroggs summed up the evidence very favourably for the prisoners, far contrary to his former practice. The truth is, that this was looked on as the queen's trial, as well as Wakeman's. The prisoners were acquitted[1]: and now July 18, 1679.

[1] Wakeman, after entertaining his friends at supper and visiting the queen at Windsor (*Verney MSS.*, July 24, 1679), fled the country to escape the effects of the popular disappointment at his acquittal. Scroggs was subjected to constant annoyance, though 'highly caressed by the favourites of both sex.' *Hatton Correspondence*, Sept. 18, 1679; Luttrell, 20, 29. The people were further irritated by the ceremonial visit of the Portuguese ambassador to Scroggs, referred to in the text. *Fleming Papers*, July 29, 1679. Scroggs defended himself in a speech in the King's Bench on the first day of Michaelmas Term, 1679; which was answered by the anonymous *A New Year's gift for the Lord Chief*

CHAP. X. the witnesses saw they were blasted, and they were enraged upon it, which they vented with much spite upon Scroggs; and there was in him matter enough to work on for such foulmouthed people as they were. The queen got a man of great quality to be sent over ambassador from Portugal, not knowing how much she might stand in need of such a protection. He went next day with great state to thank Scroggs for his behaviour in this trial. If he meant well in this compliment it was very unadvisedly done, for the chief justice was exposed to much censure by it; and therefore some thought it was a shew of civility done on design to
MS. 242. ruin him. | For how well pleased soever the papists were with the success of this trial, and with Scroggs' management, yet they could not be supposed to be so satisfied with him, as to forgive his behaviour in the former trials, which had been very indecently partial and violent [1]. It was now debated in council whether the parliament, now prorogued, should be dissolved or not. The king prevailed on the lords of Essex and Halifax to be for a dissolution, promising to call another parliament next winter [2]. Almost all the

in Justice. Both are extant. Henry Sidney states in his *Diary* that Wakeman's acquittal 'is much better for us mutineers.'

[1] Lingard relates, in his *History of England*, xiii. 178 (ed. 1831), that twenty-four Roman Catholic priests received about this time sentence of death for the exercise of their functions; and that after an address had been presented to the king by the House of Commons, soliciting their immediate execution, eight of them suffered death: of these, two had passed their eightieth year. R.

[2] I find by the duke's letters he was pleased with the dissolution, but not with the so speedy calling of another, which he said was only two months' delay, and was giving them so much time to concert their measures better against their next meeting; for he had little hopes a new Parliament would differ much from the last. But his jealousies of the king continued: for in one he says, 'It is strange his majesty has not written to me, neither in answer to what I wrote by Graham, nor now upon breaking the Parliament. I am not used like a brother nor a friend. Press to have some mark of displeasure shewn to Armstrong; if that be not done, I know what I am to expect.' D. Temple approved; see his account of the council meeting, *Works*, ii. 511. So did the Duchess of Portsmouth and Sunderland, who knew that an attack upon them was impending, and hoped for better things from a new Parliament. The dissolution was in July. Shaftes-

new counsellors were against the dissolution. They said the crown had never gained any thing by dissolving a parliament in anger: the same men would probably be chosen again, while all that were thought favourable to the court would be blasted, and for most part set aside. The new men thus chosen being fretted by a dissolution, and put to the charge and trouble of a new election, they thought the next parliament would be more uneasy to the king than this if continued. Lord Essex and Halifax, on the other hand, argued that since the king was fixed in his resolutions both with relation to the exclusion and to the lord Danby's pardon, this parliament had engaged so far in both these, that they could not think that these would be let fall: whereas a new parliament, though composed of the same members, not being yet engaged, might be persuaded to take other methods[1]. The king followed this advice, which he had directed himself. Two or three days after, Halifax was made an earl, which was called the reward of his good counsel[2]. And now the hatred between the earl of Shaftesbury and him broke out into many violent and indecent instances. On lord Shaftesbury's side more anger appeared, and more contempt on lord Halifax's. Lord Essex was a softer man, and bore the censure of the party more mildly. He saw how he was cried out on for his last

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bury's anger was again violently expressed; and, according to Temple (*id.* 531), although Essex supported the dissolution he now began to throw in his lot with Shaftesbury, hoping again to be made viceroy of Ireland. *Infra* 247. Compare Foxcroft's *Life of Halifax*, i. 169.

[1] Of the composition of the new Parliament, which did not meet for business until Oct. 21, 1680 (*infra* 254), we hear, 'There is no great gall in the new elections; men in places, old parliament men, and even Lord Danby's pensioners, come in promiscuously.' Mr. Harbord to H. Sidney. Sidney's *Diary*, Aug. 18, 1679. The counties and great corporations returned opponents of the court, which, however, gained in the small boroughs, and the general complexion of the House was unaltered; though Algernon Sidney expected that the same men would come 'something sharpened.' *Letters*, 144.

[2] 'My Lord Halifax is become soe great a courtier as never is from the king's elbow.' *Hatton Correspondence*, Sept. 8, 1679. Foxcroft's *Life of Halifax*, i. 173-8.

CHAP. X. advice, but as he was not apt to be much heated, so all he said to me upon it was, that he knew he was on a good bottom, and that good intentions would discover themselves and be justified by all, in conclusion.

I put now a stop in the further relation of affairs in England, to give an account of what passed in Scotland. The party against duke Lauderdale had lost all hopes, seeing how affairs were carried in the last convention of estates. But they began to take heart upon this great turn in England. The duke[1] was sent away, and the lord Danby was in the Tower, who were that duke's[2] chief supports: and when the new council was settled, duke Hamilton and many others were encouraged to come up and accuse him. The truth was, the king found his memory failing, and so resolved to let him fall gently, and to bring all Scottish affairs into the duke of Monmouth's hands. The Scottish lords were desired not only by the king but by the new ministers, to put the heads of their charge against him in writing; and the king promised to hear lawyers of both sides, and that the earls of Essex and Halifax should be present at the hearing. Mackenzie was sent for, being the king's advocate, to defend the administration; and Lockhart and Cunningham were to argue against it[3]. The last of these had not indeed Lockhart's quickness, nor talent in speaking; but he was a learned and judicious man, and had the most universal, and indeed the most deserved, reputation for integrity and virtue, of any man not only of his own profession but of the whole nation. The hearing came on as was promised; and it was made out beyond the possibility of an answer, that the giving commissions to an army to live on free quarter in a quiet time was against the whole constitution, as well as the express laws of that kingdom;

March 4, 167⅘.

470 July 8, 1679.

[1] *scil.* of York.

[2] *scil.* of Lauderdale.

[3] This is wrongly placed. It was in the week previous to July 16 (Sidney's *Letters*, 138), and therefore subsequent to the Bothwell Brigg rebellion. Lockhart and Cunningham had been similarly employed in 1678. Cf. *supra* 146; *Lauderdale Papers*, iii. 130. See especially Sidney's *Letters*, 104–107. Cf. Ralph, i. 464, 465.

and that it was never done but in an enemy's country, or to suppress a rebellion. They shewed likewise how unjust and illegal all the other parts of his administration were. The earls of Essex and Halifax told me every thing was made out fully; Mackenzie having nothing to shelter himself in, but that flourish in the act against field conventicles in which they were called the rendezvous of rebellion; from which he inferred that the country where these had been frequent was in a state of rebellion. Kings naturally love to hear prerogative magnified, yet on this occasion the king had nothing to say in defence of the administration; but when May, the master of the privy purse, asked him in his familiar way what he thought now of his Lauderdale, he answered, as May himself told me, that they had objected many damned things that he had done against *them*, but there was nothing objected that was against *his* service [1]. Such are the notions that many kings drink in, by which they set up an interest for themselves in opposition to the interest of the people: and as soon as the people observe that, which they will do sooner or later, then they will naturally mind their own interest, and set it up as much in opposition to the prince: and in this contest the people will grow always too hard for the prince, unless he is able to subdue and govern them by an army. The duke of Monmouth was beginning to form a scheme | of a ministry: MS. 243. but now the government in Scotland was so remiss, that the people apprehended they might run into all sort of confusion. They heard that England was in such distractions that they needed fear no force from thence. Lauderdale's party was losing heart, and fearing a new model there as was set up here in England. All this set those mad people that had run about with the field conventicles into a frenzy. They drew together in great bodies. Some parties of the

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[1] In Sidney's *Diary*, 5 (2 vols., 1843, Blencowe), it is stated that Charles supported Lauderdale in the council. Temple urged his dismissal (*id.* 11); and Sidney writes on June 27 that, after the Bothwell Brigg rebellion, he promised to do so before Monmouth returned from Scotland.

CHAP. X. troops came to disperse them, but found them both so resolute and so strong, that they did not think fit to engage them: sometimes they fired on one another, and some were killed of both sides.

When a party of furious men were riding through a moor near St. Andrews, they saw the archbishop's coach appear. He was coming from a council day, and was driving home:
471 and he had sent some of his servants home before him, to let them know he was coming, and others he had sent off on compliments; so that there was no horsemen about the coach. They seeing this concluded, according to their frantic enthusiastic notions, that God had now delivered up their greatest enemy into their hands: seven of them made up to the coach, while the rest were as scouts riding all about the moor. One of them fired a pistol at him, which burnt his coat and gown, but did not go into his body: upon this they fancied he had a magical secret to secure him against a shot[a]; and they drew him out of
May 3, 1679. his coach, and murdered him[b] barbarously, repeating their strokes till they were sure he was quite dead: and so got clear off, nobody happening to go cross the moor all the while[1]. This was the dismal end of that unhappy man[c]:

[a] a line carefully struck out here so as to be illegible.

[b] *most* struck out.

[c] *who certainly needed more time to fit him to pass into an unchangeable state,* struck out, with another line so deleted as to be illegible, in which Burnet speaks of 'myself.'

[1] According to the apologetical account of one of the assassins, given in a book called *Memoirs of the Church of Scotland*, Lond. 1717, 207, they had resolved to kill a gentleman, one of their enemies, and had been lying in ambush for that purpose, when they were informed of the archbishop's being on the road. But the accounts published at the very time report that inquiries had been previously made by them after him. Some servants were attending; for in the above apology, and in a narrative of this murder affixed to the life of the archbishop, printed in 1723, they are expressly said to have been disarmed by the ruffians. They rifled the pockets of the archbishop and of his daughter, and wounded the latter while she was clinging to her father. Such were the dreadful effects of fanaticism irritated by persecution, at a time when the principles of religious liberty were little understood and

it struck all people with horror, and softened his enemies into some tenderness [1], so that his memory was treated with decency by those who had very little respect for him during his life.

A week after that, there was a great field conventicle held within ten mile of Glasgow: a body of the guards engaged with them, and they made such a vigorous resistance, that the guards, having lost thirty of their number, were forced to run for it [2]. So the conventicle formed itself

June 1.

less acted upon. R. Cf. *A Specimen of the Bishop of Sarum's Posthumous History*, by Robert Elliott, M.A., London, n. d., 4. There is a MS. account of Sharp's murder in the Advocates' Library, and many original documents upon it in the University Library of Edinburgh. In the former we read, 'He called for mercy and offered them money to save his life; they answered, "his money perish with him." He besought them for Christ's sake to save his life; they said he had showed no mercy, so he should have none shown him, and immediately killed him. This end had Bishop Sharp, who did betray the Church of Scotland, contrary to vowes, oathes, and the deepest judgements to the contrary.' Cf. *supra* vol. i. 165, 197, 198, 217, 218, &c. See the opinion of him in Sidney's *Letters*, 65: 'He having been remarkable for outragious covetousness, besides other episcopal qualities.' In 1723 was published *A True and Impartial Account of the Life of the most Reverend Father in God, Doctor James Sharp.*

[1] At the time of the archbishop's death, in order to exonerate the Covenanters from the guilt of it, their friends in England gave out, that he died by the hands of his private enemies, whom he had grossly injured; amongst whom, they said, was his steward. See Algernon Sidney's *Letters to Mr. H. Savile*, 65, 72. A relation also, conformable to these particulars, is printed in the first volume of Cogan's *Collection of Tracts*, 385. And to show how this foul assassination has been subsequently spoken of by the friends of the foes of the archbishop, Cruickshank, in his *History of the Church of Scotland*, speaks of *the death he justly merited*. I. iii. 124; cf. II. i. 24. And in the year 1820, Mr. Brown, a professor of divinity, writes thus in his *History of the British Church*: 'How far, in their circumstantiated case, it was lawful and prudent for these persons to take away his life, I leave to the judgment of God, whose providence preserved all that had an active hand in it from the fury of their murderous persecutors, notwithstanding all they could do to apprehend them' (p. 336). Cole, in a MS. note on Burnet's *History*, observes that the archbishop's death was, according to Burnet himself, a just judgment of God, referring to what he says of it *supra*, 142. R.

[2] This was the skirmish at Drumclog. See Claverhouse's account, *Lauderdale Papers*, iii. 164. The original is in the British Museum. 'One Captain Grimes [*sic*] coming something too near them with his troop and other

CHAP. X. into a body, and marched to Glasgow. The person that led them had been bred by me while I lived at Glasgow, being the younger son of Sir Tho. Hamilton that married my sister, but by a former wife: he was then a lively, hopeful young man: but getting into that company and into their notions, he became a crack-brained enthusiast, and under the shew of a hero was an ignominious coward[1]. Duke Lauderdale and his party published every where that this rebellion was headed by a nephew of mine, whom I had prepared for such work while he was in my hands. Their numbers were so magnified, that a company or two which lay at Glasgow retired in all haste, and left the town to them, though they were then not above four or five hundred; and these were so ill armed, and so ill commanded, that a troop of horse could have easily dispersed them. The council at Edinburgh sent the earl of Linlithgow against them with 1,000 foot, 200 horse, and 200 dragoons: a force much greater than was necessary for making head against such a rabble[2]. He marched till he came within ten miles of them, and then pretended he had intelligence that they were above 8,000 strong; so he marched back; for he said it was the venturing the whole
472 force the king had upon too great an inequality. He could never prove that he had any such intelligence: some imputed this to his cowardice: others thought that, being much engaged with duke Lauderdale, he did this on purpose to give them time to increase their numbers, and thought their madness would be the best justification of all the violences that had been committed in duke Lauderdale's administration. Thus the country was left in their hands, and if there had been any designs or preparations made formerly for a rebellion, now they had time enough to run together and to form themselves: but it appeared

forces, was beaten back, with the loss of his cornet and fourteen troopers.' Sidney's *Letters*, 89.

[1] Upon Robert Hamilton (b. 1650, d. 1701), see Wodrow (ed. 1829), iii. 51–107, iv. 392, 393, and especially the note to iii. 51.

[2] *Lauderdale Papers*, iii. 167–174; see especially Linlithgow's own account, Sidney's *Letters*, 94.

that there had been no such designs by this, that none came into it but those desperate intercommoned men, who were as it were hunted from their houses into all those extravagances that men may fall in, who wander about inflaming one another, and are heated in it with false notions of religion. The rebels, having the country left to their discretion, fancied that their numbers would quickly increase: and they set out a sort of manifesto, complaining of the oppressions they lay under, and asserting the obligation of the covenant: and they concluded it with the demand of a free parliament. When the news of this came to court, duke Lauderdale said it was the effect of the encouragement that they had from the king's hearkening to their complaints: whereas all indifferent men thought it was rather to be imputed to his insolence and tyranny. The king resolved to lose no time: so he sent the duke of Monmouth down post, with full powers to command in chief[1]: and directions were sent to some troops that lay in the north of England to be ready to march upon his orders. Duke Lauderdale apprehended that those in arms would presently submit to the duke of Monmouth, if there was but time given for proper instruments to go among them, and that then they would pretend they had been forced into that rising by the violence of the government: so he got the king to send positive orders after him that he should not treat with them, but fall on them | immediately: MS. 244.
yet he marched so slowly that they had time enough given them to dispose them to a submission. They fixed at Hamilton, near which there is a bridge on Clyde, which it was believed they intended to defend: but they took no care of it. They sent some to treat with the duke of Monmouth: he answered, that if they would submit to the king's mercy, and lay down their arms, he would interpose for their pardon, but that he would not treat with them so long as they were in arms. Some were beginning to press 473

[1] This was probably at the instance of Shaftesbury, who wished to raise Monmouth in popular estimation.

CHAP. X. their rendering themselves at discretion. They had neither the grace to submit, nor the sense to march away, nor the courage to fight it out: but suffered the duke of Monmouth to make himself master of the bridge. They were then 4,000 men: but few of them were well armed. If they had charged those that came first over the bridge, they might have had some advantage: but they looked on like men that had lost both sense and courage, and upon the first charge they threw down their arms, and run away. There was between two and three hundred killed, and twelve hundred taken prisoners. The duke of Monmouth stopped the execution that his men were making as soon as he could, and saved the prisoners[1]; for some moved that they should be all killed upon the spot. Yet this was afterwards objected to him as a neglect of the king's service, and as a courting the people. The duke of York talked of it in that strain: and the king himself said to him, that if he had been there they should not have had the trouble of prisoners: he answered, he could not kill men in cold blood; that was only for butchers. Duke Lauderdale's creatures pressed the keeping the army some time in that country, on design to have eat it up. But the duke of Monmouth sent home the militia, and put the troops under discipline: so that all that country was sensible that he had preserved them from ruin. The very fanatical party confessed that he treated them as gently as was possible, considering their madness. He came back to court as soon as he had settled matters, and moved the king to grant an indemnity for what was past, and a liberty to hold meetings under the king's licence or connivance: he shewed the king that all this madness of field conventicles flowed only from the severity against those that were held within doors[2]. Duke Lauderdale drew the indemnity in such

June 22, 1679.

[1] On Monmouth's humanity at Bothwell Brigg, see Maidment's *Scottish Ballads, Historical and Traditionary*, ii. 293.

[2] The duke, in a letter from Edinburgh, says, 'I find the generality of the best men here much troubled at the indulgence the duke of Mon-

a manner that it carried in some clauses a full pardon to himself and all his party; but he clogged it much with relation to those for whom it was granted. All gentlemen, preachers, and officers were excepted out of it, so that the favour of it was much limited. Two of their preachers were hanged, but the other prisoners were let go upon their signing a bond for keeping the peace. Two hundred of them were sent to Virginia, but they were all cast away at sea. Thus ended this tumultuary rebellion, which went by the name of Bothwell-bridge, where the action was. The king soon after sent down orders for allowing meeting-houses: but the duke of Monmouth's interest sunk so soon after this, that these were scarce opened when they were shut up again. Their enemies said this looked like a rewarding them for their rebellion [1]. CHAP. XI. 474

CHAPTER XI.

EXCLUSION. THE HABEAS CORPUS ACT. DISSOLUTION OF CHARLES' LAST PARLIAMENT.

AN accident happened soon after this, that put the whole nation in a fright, and produced very great effects. The king was taken ill at Windsor of an intermitting fever [2]. Aug. 22, 1679.

mouth gott for the phanatics here, after they had been beaten, and say it will encourage them to another rebellion.' D. 'Captain Crofts, who came express from the General, is returned with a letter from his Majesty, granting them a conventicle in every town in Scotland, except Edinburgh, Glasgow, Stirling, and St. Andrews; but they must not meet any more in the fields.' *Verney MSS.*, July 3, 1679; *H. M. C. Rep.* vii. 473. But, according to Sidney, *Letters*, 144, Lauderdale managed to make this indulgence nugatory. See the letter of the Scotch bishops to him. *Lauderdale Papers*, iii. 174.

[1] 'Surely these accidents will at last cure my master of his infinite passion for his beautiful paramour of Lauderdale, who must certainly deal with the Devil if after this he can keep his station much longer either in our nation or his own.' Henry Savile, July 5, 1679. *Savile Correspondence*, 105. The torture of the boot —so freely applied—is spoken of as of Lauderdale's bringing into fashion. Sidney's *Letters*, 121.

[2] 'I believe there is scarce anybody, beyond Temple Bar, that be-

CHAP. XI. The fits were so long and so severe that the physicians apprehended he was in danger: upon which he ordered the duke to be sent for [1], but very secretly, for it was communicated to none but to the earls of Sunderland, Essex, and
Sept. 8. Halifax [2]. The duke made all possible haste, and came in disguise through Calais, as the quicker passage, but the danger was over before he came. The fits did not return after the king took *quinkinna*, called in England the Jesuits' powder. As he recovered, it was moved that the duke should be again sent beyond sea. He had no mind to it: but when the king was positive in it [3], he moved that the duke of Monmouth should be put out of all command,

lieves his distemper proceeded from anything but poison, though as little like it as if he had fallen from a horse. . . . If the Privy Councillors had not used their authority to keep the crowds out of the king's chamber, he had been smothered, the bedchamber men could do nothing to hinder it.' Dorothy Sidney to Henry Sidney, September 2, 1679. *Sacharissa*, 219. It is curious that Reresby, 177, merely says, 'The king had not been very well, as was pretended.' Charles was ill again in May, 1680. Alluding to his recovery, Henry Sidney says in his *Diary*, ii. 57, 'I hope he will continue so, if he can be kept from fishing when a dog would not be abroad.' The dread of what might happen at his death is expressed thus: 'Good God! what a change would such an accident make! the very thought of it frights me out of my wits. God bless you, and deliver us all from that damnable curse.' *Id.* Sept. 11, 1679.

[1] Fountainhall says that this was upon Lauderdale's advice; his object being to secure, in the duke, a support against Monmouth and Hamilton, who were acting together: *supra* 234; *Hist. Obs.* 74; Foxcroft's *Halifax*, i. 187.

[2] Sir William Temple, in his *Memoirs*, says that the measure was proposed to the king by the Earls of Essex and Halifax, through fear of the ill will of the Duke of Monmouth and Lord Shaftesbury to them. See Temple's *Works*, 518. R. But see previous note. The duke reached Windsor on September 2, and returned to Brussels on the 25th. *Foljambe Papers*, 136–138; Foxcroft, i. 189–191.

[3] James went to Brussels only to bring back his family: he was back in London on Oct. 14. On the 16th Shaftesbury was dismissed the council. Monmouth went to the Hague on Sept. 24. Miss Foxcroft ascribes Monmouth's downfall to Sunderland's initiative, i. 191. He had been deprived of his office of captain-general of the forces, and resigned his command of the Horse Guards. 'As for the generalship, nobody will have it more. One of the secretarys, which will be the Earl of Sunderland, is to mange that affair as M. de Louvois does in France.' James to the Prince of Orange, Sept. 12, 1679. *Foljambe Papers*, 138.

and likewise sent beyond sea. His[a] friends advised him to agree to this; for he might depend on it, that as soon as the parliament met, an address would be made to the king for bringing him back, since his being thus divested of his commissions, and sent away at the duke's desire, would raise his interest in the nation. CHAP. XI.

At this time the party that begun to be made for the duke of York were endeavouring to blow matters up into a flame every where: of which the earl of Essex gave me the following instance, by which it was easy to judge what sort of intelligence they were apt to give, and how they were possessing the king and his ministers with ill-grounded fears [1]. He [2] came once to London on some treasury business the day before a common hall was to meet in the city: so the spies that were employed to bring news from all corners came to him, and assured him that it was resolved next day to make use of the noise of that meeting, and to seize on the Tower, and do such other things as could be managed by a popular fury. The advertisements came to him from so many hands, that he was inclined to believe there was somewhat in it: some pressed him to send some of the soldiers into the Tower and to the other parts of the city. He would not take the alarm so hot, but sent to the lieutenant of the Tower to be on his guard: and he ordered some companies to be drawn up in Covent Garden | and in Lincoln's Inn Fields: and he had 200 men MS. 245. ready, and barges prepared to carry them to the Tower, if there should have been the least shadow of a tumult: but he would not seem to fear a disorder too much, lest perhaps that might have produced one. Yet after all the affrighting stories that had been brought him, the next day passed over very calmly, it not appearing by the least circumstance

[a] substituted for *Monmouth's.*

[1] The prevailing uneasiness is well illustrated by Charles Hatton; *Hatton Correspondence*, Sept. 13, 1679, i. 194: 'I am very confident you will soudainly heare very surprising newes, but what I am unable to informe you as yet.'

[2] Apparently meaning the king.

CHAP. XI. that anything was designed, besides the business for which the common hall was summoned. He often reflected on this matter. Those mercenary spies are very officious, that they may deserve their pay, and they shape their story to the tempers of those whom they serve: and to such creatures, and to their false intelligence, I imputed a great deal of the jealousy that I found the king possessed with.

Sept. 24, 25, 1679. Both the dukes went now beyond sea: and that enmity which was more secret before, and was covered with a court civility, did now break out open and barefaced[1]. But it seemed that the duke of York had prevailed with the king not to call the parliament that winter, in hope that the heat the nation was in would with the help of some time grow cooler, and that the party that began now to declare more openly for the right of succession would gain ground. There was also a pretended discovery now ready to break out, which the duke might be made believe would carry off the plot from the papists, and cast it on the contrary party.

Dangerfield, a subtle and dexterous man, who had gone through all the shapes and practices of roguery, and in particular was a false coiner, undertook now to coin a plot for the ends of the papists[2]. He was in jail for debt, and was in an ill intrigue with one Cellier, a popish midwife, who had a great share of wit, and was abandoned to lewd-

[1] The duke writes, in a letter from Brussels, 'I see his majesty has been much misinformed as to some things concerning the duke of Monmouth; for lord chancellor Hyde never went about to put any jealousies into my head of my nephew: what he did about the patent was only what any man that understood the law was obliged to, and I do not remember he ever opened his mouth to me of it. And till he spake to me himself, at Windsor, five or six years ago, of his having a mind to be general, I never took any thing ill of him, nor grew jealous of him: but after what I had said to him upon that subject, of my reasons against it, and that I told him then, freely, he was not to expect my friendship if ever he pretended to it, or had it; one cannot wonder if I was against anything that did increase his power in military affairs, as his being colonel of foot guards would have done, especially when I saw he used all little arts by degrees to compass his point of being general.' R.

[2] He had many aliases. *Hatton Correspondence*, 199; Sidney's *Letters*, 152, 160.

ness[1]. She got him to be brought out of prison, and carried him to the countess of Powys, a zealous managing papist. He, after he had laid matters with her, as will afterwards appear, got into all companies, and mixed with the hottest men of the town, and studied to engage others with himself to swear, that they had been invited to accept of commissions; and that a new form of government was to be set up, and that the king and the royal family were to be sent away. He was carried with this story, first to the duke, and then to the king; and had a weekly allowance of money, and was very kindly used by many of that side; so that a whisper run about the town, that some extraordinary thing would quickly break out: and he having some correspondence with one colonel Mansell, he made up a bundle of seditious but ill contrived letters, and laid them in a dark corner of his room. And then some searchers were sent from the Custom House to look for some forbidden goods, which they heard were in Mansell's chamber: there were no goods found there, but as it was laid, they found that bundle of letters. And upon that great noise was made of a discovery: but upon inquiry it appeared the letters were 476
counterfeited, and the forger of them was suspected. So they searched into all Dangerfield's haunts, and in one of them they found a paper that contained the scheme of this whole fiction, which, because it was found in a meal-tub, came to be called the Meal-tub plot. Dangerfield was upon that clapt up, and he soon after confessed how the whole matter was laid and managed: in which it is very probable he mixed much of his own invention with the truth, for he was a profligate impudent liar[2]. This was a great disgrace to the popish party, and the king suffered much by the countenance he had given him. The earls of Essex and Halifax were set down in the scheme to be sworn against,

[1] She stood in the pillory, Sept. 17, 1680. See her *Malice Defeated*, London, fol. 1680; *Letters of Lady Russell*, i. 70.

[2] See *Mr. Tho. Dangerfield's Particular Narrative of the late popish design to charge those of the Presbyterian Party with a pretended conspiracy, &c. Written by himself.* London, 1679.

CHAP. XI. with the rest [1]. Upon this they pressed the king vehemently to call a parliament immediately. But the king thought that if a parliament should meet while all men's spirits were sharpened by this new discovery, that he should find them in worse temper than ever. When the king could not be prevailed on to that, lord Essex left the treasury [2]. The king was very uneasy at this, but lord Essex was firm in his resolution not to meddle in that post more, since a parliament was not called: yet, at the king's earnest desire, he continued for some time to go to council. Lord Halifax fell ill [3], much from a vexation of mind. His spirits were oppressed, a deep melancholy seizing him. For a fortnight together I was once a day with him, and found then that he had deeper impressions of religion on him than those who knew the rest of his life would have thought him capable of. Some foolish people gave out that he was mad, but I never knew him so near a state of true wisdom as he was at that time. He was much troubled at the king's forgetting his promise to hold a parliament that winter, and expostulated severely upon it with some that were sent to him from the king. He was offered to be made secretary of state, but he refused it. Some gave it

Nov. 29, 1679.

Sept. 13, 1679.

[1] But see North's *Examen*, 256–271. This egregious villain, Dangerfield, in the next year, just on the eve of the bill of exclusion's being brought up from the Commons to the House of Lords, accused the Duke of York of having proposed to him to kill the king. R.

[2] This was on Nov. 29, subsequent to Shaftesbury's dismissal. Luttrell's *Diary*, 19. The king was 'horribly vexed.' Sidney's *Diary*. For on account of the debate in council on a question of the meeting of Parliament, see Charles Hatton's letter of Dec. 18, 1679, in the *Hatton Correspondence*. One explanation of the retirement of Essex, and a very probable one, was that 'he refused to pay £25,000, and told the king he had often promised not to pay money on these accounts.' John Verney to Sir R. Verney, *Verney Papers*, Nov. 27, 1679. Cf. *supra* 110 note. Others thought 'the niceness of touching French money to be the reason that makes my Lord Essex squeasy stomach that it can no longer digest his employment.' Col. Cooke to Ormond, *H. M. C. Rep.* vi. 741. He was succeeded by Laurence Hyde, who had been placed on the commission in March 26.

[3] This was in the middle of September. There is nothing in his letters to suggest mental malady. But see Temple, *Works*, ii. 517; Foxcroft, i. 192.

out that he had pretended to be lord lieutenant of Ireland, CHAP. XI.
and was uneasy when that was denied him: but he said to
me that it was offered him, and he had refused it. He did
not love, he said, a new scene, nor to dine with sound of
trumpet and thirty-six dishes of meat on his table. He
likewise saw that lord Essex had a mind to be again there,
and he was confident he was better fitted for it than he
himself was. My being much with him at that time was
reflected on: [a] it was said I had heightened his disaffection 477
to the court [a], and Hyde, made then a lord [1], objected it to
me though I was with him only as a divine.

The court went on in their own pace. Lord Tweeddale
being then at London moved to the earl of | Peterborough, MS. 246.
that it would be both more honourable and more for the
duke's interest, instead of living beyond sea, to go and live
in Scotland. Lord Peterborough went immediately with
it to the king, who approved of it. So notice was given the
duke: and he was appointed to meet the king at New-
market in October [2]. Lord Tweeddale saw that since the
duke of Monmouth had lost his credit with the king, duke
Lauderdale would again be continued in his posts, and that
he would act over his former extravagances: whereas he
reckoned that this would be checked by the duke's going
to Scotland, and that the duke would study to make him-
self acceptable to that nation, and bring things among them
into order and temper. The duke met the king at New-
market, as it was ordered: but upon that the earl of
Shaftesbury, who was yet president of the council, though

[a] inserted on opposite page.

[1] Created Viscount Hyde of Kenilworth, April 23, 1681, and earl of Rochester on Nov. 29 of the same year.

[2] The whole of this period in the struggle of James against the opposing influences at court is fully illustrated by his letters in the *Dartmouth Papers*. See also those in the *Foljambe Papers*. James left England, where he had been since September 9, at the beginning of October at the king's order. He was back in London on the 14th. He clearly did not then go to Newmarket; but he set out for Scotland by land on Oct. 27, reaching Edinburgh about Nov. 24. *Id.* 139, 140.

CHAP. XI. he had quite lost all his interest in the king, called a council at Whitehall, and represented to them the danger the king was in by the duke's being so near him, and pressed the council to represent this to the king. But they did not agree to it: and upon the king's coming to London he was
Oct. 15, 1679. turned out[1], and lord Robarts, made then earl of Radnor, was made lord president. The duke went to Scotland soon after[2]: and upon that the duke of Monmouth grew impatient, when he found he was still to be kept beyond sea. He begged the king's leave to return: but when he saw
Nov. 28, 1679. no hope of obtaining it, he came over without leave[3]. The king upon that would not see him, and required him to go back; in which his friends were divided. Some advised him to comply with the king's pleasure: but he gave himself fatally up to the lord Shaftesbury's conduct, who put him on all the methods imaginable to make himself popular. He went round many parts of England, pretending it was for hunting and horse matches, many thousands coming together in most places to see him; so that this looked like the mustering up the force of the party, but it really weakened it: many grew jealous of the design, and fancied here was a new civil war to be raised. Upon this they joined in with the duke's party. Lord Shaftesbury set also on foot petitions for a parliament, in order to the securing the king's person and the protestant religion. These were
478 carried about and signed in many places, notwithstanding the king set out a proclamation against them: upon that a set of counter-petitions was promoted by the court, expressing an abhorrence of all seditious practices, and referring the time of calling a parliament wholly to the

[1] Oct. 15. James states, without giving his authority, that Shaftesbury and his friends were corresponding at this time with the Loevestein party in Holland. *Id.* 140. A month later the king tried in vain to induce him to return to office. On the 17th, Parliament was prorogued to Jan. 26, and did not meet until Oct. 21, 1680. For Robarts, cf. vol. i. 480.

[2] The order was on Oct. 20, and James left on Oct. 27.

[3] In November, amid extravagant scenes of popular rejoicing. See Charles Hatton's letter of Nov. 29, 1679, in the *Hatton Correspondence*. Charles took away his captaincy of the Guard and all other offices.

king[1]. There were not such numbers that joined in the petitions for the parliament as had been expected: so this shewed rather the weakness than the strength of the party: and many well meaning men began to dislike those practices, and to apprehend that a change of government was designed. CHAP. XI.

Some made a reflection on that whole method of proceeding, which may deserve well to be remembered. In the intervals of parliament, men that complain of the government do by keeping themselves in a sullen and quiet state, and avoiding cabals and public assemblies, grow thereby the stronger, and more capable to make a stand when a parliament comes. Whereas by their forming of parties out of parliament, unless in order to the managing of elections, they do both expose themselves to much danger, and bring an ill character on their designs over the nation, which naturally loves a parliamentary cure, but is jealous of all other methods.

The king was now wholly in the duke's interest[2], and resolved to pass that winter without a parliament. Upon which the lords Russell and Cavendish, Capel and Powle, four of the new councillors, desired to be excused from their attendance in council[3]. Several of those who were put in Jan. 31, $16\frac{7}{8}\frac{9}{0}$.

[1] See Reresby's *Memoirs*, 187, for the first of these 'Abhorrences,' started without court interference. Cf. *infra* 262, and Christie, *First Earl of Shaftesbury*, ii. 354. In December Charles prorogued Parliament, which was to have met in Jan. $16\frac{7}{8}\frac{9}{0}$, until April, 1680, and then by successive prorogations until Nov. 1680; a step which caused consternation in the Opposition. As Ranke says (iv. 98), 'The power of the prerogative now centred in the right to summon Parliament or not.' It actually met, on account of the state of foreign affairs, on Oct. 21. *Id.* 101.

[2] The Duchess of Portsmouth, Hyde, and Seymour were his chief advocates, while Halifax is named by James himself as the chief obstacle to his return. In Clarke's *Life of James II*, i. 550, the king's feeling, that 'his chief security lay in having a successor they liked worse than himself,' is given as the reason for his steady adherence to James.

[3] To which Charles assented 'with all my heart.' This was on Jan. 31, $16\frac{7}{8}\frac{9}{0}$, in consequence of James's return on Jan. 28. Luttrell, 33. Their retirement was carried out in deference to the advice of Shaftesbury, whose letter is quoted in Christie's *Life of Shaftesbury*, ii. 357. Upon Capel, see *infra*, 257.

CHAP. XI. the admiralty and in other commissions desired likewise to be dismissed. With this the king was so highly offended, that he became more sullen and intractable than he had ever been before.

The men that governed now were the earl of Sunderland, lord Hyde, and Godolphin[1]. The last of these was a younger brother of an ancient family in Cornwall, that had been bred about the king from a page, and was now considered as one of the ablest men that belonged to the court. He was the silentest and modestest man that was perhaps ever bred in a court. He had a clear apprehension, and despatched business with great method, and with so much temper that he had no personal enemies: but his silence begot a jealousy, which has hung long upon him. His notions were high for the court: but his incorrupt and sincere way of managing the concerns of the treasury created in all people a very high esteem for him. He loved gaming the most of any man of business I ever knew[2]; and gave one reason for it, because it delivered him
479 from the obligation to talk much. He had true principles of religion[3] and virtue, and was free of all vanity, and never

[1] Essex and Halifax had proved incorruptible. The latter had for a time retired from politics, remaining away until the middle of Sept. 1680. *Supra* 246. The three mentioned were known as the 'Chits.' Hyde was absolutely in the duke's interest. Sidney's *Diary*, ii. 166. The following political squib, the authorship of which is doubtful (see Scott's *Dryden*, xv. 273), gave them their nickname :—

'Clarendon had law and sense,
Clifford was fierce and brave ;
Bennett's grave look was a pretence,
And Danby's matchless impudence
Helped to support the knave.
But Sunderland, Godolphin, Lory,
These will appear such chits in story,
'Twill turn all politics to jests,
To be repeated like John Dory,
When fiddlers sing at feasts.'

Elliot's *Life of Godolphin* is a careful and satisfactory account of the great finance minister.

[2] Sunderland was equally addicted to gambling. His mother and wife often lament his love for 'this cursed play.' *Sacharissa*, 252; Sidney's *Diary*, ii. 55. His son inherited his vices and his personal appearance to a remarkable degree. *Life and Letters of Charlotte Elizabeth.*

[3] Sir Thomas Dyke told me, in King James the Second's reign, Ellis, one of the four popish bishops, told him that lord Godolphin was in doubts, and that there were masses said every day in the king's chapel for his conversion; to which he

pursued resentments nor heaped up wealth: so that all things being laid together, he was one of the worthiest and wisest men that has been employed in our time, and has had much of the confidence of four of our succeeding princes[1]. CHAP. XI.

| In the spring of the year 80 the duke had leave to come to England, and continued about the king till next winter, that the parliament[2] was to sit. Foreign affairs seemed to be forgot by our court. The prince of Orange had projected an alliance against France[3]: and most of the German princes were much disposed to come into it. For the French had set up a new court at Metz, in which many princes were, under the pretence of dependencies, and some old forgot or forged titles, judged to belong to the new French conquests[4]. This was a mean as well as a perfidious practice, in which the court of France raised much more MS. 247. Oct. 21, 1680.

answered, 'If he is in doubt with you, he is out of doubt with me.' D. The character given by Burnet may be compared with that in Swift's *History of the Four Last Years of Queen Anne*, 18.

[1] King Charles gave him a short character when he was page, which he maintained to his life's end, of being never *in* the way, nor *out* of the way. His great skill lay in finding out what were his prince's inclinations, which he was very ready to comply with; but had a very morose, haughty behaviour to every body else, and could disoblige people by his looks, more than he could have done by anything he could have said to them; though his answers were commonly very short and shocking. D.

[2] In the election to the new Parliament the counties and great corporations had returned opponents of the court, which however gained many small boroughs. The general complexion of the House was unaltered, but 'of a more harsh humour, the same men being something sharpened.' Sidney's *Letters*, 144. Parliament met on Oct. 21. *Infra* 254.

[3] See Ralph, iii. 99, and Sidney's *Diary* for the diplomatic struggle between France and England about this, and for the ultimate victory of Sidney.

[4] The *Réunions*. 'He seizes on all the villages, pretending they are his right, and then all the great towns must follow.' Sidney's *Diary*, ii. 44; see also Koch and Schoell, *Histoire abrégée des Traités*, i. 154. On Aug. 17, 1679, James writes from Brussels: 'The French have declared that Cheivre neare Ath, with twenty-four villages that depends upon it, belongs to them, and have warned them to pay no more obedience to this government.' *Foljambe Papers*, 136.

CHAP. XI. jealousy and hatred against themselves than could ever be balanced by such small accessions as were adjudged by that mock court. The earl of Sunderland entered in a particular confidence with the prince of Orange, which he managed by his uncle Sidney [1], who was sent envoy to Holland. The prince seemed confident that if England would come heartily into it, a strong confederacy might then have been formed against France. Van Beuning [2] was then in England: and he wrote to Amsterdam that they could not depend on the faith or assistance of England. He assured them the court was still in the French interest. He also looked on the jealousy between the court and the country party as then so high, that he did not believe it possible to heal matters so well as to encourage the king to enter into any alliance that might draw on a war: for the king seemed to set that up for a maxim, that his going into a war was the putting himself into the hands of his parliament: and was firmly resolved against it. Yet the project of a league was formed; and the king seemed inclined to go into it, as soon as matters could be well adjusted at home [3].

There was this year at Midsummer a new practice begun in the city of London, that produced very ill consequences [4].

[1] *scil.* Henry Sidney, afterwards Secretary of State, Lord Lieutenant of Ireland, and Earl of Romney. For much of interest regarding him, see *Sacharissa*. His *Diary*, edited by Blencowe, 2 vols., 1843, already frequently quoted, is to be regarded as one of the leading authorities from 1679 to the middle of 1681.

[2] Cf. vol. i. 588.

[3] The Black Box episode (Ralph, i. 498) occurred now, March, $16\frac{7}{8}\frac{8}{0}$, resulting in April in Charles's declaration, printed on June 8, and answered by Ferguson's 'Letter to a Person of Honour,' that he had never been married to Monmouth's mother. See Luttrell for Jan. 13, $16\frac{7}{8}\frac{8}{0}$, and *H. M. C. Rep.* ii. 19; *Ferguson the Plotter*, 117. In May the king was seriously ill. On June 26, Shaftesbury went to Westminster Hall with fourteen peers and commoners to present an indictment of James as a popish recusant; but this was evaded by Chief Justice Scroggs, who discharged the grand jury. James took the matter coolly. 'His Highness smiles, dances, makes love, and hunts.' Lady Sunderland to Halifax, *Sacharissa*, 276.

[4] As late as March, $16\frac{7}{8}\frac{8}{0}$, the king and the city were on the best terms. At the feast given to him by the Common Council, 'The Lady Mayoress sat next to the king, all

The city of London has by charter the schrievalry of Middlesex as well as of the city: and the two sheriffs were to be chosen on Midsummer day. But the common method had been for the lord mayor to name one of the sheriffs by drinking to him on a public occasion: and that nomination was commonly confirmed by the common hall: and then they named the other sheriff. The truth was, the way in which the sheriffs lived made it a charge of about 5000*l.* a year: so they took little care about it, but only to find men that could bear the charge, which recommended them to be chosen aldermen upon the next vacancy, and to rise up according to their standing to the ma yoralty, which generally went in course to the senior alderman; and when a person was set up to be sheriff that would not serve, he compounded the matter for 400*l.* fine. All juries were returned by the sheriffs, but they commonly left that wholly in the hands of their undersheriffs. So it was now pretended that it was necessary to look a little more carefully after this matter. The undersheriffs were generally attorneys, and so might be easily brought under the management of the court: so it was proposed that the sheriffs should be chosen with more care, not so much that they might keep good tables, as that they should return good juries. The person to whom the present mayor had drunk was set aside: and Bethel [1] and Cornish were chosen

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over scarlet and ermine and half over diamonds. The Aldermen drank the king's health over and over upon their knees, and wished all hanged and damned that would not serve him with their lives and fortunes.' Sidney's *Diary*, March 12, $16\frac{7}{80}$; *Sacharissa*, 245.

[1] Slingsby Bethel, a member of the company of Leather Sellers. 'He kept no house, but lived upon chops; whence it is proverbial, for not feasting, *to Bethel the city*.' *Examen*, 93. See Ludlow's *Memoirs*, ii. 251, ed. 1894. He is satirized in *Absalom and Achitophel* as 'Shimei.' In 1682 he fled to Hamburg, and lived there until the Revolution. He died in 1692. Bethel was a close friend of Algernon Sidney. *Sacharissa*, 278, 232. Charles refused to knight Bethel and Cornish, as was usual, or even to see them. Charles Hatton to Lord Hatton, *Hatton Correspondence*, Oct. 12. According to Lady Sunderland, the Lord Mayor on this occasion 'played the devil,' though in what particular is not explained.

CHAP. XI. sheriffs for the ensuing year. Bethel was a man of knowledge, and had writ a very judicious book of the interests of princes [1]: but as he was a known republican in principle, so he was a sullen and wilful man, and run the way of a sheriff's living into the extreme of sordidness, which was very unacceptable to the body of the citizens, and proved a great prejudice to the party. Cornish, the other sheriff, was a plain, warm, honest man, and lived very nobly all his year. The court was very jealous of this, and understood it to be done on design to pack juries, so that the party should be always safe, whatever they might engage in, and it was said that the king would not have common justice done him hereafter against any of them, how guilty soever. The setting up Bethel gave a great colour to this jealousy; for it was said he had expressed his approving the late king's death in very indecent terms. These two persons had never before received the sacrament in the church, being independents, but they did it now to qualify themselves for this office, which gave great advantages against the whole party: it was said that the serving an end was a good resolver of all cases of conscience, and purged all scruples.

Thus matters went on till the winter 80, in which the
Oct. 21, 1680. king resolved to hold a session of parliament. He sent the duke to Scotland a few days before their meeting [2]: and
481 upon that the duchess of Portsmouth declared openly for the exclusion [3], and so did lord Sunderland and Godolphin.

[1] *The Interests of Princes and States.* Lond. 1680. 8vo. anonymous. R.

[2] He left on Oct. 20, and arrived at Kirkcaldy on the 26th. It was on the occasion of his reaching Edinburgh that the cracking of Mons Meg—when a salute was being fired—caused so much national anger against England. The gun had been loaded by an Englishman. Fountainhall, *Hist. Obs.* 5. Fountainhall states further that the Privy Council had sat two days without intermission endeavouring to persuade James to declare himself a Protestant.

[3] Fear of attack by the Commons, and annoyance at the coolness of the Duchess of York, had worked her conversion. Clarke, *Life of James II*, i. 591. James complains bitterly of the 'dog-trick' which she—in alliance with Monmouth and Shaftesbury—has played him; he has hopes, however, since Mrs. Wall, the duchess's servant, is his friend, as she was equally the friend of Monmouth.

Lord Sunderland assured all people that the king was | resolved to settle matters with his parliament on any terms since the interest of England and the affairs of Europe made a league against France indispensably necessary at that time, which could not be done without a good understanding at home. Lord Sunderland sent the earl of Arran[1] for me: I declined this new acquaintance as much as I could, but it could not be avoided: he seemed then very zealous for a happy settlement: and this I owe him in justice, that though he went off from the measures he was in at that time, yet he still continued personally kind to my self. Now the great point was, whether the limitations should be accepted and treated about, or the exclusion be pursued. Lord Halifax assured me that any limitations

Sidney's *Diary*, i. 190; *Dartmouth Papers*, Nov. 22, 1680. See Salmon's *Examination*, 857, upon this episode. The 'mutineers' is the term now applied to the exclusion faction at court. Shaftesbury, Monmouth, Russell, Cavendish, and Nell Gwyn were in close alliance, changing their place of meeting nightly to secure privacy, and Essex was 'a constant councillor.' *Sacharissa*, 282, 283; Reresby's *Memoirs*, 182. Sunderland and Sidney did all they could to secure Halifax (*Sacharissa*, 273; Sidney's *Diary*, ii. 75), while Lawrence Hyde as actively espoused the cause of James. Sunderland was in close alliance with the Duchess of Portsmouth, though his mother wrote in March, $16\frac{78}{80}$, 'Walter told me with a great oath that my son was sick of the Duchess of Portsmouth, and would be glad with all his heart to be rid of her, and that she does now make more court to him and his wife than they do to her.' Sunderland's wife hated her with good reason; 'D——d jade,' is the best term she can find for her. Forneron, *Louise de Kéroualle*, 177; Sidney's *Diary*, Jan. 8, $16\frac{78}{80}$. Sunderland's attempt to bring about an understanding between her and William was frustrated by his refusal to write to her. *Id.*, Sept. 2, 1679. Lauderdale, though 'mightily in with the Duke' (*id.*), was no longer Secretary for Scotland, or powerful. He resigned in Nov., 1680, after a stroke of apoplexy.

[1] Cf. *supra* 299. James Douglas, Earl of Arran (1658–1712), fourth Duke of Hamilton, was the eldest son of the Earl of Selkirk, who became Duke of Hamilton by his marriage in 1643 with the Duchess of Hamilton in her own right (vol. i. 137), and died in 1694. He was appointed Gentleman of the Bedchamber in 1679; was Ambassador Extraordinary to Louis XIV in 1683; was himself created Duke of Hamilton at his mother's request in 1698; opposed the union with England; was killed in a duel with Lord Mohun Nov. 14, 1712. He was the Duke of Hamilton of 'Esmond.'

CHAP. XI. whatsoever that should leave the title of king to the duke, though it should be little more than a mere title, might be obtained of the king: but that he was positive and fixed against the exclusion[1]. It is true this was in a great measure imputed to his own management, and that he had wrought the king up to it.

The most specious handle for recommending the limitations was this. The duke declared openly against them: so if the king should have agreed to them, it must have occasioned a breach between him and the duke, and it seemed to be very desirable to have them once fall out; since, as soon as that was brought about, the king of his own accord and for his own security might be moved to promote the exclusion. The truth is, lord Halifax's[2] hatred of the earl of Shaftesbury, and his vanity in desiring to have his own notion preferred, sharpened him at that time to much indecency and fury in his whole deportment. But the party depended on the hopes that lady Portsmouth and lord Sunderland gave them. I got many meetings appointed

[1] For the letters of Burnet to Halifax see Foxcroft, i. 208 *n.* See also *id.* 224, 236.

[2] Halifax now returned to public life (*supra* 246); his reputation for judicial temper is illustrated by Lady Russell's words, 'The town says he is to hear all sides and then choose wisely.' Foxcroft, *Life of Halifax*, ii. 236–241, 245. He offered the expedient of banishing the duke for five years, Shaftesbury that of a divorce, Essex a third, for an association of the nobility in defence of Protestantism. All three were handed to a committee for possible co-ordination. Sidney's *Diary*, Nov. 16, 1680. Col. Titus, on Jan. 7, put the question as between exclusion and expedients very pithily: 'You shall have the Protestant religion, you shall have what you will to protect you, but you must have a Popish King who shall command your armies and navies, make your bishops and judges. Suppose there were a lion in the lobby, one cries, "Shut the door and keep him out. No, says another; open the door, and let us chaine him when he comes in."' *Beaufort MSS.*, *H. M. C. Rep.* xii, App. ix. Sunderland's wife speaks of 'those very idle things called expedients.' Sir William Jones was still more severe. 'Expedients in politics are like mountebank's tricks in physic.' Titus moved on Nov. 2, and Russell seconded, the appointment of a committee to draw up the bill, which was read the first time on Nov. 4, the second time on the 6th, reported on the 8th, passed third reading on the 11th, and went to the Lords on the 15th, who threw it out on the 17th.

between lord Halifax and some leading men; [a] in which as he tried to divert them from the exclusion, so they studied to persuade him to it, both without effect [a]. The majority had engaged themselves to promote the exclusion. Lord Russell moved it first in the house of commons [1], and was seconded by Capel [2], Montagu, and Winnington. Jones came into the house a few days after this, and went with great zeal into it. Jenkins [3], now made secretary of state in Coventry's place, was the chief manager for the court. He was a man of an exemplary life, and considerably learned, but he was dull and slow. He was suspected of leaning to popery, though very unjustly: but he was set on every punctilio of the church of England to superstition, and was a great assertor of the divine right of monarchy [4] and [b] for carrying the prerogative high. He neither spoke nor writ well: but being so eminent for the most courtly qualifications, other matters were the more easily dispensed with. All his speeches and arguments against the exclusion were heard with indignation: so the bill was brought into the house [5]. It was moved by those who opposed it that

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Oct. 26.

Nov. 2.

April 26, $16\frac{79}{80}$.

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Nov. 4–11, 1680.

[a] added on opposite page.

[b] *was* struck out.

[1] Parliament met Oct. 21; on the 26th, Russell first raised the question of a papist succession. Sacheverell had hinted openly at it as early as Nov. 4, 1678. Sitwell, *The First Whig*, 63.

[2] *scil.* Sir Henry Capel, brother of the Earl of Essex; created Baron Capel of Tewkesbury. *Supra* 249. Upon Winnington, see *supra* 183, 208.

[3] Lionel Jenkins, made Secretary of State on April 26, 1680, was little more than a useful official drudge. See *infra* 435. He was son of a yeoman in Glamorganshire, and was educated at Jesus College, Oxford, of which he became Principal after the Restoration. Sidney's *Diary*, 303 *note*; see Wynne's *Life*, 2 vols. fol. 1724.

[4] See especially his speech of Nov. 4, 1680, *Parl. Hist.* iv. 1190, and Booth's reply, 1195. The opposing view that 'he who has the worst title makes the best king' was expressed at this time in *An Appeal from the Country to the City*, published by Harris.

[5] The proposal to bring in the bill was carried Nov. 4 with three dissentients, Seymour, Hyde, and Jenkins (Fountainhall, *Hist. Obs.* 9); the bill itself with one. Seymour spoke with great ability against it, reproducing Bristol's old argument, 'Is there not a possibility of being of the Church, and not of the court, of Rome?' Cf. vol. i. 183 *note*.

CHAP. XI. the duke's daughters might be named in it, as the next in the succession: but it was said that was not necessary, for since the duke was only personally disabled, as if he had been actually dead, that carried over the succession to his daughters: yet this gave a jealousy, as if it was intended to keep that matter still undetermined, and that upon another occasion it might be pretended that the disabling the duke to succeed did likewise disable him to derive that right to others which was thus cut off in himself. But though they would not name the duke's daughters, yet they sent such assurances to the prince of Orange that nothing then proposed could be to his prejudice, that he believed them, and declared his desire that the king would fully satisfy his parliament: the States sent over memorials to the king, pressing him to consent to the exclusion [1]. The prince did not openly appear in this: but it being managed by Fagel [2], it was understood that he approved of it; and this created a hatred in the duke to him, which was never to be reconciled [a]. Lord Sunderland, by Sidney's means, engaged the States into it: and he fancied that it might have some effect [3]. The bill of exclusion was quickly brought up to
Nov. 15, 1680. the lords. The earls of Essex and Shaftesbury argued most for it, and the earl of Halifax was the champion on the

[a] : *so it was much censured as indecent and as too aspiring in him*, struck out.

[1] William himself wrote to Jenkins that he was 'vexed to learn the animosity against the Duke. God bless him, and grant that the King and his Parliament may agree.' The States, on the other hand, regarded themselves as 'lost and ruined.' William urged Charles to consent to no limitations on the prerogative, as they would never be removed.

[2] For Fagel, see vol. i. 585 *note*, and *supra* 64.

[3] Although Sir William Temple in his *Memoirs* expresses a contrary opinion respecting Lord Sunderland's concern in this memorial, yet our author is perhaps right in his account of it. See Temple's *Works*, 542. Dr. Lingard says that the 'tone of this instrument was offensive to the feelings and injurious to the character of the king. He complained of it in strong and resentful language to the States, by whom it was immediately disowned; and Charles, after some investigation, believed that he had traced it to its real authors, Sunderland and Sidney on the one part, and the prince and Fagel the pensionary on the other.' *Hist. of Eng.* xiii. 252. R.

other side. He gained great honour in the debate, and had a visible superiority to lord Shaftesbury in the opinion of the whole house: and that was to him triumph enough[1]. In conclusion, the bill was thrown out upon the first reading. The country party brought it nearer an equality[2] than was imagined they could do, considering the king's earnestness in it, and that the whole bench of the bishops was against it[3]. The commons were inflamed when they

[1] Halifax's desire was probably to secure a compromise in William's interest. See Lord Peterborough's opinion of this speech quoted by Macaulay from 'Succinct Genealogies,' *Hist.* i. 204. Foxcroft, *Life of Halifax*, i. 246–249; vol. i. of the present work, 30, *note*. In recognizing the efforts of Halifax, James comments severely upon his action next day in moving that the duke be banished for five years. *Infra* 265; *Dartmouth Papers*, *H. M. C. Rep.* xi, App. v. 54. Macpherson, *Original Papers*, i. 108. A resolution to invite William over had been come to in October. Sidney's *Diary*, ii. 119. He however refused, upon which the Countess of Sutherland comments thus: 'If there is nothing to fix on, 'tis certain the Duke of Monmouth must be King; and if the Prince thinks it not worth going over a threshold for a kingdom, I know not why he should expect anybody should for him.' *Id.* 122. 'The king,' she adds, 'acts as if he were mad.'

[2] 63 to 30.

[3] Except three. See Echard. The three, it has been said, were Compton, Pearson, and Lamplugh. qu. the Journal of the Lords as to those three bishops being that day in the House. They were of London, Chester, and Exeter. O. The Bishop of Chester, at that time the most learned Dr. Pearson, is not in the number of those who were present or voted on this occasion. Neither does it appear from the Journal of the House of Lords, who voted on one side, or who on the other, when the bill was rejected. But Chandler, in his *History and Proceedings*, reports, as well as Echard, that the contents for its rejection were 63: and the not contents 30, the bishops being all for rejecting it except three. It is now however practicable to correct the above statement, which is admitted into general history, that three of the bishops voted for the exclusion of the Duke of York; a list of those peers who voted for the bill of exclusion having been lately found by the head librarian of the Bodleian library, Dr. Bandinel, among the Ormonde papers bequeathed to the library by Carte the historian. They are all temporal peers, thirty in number, and to the list of their names this note is subjoined: 'Thus all the fourteen bishops, and forty-nine temporal peers (63 in the whole), voted for its being rejected.' So MS. Carte J. J. J. But, as Chandler above cited asserts, that 'upon the first reading of the bill, it was carried in the affirmative that it should be committed by two voices only,' it is probable that three of the bishops were for its committal; which gave rise to the other report. That Bishop Pearson ever voted for this bill was always highly improbable. The conduct indeed of the Duke of York

CHAP. XI. saw the fate of their bill. They voted an address to the
Nov. 22. king to remove lord Halifax from his councils and presence for ever[1]: which was an unparliamentary thing, since it was visible that it was for his arguing as he did in the house of
483 lords, though they pretended it was for his advising the dissolution of the last parliament: but that was a thin disguise of their anger: yet without destroying the freedom of debate, they could not found their address on that which was the true cause of it. Russell and Jones, though formerly lord Halifax's friends, thought it was enough not to speak against him in the house of commons, but they sat silent. Some called him a papist: others said he was an atheist. Chichely[2], that had married his mother, moved that I might be sent for, to satisfy the house as to the
MS. 249. truth of his religion. I wish I could | have said as much to have persuaded them that he was a good Christian as that he was no papist. I was at that time in a very good

after his accession to the throne, when he abused the royal prerogative to the subversion of the legally established religion, afforded a triumph to the Exclusionists; but Pearson would never have consented to set aside the next heir of an hereditary monarchy, and to ruin an individual, on account of that religion, which he had protested should be a matter solely between God and his own soul. The intrigues with France were at that time either not credited, or at least the professed object of them known to few; although it must be acknowledged that the wise and good had long been apprehensive of 'the secret machinations of the papal faction,' to use the words of the same bishop in the conclusion of a scarce sermon preached by him in 1673. R.

[1] Nov. 22. This was on the motion of Ralph Montagu. The king replied coolly and sensibly on the 26th. His answer tacitly gives up his claim to pardon on impeachment, which had caused such anger in the case of Danby. Grey's *Debates*, viii. 21; *Parl. Hist.* iv. 1223; see Halifax's very creditable letters on this in the *Savile Correspondence* (Camd. Soc.). Cf. Foxcroft, i. 257–260. He was, it appears, 'the King's favourite, and hated more than ever the Lord Treasurer was. For he has undone all, and now the Prince may do as he pleases; for I believe his game has been, by his prudence or whatever you'll call it, lost.' Sidney's *Diary*, Nov. 16, 1680; Reresby's *Memoirs*, 193.

[2] Sir Thomas Chichely, Master-General of the Ordnance, member for Cambridge town in this and the previous Parliament, and for Cambridgeshire in the Pensionary Parliament. The mother of Halifax was Anne, daughter of Lord Keeper Coventry, sister of Shaftesbury's first wife.

character in that house. The first volume of the History of the Reformation was then out [1], and was so well received that I had the thanks of both houses for it, and was desired by both to prosecute that work. The parliament had made an address to the king for a fast day, and Sprat and I were ordered to preach before the house of commons [2]. My turn was in the morning: I mentioned nothing relating to the plot but what appeared in Coleman's letters: yet I laid open the cruelties of the church of Rome in many instances that happened in queen Mary's reign, which were not then known, and I aggravated, though very truly, the danger of falling under the power of that religion. I pressed also a mutual forbearance among ourselves in lesser matters: but I insisted most on the impiety and vices that had worn out all sense of religion, and all regard to it among us. Sprat in the afternoon went further into the belief of the plot than I had done: but as it was much the worse sermon I ever heard him preach, so he insinuated his fears of their undutifulness to the king in such a manner that they were highly offended at him: so the commons did not send him thanks, as they did to me, which raised his merit at court, as it increased the displeasure against me. Sprat had studied a polite style much, but there was little strength in it. He had the beginnings of learning laid well in him, but he has allowed himself in a course of some years to much sloth and too many liberties [3]. The king sent many messages to the house of commons, pressing for a supply, first for preserving Tangier [4], he being then in war with the king of Fez, which by reason of the distance put him to much charge; but chiefly for enabling him to go into alliances necessary for the common preservation.

CHAP. XI.

Dec. 22, 1680.

[1] The three volumes were published respectively in 1679, 1681, and 1714.

[2] This was on Dec. 22, 1680. The sermon is published. See *Collection of Several Tracts, &c.*, by Gilbert Burnet, D.D. London, 1685.

[3] Very false. S. Sprat was chaplain to the Duke of Buckingham, and had assisted him very much in writing *The Rehearsal*. He was highly valued by men of wit, and little by those of his own profession. D.

[4] Cf. vol. i. 306, and the debate in the *Parl. Hist.* iv. 1216.

CHAP. XI. 1680. The house upon that made a long representation to the king of the dangers that both he and they were in, and assured him they would do every thing that he could expect of them as soon as they were well secured: by which they meant, as soon as the exclusion should pass, and that bad ministers and ill judges should be removed. They renewed their address against lord Halifax, and made addresses both against the marquis of Worcester, soon after made duke of Beaufort, and against lord Clarendon and Hyde, as men inclined to popery. Hyde spoke so vehemently to vindicate himself from the suspicions of popery, that he cried in his speech: and Jones, upon the score of old friendship, got the words relating to popery to be struck out of the address against him. The commons also impeached several of the judges[1] and Mr. Seymour. The judges were accused for some illegal charges and judgments; and Seymour for corruption and mal-administration in the office of treasurer for the navy. They impeached Scroggs for high treason: but it was visible that the matters objected to him were only misdemeanors: so the lords rejected the impeachment; which was carried chiefly by the earl of Danby's party, and in favour to him. The commons did also assert the right of the people to petition for a parliament: and because some in their counter-petitions had expressed their abhorrence of this practice, they voted these abhorrers to be betrayers of the liberties of the nation[2]. They expelled Withins[3] out of their house

Nov. 24, Dec. 23, 1680.

Oct. 29, 1680.

[1] Lord Chief Justice North was impeached on Nov. 24; Scroggs, Jones, and Weston on Dec. 23. The grievance against Scroggs was his discharge of the grand jury of Middlesex on June 26, when Shaftesbury presented James as a popish recusant. *Supra* 252 *note*. One of the articles brought against him by Oates and Bedloe was that 'he is very much addicted to swearing and cursing in his common discourse, and to drink to excess.' Oates asserted that he could prove that Scroggs had danced before others stark naked.

[2] *Supra* 248. See the king's proclamation of Dec. 12, 1672; North's *Examen*, 546; and Hallam, *Hist. of Eng.* ii. 442 (sm. ed.), on the whole question. For the attempt of the Commons to put down the abhorrers, see *Somers Tracts*, viii. 97.

[3] Sir F. Withins. He does not appear on the list of members in the *Parl. Hist.* Sir Robert Cann,

for signing one of these, though he with great humility confessed his fault, and begged pardon for it. The merit of this raised him soon to be a judge; for indeed he had no other merit. They fell also on sir George Jeffreys, a furious declaimer at the bar: but he was raised by that, as well as by this prosecution[1]. The house did likewise send their serjeant to many parts of England to bring up abhorrers as delinquents: upon which the right that they had to imprison any besides their own members came to be much questioned, since they could not receive an information upon oath, nor proceed against such as refused to appear before them. In many places those for whom they sent their serjeant refused to come up[2]. It was found that such practices were grounded on no law, and were no elder than queen Elizabeth's time. While the house of commons used that power gently, it was submitted to, in respect to it: but now it grew to be so much extended, that many resolved not to submit to it. The former parliament had passed a very strict act for the due execution of the habeas corpus, which was indeed all they did. It was carried by an odd artifice in the house of lords[3]. Lord Grey and lord Norris were named to be the tellers. Lord Norris, being a man subject to vapours, was not at all times attentive to what he was doing: so a very fat lord coming in, lord Grey

May 27, 1679. 485

member for Bristol, had been expelled on the previous day for intimating his disbelief in the plot. *Parl. Hist.* iv. 1174.

[1] Jeffreys was Recorder of London. 'He hath, in perfection, the three chief qualifications of a lawyer, Boldness, Boldness, Boldness!' Charles Hatton to Lord Hatton, *Hatton Correspondence*, Oct. 21, 1679. He was attacked for obstructing petitions. Cf. North's *Examen*, 545–547. Irving's *Life of Jeffreys* is of service for the dates of his career.

[2] So threatening was the outlook, that in Nov. 1680, Halifax spoke to Reresby upon the advisability of being prepared for civil war. Reresby's *Memoirs*, 193. In August James held the same language to Barillon, and the garrisons throughout the country were put in readiness.

[3] The bill received the royal assent at the prorogation of May 27, 1679. A similar act had been read a third time in the Commons in March, 167$\frac{8}{9}$. Marvell, vol. ii. (Prose, Grosart's ed.). Danby's action in making arbitrary arrests was the direct cause of the passing of the present act.

CHAP. XI. counted him for ten, as a jest at first, but seeing lord Norris had not observed that, he went on with his misreckoning of ten for one: so it was reported to the house, and declared that they who were for the bill were the majority, though it indeed went on the other side: and by this means the bill passed[1]. There was a bold forward man, Sheridan, a native of Ireland, whom the commons committed[2]: and he
Dec. 30, 1680. brought his habeas corpus: some of the judges were afraid of the house, and kept out of the way: only baron Weston had the courage to grant it. The session went yet into a higher strain, for they voted that all anticipations on any branches of the revenue were against law, and that whosoever lent any money upon the credit of those anticipations
MS. 250. were public enemies to the kingdom. Upon this it | was said, that the parliament would neither supply the king themselves, nor suffer him to make use of his credit, which every private man might do[3]. They said, on the other hand, that they looked on the revenue as a public treasure, that was to be kept clear of all anticipations, and not as a private estate that might be mortgaged: and they thought when all other means of supply except by parliament were stopped, that must certainly bring the king to their terms. Yet the clamour raised on this, as if they had intended to starve the king, and blast his credit, was a great load on them: and their vote had no effect, for the king continued to have the same credit that he had before.
Dec. 15, 1680. Another vote went yet much higher[4]; it was for an associa-

[1] See Minute Book of the House of Lords with regard to this bill, and compare there the number of lords that day in the House with the number reported to be in the division, which agrees with this story. O. On May 27 a vote for a free conference with the Commons was passed by 57 to 55. But in both printed journal and MS. minutes only 107 peers are entered as present. *H. M. C. Rep.* xi, App. ii. 136.

[2] See the debate in the *Parl. Hist.* iv. 1262–1264.

[3] There is a very interesting fragment of a private journal of the proceedings of the Commons from Dec. 18, 1680, to Jan. 8, 168$\frac{0}{1}$, containing a good deal of fresh matter, in the Beaufort MSS., *H. M. C. Rep.* xii, App. i.

[4] Dec. 15, 1680. *Parl. Hist.* iv. 1250; Ranke, iv. 110. See *The History of the Association &c.*, London, 1682.

tion, copied from that in queen Elizabeth's time, for the revenging the king's death upon all papists, if he should happen to be killed. The precedent of that time was a specious colour, but this difference was assigned between the two cases: queen Elizabeth was in no danger but from papists, so that association struck a terror into that whole party, which did prove a real security to her; and therefore her ministers set it on. But now, it was said, there were many republicans [1] still in the nation [3], and many of Cromwell's officers were yet alive, who seemed not to repent of what they had done: so some of these might by this means be encouraged to attempt on the king's life, presuming that both the suspicions and the revenges of it would be cast upon the duke and the papists. Great use was made of this to possess all people, that this association was intended to destroy the king, instead of preserving him [2]. CHAP. XI. 486

There was not much done in the house of lords after they threw out the bill of exclusion. Lord Halifax indeed pressed them to go on to limitations [3]: and he began with one, that the duke should be obliged to live 500 miles out of England during the king's life. But the house was cold and backward in all that matter. Those that were really the duke's friends abhorred all those motions: and lord Shaftesbury and his party laughed at them: they were resolved to let all lie in confusion, rather than hearken to any thing besides the exclusion. The house of commons seemed also to be so set against that project, that very little progress was made in it. Lord Essex also made a motion, which was agreed to in a thin house, but it put an end to all discourses of that nature. He moved that an association should be entered into to maintain those expedients, and that some cautionary towns should be put into the Nov. 16, 1680.

[1] c. g. Algernon Sidney and Wildman.

[2] 'There is great talk of a new plot; Duke Monmouth, Lord Shaftesbury, and many concerned; Lord Essex named one.' Lady R. Russell's *Letters*, i. 56. This was known as the Prentices' Plot.

[3] *Supra* 259. This was on November 16, the day following his great speech.

CHAP. XI. hands of the associators during the king's life, to make them good after his death. The king looked on this as a deposing of himself. He had read more in Davila[1] than in any other book of history: and he had a clear view into the consequences of such things, and looked on this as worse than the exclusion. So that, as lord Halifax often observed to me, this whole management looked like a design to unite the king more entirely to the duke, instead of separating him from him. The king came to think that he himself was levelled at chiefly, though for decency's sake his brother was only named. The truth was, the leading men thought they were sure of the nation, and of all future elections, as long as popery was in view. They fancied the king must have a parliament and money from it ere long, and that in conclusion he would come in to them. He was much beset by all the hungry courtiers, who longed for a bill of money. They studied to persuade him, from his father's misfortunes, that the longer he was in yielding, the terms would grow the higher.

They relied much on lady Portsmouth's interest, who did openly declare her self for the house of commons: and they were so careful of her, that when one moved that an address should be made to the king for sending her away, he could not be heard, though at another time such a motion would have been better entertained. Her behaviour in this matter was unaccountable: and the duke's behaviour to her afterwards looked liker an acknowledgment than a re-
487 sentment. Many refined upon it, and thought she was set

[1] Enrico-Catterino Davila, 1576–1631, an Italian of good descent, became page to Henry II of France, and was in favour with Catherine de Medici, his Christian names, which were not baptismal, being adopted for that reason. His *History of the Civil Wars in France*, 1559–1598, in which he served, is the most reliable contemporary account, and written in a most interesting way; it is in fifteen books. It was first published at Vienna in 1630; the 1735 edition by Apostolo Zeno, in 2 vols. folio (Vienna), has a biography of D'Avila. 'I remember the first time I ever saw D'Avila of the Civil Warrs of France, it was lent me under the title of Mr. Hampden's vade-mecum; and I believe no copy was liker an original than that rebellion was like ours.' Sir Philip Warwick's *Memoirs*, 240.

on as a decoy to keep the party up to the exclusion, that they might not hearken to the limitations. The duke was assured that the king would not grant the one: and so she was artificially managed to keep them from the other, to which the king would have consented, and of which the duke was most afraid. But this was too fine[1]. She was hearty for the exclusion: of which I had this particular account from Montagu, who I believe might be the person that laid the bait before her. It was proposed to her that if she could bring the king to the exclusion, and to some other popular things, the parliament would go next to prepare a bill for securing the king's person, in which a clause might be carried, that the king might declare the successor to the crown, as had been done in Henry the Eighth's time. This would very much raise the king's authority, and would be no breach with the prince of Orange, but would rather oblige him to a greater dependence on the king. The duke of Monmouth and his party would certainly be for this clause, | since he could have no prospect any MS. 251. other way; and he would please himself with the hopes of being preferred by the king to any other person. But since the lady Portsmouth found she was so absolutely the mistress of the king's spirit, she might reckon that if such an act could be carried the king would be prevailed on to declare her son[2] his successor: yet it was suggested to her, that, in order to the strengthening her son's interest, she ought to treat for a match with the king of France's natural daughter, now the duchess of Bourbon[3]. And thus the

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[1] Many of the duke's letters testify that he was upon very ill terms with her at that time, and looked upon her and her cabal as the most dangerous enemies he had, and thinks nothing will be well till Godolphin and all the rotten sheep at the end of the gallery are turned out. D. The letters mentioned in this note are now printed among the *Dartmouth Papers, H. M. C. Rep.* xi, App. v. The duchess was in dread of a dissolution, 'crying all day for fear the Parliament should be dissolved.' Sidney's *Diary*, ii. 114.

[2] *scil.* Charles Lennox, Duke of Richmond (1672–1723).

[3] Mdlle. de Blois, daughter of Madame de Montespan, married Louis Henry, Prince of Condé, Duc de Bourbon. 'Frightfully ugly, and full of other defects' is the descrip-

CHAP. XI. duke of Monmouth and she were brought to an agreement to carry on the exclusion, and that other act pursuant to it: and they thought they were making tools of one another, to carry on their own ends. The nation was possessed with such a distrust of the king[1], that there was no reason to think they could ever be brought to so entire a confidence in him as to deliver up themselves and their posterity so blindfold into his hands. Montagu assured me, that she not only acted heartily in the matter, but she once drew the king to consent to it, if he might have had 800,000*l.* for it, and that was afterwards brought down to 600,000*l.* But the jealousies upon the king himself were such, that the managers in the house of commons durst not move for giving money till the bill of exclusion should
488 pass, lest they should have lost their credit by such a motion: and the king would not trust them. So near was this point brought to an agreement, if Montagu told me true[2].

That which reconciled the duke to the duchess of Portsmouth was, that the king assured him she did all by his order, that so she might have credit with the party, and see into their designs: upon which the duke saw it was necessary either to believe this, or at least to seem to believe it.

Nov. 10–Dec. 13, 1680. The other great business of this parliament was the trial of the viscount of Stafford[3], who was the younger son of the old earl of Arundel, and so he was uncle to the duke

tion given of her by Charlotte Elizabeth in 1688.

[1] 'Everybody unsatisfied with him.' Sidney's *Diary*, ii. 116.

[2] Salmon, in his *Examination*, 857, observes that the king might have had much greater sums given him openly, if he had consented to the exclusion. Cole also, in a MS. note, intimates his disbelief of this account. But in Dr. Lingard's words, gradually the king was brought, or at least pretended, to listen to these terms. *Hist. of Eng.* xiii. 211, 220. Of the Duchess of Portsmouth's intrigues with the Exclusionists there does not exist a doubt. R.

[3] This prosecution was no more than an expression of the anger of the Commons at the rejection of the Exclusion Bill. 'They chose this lord to try first, believing him weaker than the other lords in the Tower for that crime, and so less able to make his defence.' Reresby, *Memoirs*, 194.

of Norfolk. He was a weak but fair conditioned man. He was in ill terms with his nephew's family[1], and had been guilty of great vices in his youth, which had almost proved fatal to him. He married the heiress of the great family of the Staffords. He thought the king had not rewarded him for former services as he had deserved: so he often voted against the court, and made great applications always to the earl of Shaftesbury. He was in no good terms with the duke, for the great consideration the court had of his nephew's family made him be the more neglected. When Oates deposed first against him, he happened to be out of the way, and he kept out a day longer. But the day after he came in, and delivered himself: which, considering the feebleness of his temper and the heat of that time, was thought a sign of innocence. Oates and Bedloe swore[2] he had a patent to be paymaster general to the army. Dugdale swore that he offered him 500*l.* to kill the king[3]. Bedloe had died the summer before at Bristol: and it being in the time of the assizes, North, then lord chief justice of the common pleas, being there, he sent for him, and by oath confirmed all that he had sworn formerly, except that which related to the queen and to the duke. He also denied upon oath that any person had ever practised upon him, or corrupted him. His disowning some of the particulars he had sworn had an appearance of sincerity, and gave much credit to his former depositions. I could never hear what sense he expressed of the other ill parts of his life, for he vanished soon out of all men's thoughts[4].

[1] 'Not a man beloved, even of his own family.' Evelyn reports, all his relatives, except Arundel, voted him guilty.

[2] See Lord Guilford's account of this, given to the House of Commons on Aug. 16, 1680. North's *Life of Guilford*, 180; Charles Hatton, *Hatton Correspondence*, for Aug. 26; Lady Russell to Lord Russell, *Letters*, i. 63.

[3] On Oct. 26, Dangerfield brought the same accusation against James, when at the bar of the House of Commons. Sidney's *Letters*, 159.

[4] North, *Examen*, 252–255, says that the tendency of Bedloe's oath was to accuse the queen and the Duke of York; but that nothing express or positive was declared. He thinks that Bedloe went to Bristol,

CHAP. XI. Another witness appeared against Stafford, one Turberville; who swore that in the year 75 the lord Stafford had taken much pains to persuade him to kill the king: he began the proposition to him at Paris, and sent him by
489 the way of Dieppe over to England, telling him that he intended to follow by the same road: but he wrote afterwards to him that he was to go by Calais, but he said he never went to see him upon his coming to England. Turberville swore the year wrong at first, but upon recollection he went and corrected that error. This, at such a distance of time, seemed to be no great matter. It seemed much stranger that after such discourses once begun, he should never go near the lord Stafford, and that Stafford should never inquire after him. But there was a much more material objection to him. Turberville, upon discourse with some in S. Martin's parish, seemed inclined to change his religion, and they brought him to Dr. Lloyd, then their minister[1]: and he convinced him so fully, that he changed upon it, and after that he came often to him, and was chiefly supported by him: for some months he was constantly at his table. Lloyd had pressed him to recollect all that he had heard among the papists relating to plots and designs against the king or the nation. He said that which all the converts at that time said often, that they had it among them that within a very little while their religion would be set up in England; and that some of them said a great deal of blood would be shed before it would be brought about; but he protested that he knew no particulars. After some months' dependence on Lloyd, he withdrew entirely from him, and he saw him no more, till he appeared now an evidence against lord Stafford. He was in great difficulty upon that occasion. It had
MS. 252. been often declared | that the most solemn denials of wit-

where he fell sick and died, for the purpose of trepanning the Lord Chief Justice into danger, which by his good fortune and prudence he avoided. It appears, however, by the Chief Justice's account in his *Narrative*, published at that time, that Bedloe cleared both the duke and queen of conspiring the king's death.

[1] Cf. vol. i. 337.

nesses before they come to make discoveries did not [at] all invalidate their evidence, and that it imported no more but that they had been so long firm to their promises of revealing nothing: so that this negative evidence against Turberville could have done lord Stafford no service. On the other hand, considering the load that already lay on Lloyd on the account of Berry's business[1], and that his being a little before this time promoted to be bishop of St. Asaph was imputed to that, it was visible that his discovering this against Turberville would have aggravated those censures, and very much blasted him. In opposition to all this, here was a justice to be done, and a service to truth, towards the saving a man's life: and the question was very hard to be determined. He advised with all his friends about it, and with my self in particular. The much greater number were of opinion that he ought to be silent[2]. I said, my own behaviour in Staley's affair[3] shewed what I would do if I were in that case, but his circumstances were very different: so I concurred with the rest as to him. He had another load on him: he had writ a book with very sincere intentions, but upon a very tender point: he proposed that a discrimination should be made between the regular priests, that were in a dependence and under directions from Rome, and the secular priests, who would renounce the pope's deposing power and his infallibility[4]. He thought this would raise heats among themselves, and draw censures from Rome on the seculars, which in conclusion might have very good effects. This was very plausibly writ, and designed with great sincerity. But

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[1] See *supra* 194. Was this load on him by his having professed his belief in Berry's innocence? Higgons, in his *Remarks*, 211, relates that Dr. Lloyd refused the sacrament to Berry, when he passionately desired it, although, according to Burnet, he believed Berry's solemn and repeated declarations of his being innocent of the charge brought against him. R.

[2] Damned advice. S.

[3] *Supra* 171, 181.

[4] See *Athenæ Oxon.* ii. col. 1090. And see *State Trials*, for Sir F. Winnington's speech, at the beginning of Lord Stafford's trial, which might perhaps determine Lloyd not to give this evidence, and might deter him from it. O.

CHAP. XI. angry men said, all this was intended only to take off so much from the apprehensions that the nation had of popery, and to give a milder idea of a great body among them: and as soon as it had that effect, it was probable that all the missionaries would have leave given them to put on that disguise, and to take those discriminating tests, till they had once prevailed, and then they would throw them off. Thus the most zealous man against popery that I ever yet knew, and the man of the most entire sincerity was so heavily censured at this time, that it was not thought fit, nor indeed safe[1], for him to declare what he knew concerning Turburville. The trial was very august: the earl of Nottingham was the lord high steward: it continued five days. On the first day the commons brought only general evidence to prove the plot. Smith swore some things that had been said to him at Rome of killing the king. An Irish priest, that had been long in Spain, confirmed many particulars in Oates's narrative. Then the witnesses deposed all that related to the plot in general. To all this lord Stafford said little, as not being much concerned in it: only he declared that he was always against the pope's power of deposing princes. He also observed a great difference between the gunpowder plot and that which was now on foot: that in the former all the chief conspirators died confessing the fact, but that now all died with the solemnest protestations of their innocence. On the second day the evidence against himself was brought. He urged against Oates, that he swore he had gone in among them on design to betray them: so that he had been for some years taking oaths and receiving sacraments in so treacherous a manner, that no credit could be given to a man that was so black by his own confession. On the third day he brought his evidence to
1691 discredit the witnesses: his servant swore that while he

[1] But he ought to have done it. O. So says every other honest man. See this business set in its proper light, in Salmon's *Lives of the English Bishops*, 149 155. R.

was at the lord Aston's Dugdale never was in his chamber, CHAP. XI.
but once, and that was on the account of a foot race. Some deposed against Dugdale's reputation: and one said that he had been practising on himself, to swear as he should direct him. The minister of the parish and another gentleman deposed that they heard nothing from Dugdale concerning the killing a justice of peace in Westminster, which, as he had sworn, he had said to them. As to Turberville, those who had served him in Paris deposed that they never saw him with him; and whereas he had said that he was at that time in a fit of the gout, they said they never knew him in a fit of the gout: and he himself affirmed he never had one in his whole life. He also proved that he did not intend to come by Dieppe; for he had writ for a yacht which met him at Calais. He also proved by several witnesses that both Dugdale and Turberville had often said that they knew nothing of any plot; and that Turberville had lately said, he would set up for a witness, for none lived so well as witnesses did. He insisted likewise on the mistake of the year, and on Turberville's never coming near him after he came over to England. The strongest part of his defence was, that he made it out unanswerably, that he was not at the lord Aston's on one of the times that Dugdale had fixed, for at that time he was either at Bath or at Badminton. For Dugdale had once fixed on a day, though afterwards he said it was about that time. Now that day happened to be the marquis of Worcester's wedding-day: and on that day it was fully proved | that he was at Badminton, MS. 253.
that lord's house, not far from the Bath. On the fourth day proofs were brought to support the credit of the witnesses. It was made out that Dugdale had served the lord Aston long, and with great reputation. It was now two full years since he began to make discoveries: and in all that time they had not found any one particular to blemish him with; though no doubt they had taken pains to examine into his life. His publishing the news of Godfrey's

CHAP. XI. death was well made out, though two persons in the company had not minded it. Many proofs were brought that he was often in lord Stafford's company, of which many more affidavits were made after that lord's death. Two women that were still papists swore, that upon the breaking out of the plot he searched into many papers, and had burnt them: he gave many of these to one of the
492 women to fling in the fire, but finding a book of accounts he laid that aside, saying, There is no treason here; which imported that he thought the others were treasonable. He proved that one of the witnesses brought against him was so infamous in all respects, that lord Stafford himself was convinced of it. He said he had only pressed a man who now appeared against him, to discover all he knew. He said, at such a distance of time he might mistake as to time or a day, but could not be mistaken as to the things themselves. Turberville described both the street and the room in Paris truly in which he saw lord Stafford. He found a witness that saw him at Dieppe, to whom he complained, that a lord for whom he looked had failed him: and upon that he said he was no good staff to lean on; by which, though he did not name the lord, he believed he meant lord Stafford. Dugdale and he both confessed they had denied long that they knew any thing of the plot, which was the effect of the resolution they had taken, to which they adhered long, of discovering nothing. It was also proved that lord Stafford was often lame, which Turberville took for the gout. On the fifth day lord Stafford resumed all his evidence, and urged every particular very strongly. Jones, in the name of the commons, did on the other hand resume the evidence against him with great force. He said indeed nothing for supporting Oates, for the objection against him was not to be answered. He made it very clear that Dugdale and Turberville were two good witnesses, and were not at all discredited by any thing that was brought against them. When it came to give judgment, above fifty of the peers

gave it against lord Stafford, and above thirty acquitted him: four of the Howards, his kinsmen, condemned him: lord Arundel[1], afterwards duke of Norfolk, though in enmity with him, did acquit him[2]. Duke Lauderdale condemned him, and so did both the earls of Nottingham[3] and Anglesea; though the last of these very impudently said that he did not believe the witnesses. Lord Halifax acquitted him. Lord Nottingham, when he gave judgment, delivered it with one of the best speeches he had ever made[4], but he committed one great indecency in it: for he said, who can doubt any longer that London was burnt by papists? though there was not one word in the whole trial relating to that matter. Lord Stafford behaved himself during the whole time, and at the receiving his sentence, with much more constancy than was expected from him[5]. Within two days after he sent a message to the lords, desiring that the bishop of London and I might be appointed to come to him. We waited on him. His design seemed to be only to possess us with an opinion of his innocence, of which he made very solemn protestations. He heard us speak of the points in difference between us and the church of Rome with great temper and attention. At parting, he desired me to come back to him next day; CHAP. XI. Dec. 7, 1680. 493

[1] Then of the House of Lords, as Lord Mowbray, called up by writ to that barony of his father. O.

[2] He was condemned 'seemingly upon the grossest error in common justice that ever was known.' North's *Life of Lord Guilford*, 204. There is a very full account in the *Kenyon MSS.*, *H. M. C. Rep.* xiv, App. iv. 104, 122–124. 'The King,' we are told, was 'extremely concerned.' Lauderdale's vote, according to Fountainhall, was the cause of James's estrangement. *Hist. Obs.* 75.

[3] See Onslow's note below, vol. ii. f. 261. R.

[4] Published by order of the House of Lords.

[5] The duke, in one of his letters, says, 'I was informed by Fielding of Lord Stafford's being condemned, which surprised me, though I knew the malice of some against him and the Government, would make them press it to the utmost. And besides all other considerations, am very sorry his majesty will be so hard put to it; for I hope he will remember the continual trouble it was to the king his father, the having consented to the death of the Earl of Strafford, and not have such a burden on his conscience; and on the other hand, I know he will be hard prest to sign the warrant against this unfortunate lord.' D.

CHAP. XI. for he had a mind to be more particular with me. When I came to him, he repeated the protestations of his innocence, and said he was confident the villany of the witnesses would soon appear: he did not doubt I should see it in less than a year. I pressed him in several points of religion, and urged several things, which he said he had never heard before. He said these things on another occasion would have made some impression upon him, but he had now little time, therefore he would lose none of it in controversy. So I let that discourse fall. I talked to him of those preparations for death in which all Christians agree: he entertained these very seriously, much above what I expected from him. He had a mind to live if it was possible. He said he could discover nothing with relation to the king's life, protesting that there was not so much as an intimation about it that had ever passed among them. But he added that he could discover many other things, that were more material than any thing that was yet known, and for which the duke would never forgive him: and of these, if that might save his life, he would make a full discovery. I stopt him when he was going on to particulars; for I would not be a confident in any thing in which the public safety was concerned. He knew best the importance of those secrets; and so he could only judge,
MS. 254. whether it would | be of that value as to prevail with the two houses to interpose with the king for his pardon. He seemed to think it would be of great use, chiefly to support what they were then driving on with relation to the duke. He desired me to speak to lord Essex, lord Russell, and sir William Jones. I brought him their answer the next day; which was, that if he did discover all he knew concerning their designs, and more especially concerning the duke, that they would endeavour that it should not be insisted on that he must confess those particulars for which he was judged. He asked me, what if he should name some who had now great credit, but had once engaged to serve their designs? I said nothing could be more accept-

able than the discovering such disguised papists, or false protestants: yet upon this I charged him solemnly not to think of redeeming his own life by accusing any other falsely, but to tell the truth, and all the truth, as far as the common safety was concerned in it. As we were discoursing of these matters, the earl of Carlisle[1] came in, who had been in great favour with Cromwell, and was captain of his guards, and had then run into a high profession of religion to the pitch of praying and preaching in their meetings. But after the restoration he shook that off, and ran into a course of vice. He loved to be popular, and yet to keep up an interest at court; and so was apt to go backward and forward in public affairs. In his hearing, by lord Stafford's leave, I went over all that had passed between us, and did again solemnly adjure him to say nothing but the truth. Upon this he desired the earl of Carlisle to carry a message from him to the house of lords, that whensoever they would send for him he would discover all that he knew. Upon that he was immediately sent for, and he began with a long relation of their first consultations after the restoration about the methods of bringing in their religion, which they all agreed could only be brought about by a toleration. He told them of the earl of Bristol's project[2], and went on to tell who had undertaken to procure the toleration for them: and then he named the earl of Shaftesbury. When he named him, he was called on to withdraw: and the lords would hear no more from him[3]. CHAP. XI. 494

[1] See vol. i. 115, 144, 469, and *supra* 60.

[2] See vol. i. 345.

[3] 'After this (Lord Stafford said) the opposition of Lord Clarendon and the bishops to the declaration of indulgence extinguished his hopes (of it), which, however, were subsequently rekindled by the report of the conversion of the Duke of York to the Catholic faith. It was then proposed to form a coalition between the Catholics and the country party, for the purpose of procuring in the first place the dissolution of the Parliament, and in the next the toleration of the Catholic worship. This plan obtained the approbation of all to whom he had submitted it, of the Duke of York, of the Lord Chancellor, and of Lord Shaftesbury. But the moment Shaftesbury was mentioned, the house interrupted his discourse. He was brought there,

CHAP. XI. It was also given out, that in this I was a tool of lord Halifax's, to bring him thither to blast lord Shaftesbury. He was sent back to the Tower: and composed himself in the best way he could to suffer, which he did with a constant and undisturbed mind: he supped and slept well the night before his execution, and died without any shew of fear or disorder. He denied all that the witnesses had sworn against him: and this was the end of the Plot[1]. I was very unjustly censured on both hands. The earl of Shaftesbury railed so at me, that I went no more near him. And the duke was made believe that I had persuaded lord Stafford to charge him, and to discover all he knew against him: which was the beginning of the implacable hatred he shewed on many occasions against me. Thus the innocentest and best meant parts of a man's life may be misunderstood and highly censured.

Dec. 29, 1680.

1681. The house of commons had another business before them in this session. There was a severe act passed in the end of queen Elizabeth's reign, when she was highly provoked with the seditious behaviour of the Puritans, by which those who did not conform to the church were required to abjure the kingdom under the pain of death: and for some degrees of nonconformity they were adjudged to die[2], without the favour of banishment. Both houses passed a bill for repealing this act: it went indeed heavily in the house of lords; for many of the bishops, though they were

Nov. 26–Dec. 16, 1680.

not to defame the great champion of Protestantism, but to disclose the particulars of the plot; and on his solemn protestation that he had never any knowledge of the plot, he was remanded to the Tower.' Lingard's *Hist. of Eng.* xiii. 244.

[1] 'My Lord Danby's tryal gave the five catholick lords in the tower more time to prepare, and their innocency to appear; whereby none but my lord Stafford, to whom they gave no respit, felt the weight of that mercyless and bloody faction.' Clarke's *Life of James II*, 543. R. Upon the part played by Halifax see Foxcroft's *Life*, 266.

[2] The death penalty was only for returning to the country without permission. The Act passed in 1593; the repeal bill passed the Commons on Nov. 26, 1680, and the Lords' amendments were agreed to on Dec. 16. *Journals of the House of Commons.* The *Parl. Hist.* contains no account of the matter.

1685 not for putting that law in execution, which had never been done but in one single instance[1], yet they thought the terror of it was of some use, and that the repealing it might make the party more insolent. On the day of the prorogation the bill ought to have been offered to the king, but the clerk of the crown, by the king's particular order, withdrew the bill. The king had no mind openly to deny it, but had less mind to pass it. So this indirect method was taken, which was a high offence in the clerk of the crown[2]. There was a bill of comprehension offered by the episcopal party in the house of commons, by which the presbyterians would have been taken into the church. But to the amazement of all people, their party in the house did not seem concerned to promote it: on the contrary, they neglected it. This increased the jealousy, as if they had hoped they were so near the carrying all before them, that they despised a comprehension. So there was no great progress made in this bill. But in the morning before they were prorogued, two votes were carried in the house of a very extraordinary nature. The one was, that the laws made against recusants ought not to be executed against any but those of the church of Rome[3]. That was indeed the primary intention of the law, yet all persons who came not to church, and did not receive the sacrament once a year, were within the letter of the law. The other vote was, that it was the opinion of that house, that the laws against dissenters ought not to be executed[4]. This was

[1] That of Penry. R.

[2] A short debate took place in the Oxford Parliament on March 24, 168⅘, upon the miscarriage of the bill. *Parl. Hist.* iv. 1308. The incident of the withdrawal of the bill is minutely related in Locke's letter to Stringer of March 26, 168⅘, in App. vii. to Christie's *Life of Shaftesbury*. For its re-introduction in the Oxford Parliament, and its fate, see Foxcroft's *Halifax*, i. 288. The prorogation was on Jan. 10. The refusal of supply, a renewed attack upon Halifax, and a demand for the removal of several other leading opponents of exclusion, were additional causes. Foxcroft, *Life of Halifax*, i. 273.

[3] For the way in which laws against Papists were used against Protestant Dissenters instead, see the *Kenyon MSS.*, *H. M. C. Rep.* xiv, App. iv. 124. But see also *id.* 132, for the persecution of recusants.

[4] The very suspensory power which had been refused to Charles.

CHAP. XI. thought a great invasion of the legislature, when one house pretended to suspend the execution of laws: which was to act like dictators in the state; for they meant that courts and juries should govern themselves by the opinion that they now gave[1]: which instead of being a kindness to the
MS. 255. nonconformists, raised a new | storm against them over all the nation. When the king saw no hope of prevailing with the commons on any other terms but his granting
Jan. 10, 168$\frac{0}{1}$. the exclusion, he resolved to prorogue the parliament[2].
Jan. 18, 168$\frac{0}{1}$. And it was dissolved in a few days after, in January 81.

The king resolved to try a parliament once more: but apprehending that they were encouraged, if not inflamed,
March 21, 168$\frac{0}{1}$. by the city of London, he summoned the new parliament to meet at Oxford[3]. It was said men were now very bold about London, by their confidence in the juries that the sheriffs took care to return. Several printers were indicted for scandalous libels that they had printed: but the grand

[1] To this it was answered by the defenders of these votes, that they were not intended to restrain judges and juries, but to deter prosecutors by the consideration, that so wise and great a body as the House of Commons had pointed out the pernicious effects of such measures. Still the less exceptionable method would have been for the friends of the Dissenters to have brought in a bill to repeal the acts prohibiting the exercise of their religion. R.

[2] The Commons refused to discuss any question relating to foreign affairs, as 'court tricks and too stale to pass any man.' *Essex Papers.* The results of the sessions are well expressed in a letter of Nov. 25, 1680, in the *Verney MSS.* 'The H. of Commons has started many hares, but catcht very few.' The prorogation on Jan. 10 was intended to be a surprise, but the Commons had wind of it the night before, and therefore passed the resolutions mentioned in the text, which recall the days of 1641. The king therefore dissolved, on Jan. 18.

[3] On March 21. Oxford had been settled upon at the dissolution. Reresby's *Memoirs*, 200. When Essex and fifteen other peers urged that it should be held at Westminster, Charles replied that he looked upon their petition 'only as the opinion of so many men.' Luttrell, Jan. 25. See Shaftesbury's instructions to his party for voting, the first instance of the kind. Christie, *Life of Shaftesbury* ii. 387. The opposition was in close connexion with the Common Council; it was proposed to give Shaftesbury and Buckingham office in the Corporation. Fountainhall, *Hist. Obs.* 24, states that the loss of custom incurred by the removal to Oxford turned many of the London tradesmen into courtiers. Sunderland, Essex, and Temple had been dismissed the Council on Jan. 24.

juries returned an *ignoramus* upon the bills against them, on this pretence, that the law only condemned the printing such libels maliciously and seditiously, and that it did not appear that the printers had any ill intentions in what they did. Whereas, if it was found that they printed such libels, the construction of law made that to be malicious and seditious. The elections over England for the new parliament went generally for the same persons that had served in the former parliament: and in many places it was given as an instruction to the members to stick to the bill of exclusion. The king was now very uneasy[1]: he saw he was despised all Europe over, as a prince that had neither treasure nor power: so one attempt more was to be made, which was to be managed chiefly by Littleton, who was now brought in to the commission of the admiralty[2]. I had once in a long discourse with him argued against the expedients, because they did really reduce us to the state of a commonwealth. I thought a much better way was that there should be a protector declared, with whom the regal power should be lodged; and that the prince of Orange should be the person[3]. He approved the notion, but thought the title Protector was odious, since Cromwell had assumed it, and that therefore Regent would do better. We dressed up a scheme of this, for near two hours: and I dreamt no more of it. But some days after he told me the notion took with some, and that both lord Halifax and Seymour[4] liked it. But he wondered to find lord Sunderland did not go into it. He told me after the parliament was dissolved, but in great secrecy, that the king himself

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[1] Halifax, however, who, with Laurence Hyde, was now chiefly consulted, declared that 'if the King would be advised, it was in his power to make all his opponents tremble.' Reresby's *Memoirs*, 204.

[2] Vol. i. 415, 451, &c.

[3] Cf. *supra* 265. On the Protector scheme, see Sidney's *Diary*, ii. 177; and Clarke's *Life of James II*, i. 658.

[4] James speaks of Halifax and Seymour now as his best friends, and as being both opposed to the calling of another Parliament. *Dartmouth Papers*, June 7, 1681. In November he found, to his extreme disappointment, that Halifax was 'driving on a Parliament.' *Id.* Nov. 1, 1681.

CHAP. XI. liked it. Lord Nottingham talked in a general and odd strain about it. He gave out that the king was resolved to offer one expedient, which was beyond any thing that the parliament could have the confidence to ask. Littleton pressed me to do what I could to promote it; and said that as I was the first that had suggested it, so I should have the honour of it, if it proved so happy as to procure the quieting of the nation[1]. I argued upon it with Jones: but I found they had laid it down for a maxim, to hearken to nothing but the exclusion. All the duke of Monmouth's party looked on this as that which must put an end to all his hopes. Others thought in point of honour they must go on as they had done hitherto. Jones stood upon a point of law, of the inseparableness of the prerogative from the person of the king. He said an infant or a lunatic were in a real incapacity of struggling with their guardians: but
497 that if it was not so, the law that constituted their guardians would be of no force. He said if the duke came to be king, the prerogative would by that vest in him; and the prince regent and he must either strike up a bargain, or it must end in a civil war; in which he believed the force of law would give the king the better of it. It was not to be denied but that there was some danger in this: but in the ill circumstances in which we were, no remedies could be proposed that were without great inconveniences, and that were not liable to much danger[2]. In the mean while both

[1] Foxcroft's *Halifax*, i. 286.

[2] So much, that I am persuaded, from having read the debates upon this matter, at the different times it was agitated in the House of Commons, either scheme would have been impracticable, or have produced a civil war: the condition of this country was undoubtedly very deplorable; but things were not yet brought to a crisis to engage the body of the nation in such a change of government. The reverence for the old constitution would have withstood all the attempts to put the expedients into execution. And if the Duke of York should have had a son at any time afterwards, as it was allowed he would have been king immediately, how could the exclusion of the father have been supported? Who would have done it? And then all things would have run back into the regular succession, and in the confusion or heat of that, the crown would have become arbitrary. If a civil war had happened, it is very probable the case had been

sides were taking all the pains they could to fortify their party: and it was very visible, that the side which was for the exclusion was like to be much the strongest. CHAP. XI.

A few days before the king went to Oxford, Fitzharris, an Irish papist, was taken up for framing a malicious and treasonable libel against the king and his whole family[1]. He had met with one Everard, who pretended to make discoveries, and, as was thought, had mixed a great deal of falsehood with some truth. But he held himself in generals, and did not descend to so many particulars as the witnesses had done. Fitzharris and he had been acquainted in France: so on that confidence he shewed him his libel: and he made an appointment to come to Everard's chamber, who thought he intended to trepan him, and so had placed witnesses to overhear all that passed. Fitzharris left the libel with him, all writ in his own hand: Everard went with the paper and with his witnesses, and informed against Fitzharris, who upon that was committed: but seeing the proof against him was like to be full, he said the libel was drawn by Everard, and only copied by himself: but he had no sort of proof to support this. Cornish the sheriff going to see him, he desired he would bring him a justice of peace; for he could make a great discovery of the plot, far beyond all that was yet known[2]. Cornish, in the simplicity of his heart, went and acquainted the king with this; for which he was much blamed; for it was said by this means that discovery might have been stopped. But his going first with it to the court proved afterwards a great happiness both to himself and to many others. The

the same, whichever side had prevailed; nothing but the particular circumstances of the revolution, and the wise provisions made upon it for establishing the new government, could have brought on or maintained the change, and the last has been almost miraculous. God grant it a continuance! O.

[1] Hallam, *Hist. of Eng.* (sm. ed.), ii. 446; Marvell, *Correspondence*, Nov. 25, 1681. See *The Examination of Edw. Fitzharris, relating to the Popish Plot*, March 10, 168⅘, publ. by order of the House of Commons.

[2] See *supra* 253, and *infra* f. 651. Cornish was tried and executed in October, 1685. *Portland MSS.*, *H. M. C. Rep.* xiii, App. ii. 238.

CHAP. XI. secretaries and some privy councillors were upon that sent to examine Fitzharris; to whom he gave a long relation of a practice to kill the king, in which the duke was con-
MS. 256. cerned, | with many other particulars, which need not be mentioned, for it was all a fiction. The secretaries came to him a second time, to examine him further: he boldly stood to all he had said, and he desired that some justices
498 of the city might be brought to him. So Clayton and Treby went to him, and he made the same pretended discovery to them over again, and insinuated that he was glad it was now in safe hands, who would not stifle it. The king was highly offended with this, since it plainly shewed a distrust of his ministers: and so Fitzharris was removed to the Tower, which the court resolved to make the prison for all offenders, till there should be sheriffs chosen more at the king's devotion. Yet the deposition made to Clayton and Treby was in all points the same that he had made to the secretaries: so that there was no colour for the pretence afterward put on this, as if they had practised on him.

March 21, 168$\frac{0}{1}$. The parliament met at Oxford in March: the king opened it with severe reflections on the proceedings of the former parliament[1]. He said he was resolved to maintain the succession of the crown in the right line: but for quieting his people's fears, he was willing to put the administration of the government into protestant hands. This was explained by Ernly and Littleton to be meant of a prince regent, with whom the regal prerogative should be lodged during the duke's life. Jones and Littleton[2] managed the debate on the grounds formerly mentioned: but in the end the proposition was rejected, and they

[1] See the vivid account of the meeting in North's *Examen*. Sunderland was now dismissed, and did not return to power and favour until July, 1682, when the Duchess of Portsmouth's influence prevailed. *Infra* 339. He was succeeded in the Secretaryship by Lord Conway.

[2] 'One that had been a fierce man of that party, but now gained by the Court.' Reresby, *Memoirs*, 209; cf. vol. i. 415, 451. The debates are printed at length, London, 1681. See also Foxcroft's *Halifax*, i. 290.

resolved to go again to the bill of exclusion, to the great joy of the duke's party, who declared themselves more against this than against the exclusion itself. The commons resolved likewise to take the management of Fitzharris's matter out of the hands of the court[1]: so they carried to the lords' bar an impeachment against him, which was rejected by the lords upon a pretence with which lord Nottingham furnished them. It was this[2]: Edward the Third had got some commoners to be condemned by the lords, of which when the house of commons complained, an order was made that no such thing should be done for the future. Now that related only to proceedings at the king's suit: but it could not be meant that an impeachment from the commons did not lie against a commoner. Judges, secretaries of state, and the lord keeper were often commoners: so if this was good law, here was a certain method offered to the court, to be troubled no more with impeachments, by employing only commoners. In short, the peers saw the design of this impeachment, and were resolved not to receive it: and so made use of this colour to reject it. Upon that the commons passed a vote, that justice was denied them by the lords: and they also voted that all those who concurred in any sort in trying Fitzharris in any other court, were betrayers of the liberties of their country. By these steps which they had already made, the king saw what might be expected from them: so very suddenly, and not very decently, he came to the house of lords, the crown being

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[1] See the *Journal of the Lords* as to this matter; and the *State Trials* for that of Fitzharris. O.

[2] The case was that of Sir Simon de Bereford in the fourth year of Edward II, charged with participating in the treason of Roger Mortimer. The Lords protested with the assent of the king in full Parliament that they were not bound, nor had power, to render judgement upon others than peers. But, as Burnet points out, that referred only to proceedings at the king's suit. The Lords now wanted to have Fitzharris tried by common law. Hallam, *Hist. of Eng.* (sm. ed.), ii. 447, 448; *Somers Tracts*, viii. 67, for a full discussion by H. Scobell; *Journals of the House of Lords*, June 26, 27, 29, and July 2, 1689.

CHAP. XI. carried between his feet in the sedan[1]: and he put on his robes in haste, without any previous notice, and called up the commons, and dissolved the parliament[2]; and went with such haste to Windsor, that it looked as if he was afraid of the crowds that this meeting had brought to Oxford[3].

March 28, 168$\frac{1}{2}$.

CHAPTER XII.

REACTION IN FAVOUR OF THE COURT.

IMMEDIATELY upon this the court took a new ply, and things went in another channel: of which I go next to give as impartial an account as I have hitherto given of the

[1] 'The truth of the matter was, that the crown was put in the bag with the robes, and sent privately before, to prevent any suspicion of the dissolution.' *Higgons's Remarks*, 223. Compare North's *Examen*, 105, where a similar account is given. R.

[2] See the Lindsey *MSS.* 430; *H. M. C. Rep.* xiv. App. ix. The dissolution of March 28, 168$\frac{1}{2}$, was directly in consequence, not of the Fitzharris dispute, but of the determination of the Commons to insist upon exclusion. See Christie, *Life of Shaftesbury*, ii, App. vii. p. cxvi, and Foxcroft's *Halifax*, i. 289, for Shaftesbury's final attempt to induce the king to nominate Monmouth as his successor. The effect, inasmuch as the Opposition were robbed (as in 1629) of the power of constitutional expression, was, in the words of Ranke (iv. 135), 'as if a gust of wind had suddenly scattered all the leaves from a tree.' The king had secured his independence of Parliament by a verbal treaty, known to the Duke of York and Laurence Hyde alone (*id.* 128, 136), with Louis, who gave him five millions of livres during the next three years, without receipt. So well was the secret kept that Preston, Ambassador at Paris, was ignorant of it in 1684. *H. M. C. Rep.* vii. 394. Hyde himself was anxious for another Parliament in alliance with the Church, a revival of the ideas of Clarendon and Danby (*supra* 61). A curious sign of the change was—according to Reresby, supported by Luttrell—that Oates's allowance of £600 a year was reduced to forty shillings a week; while by the newsmongers he was degraded from 'Dr. Oates' to 'Mr. Titus.' *Fleming Papers*, 1681, September 4. But see also *Somers Tracts*, viii. 378.

[3] I have been told by several of the Whigs themselves, that the meeting had more the air of a Polish Diet than an English Parliament, and that Shaftesbury and his party made their public entry with great numbers of horsemen, as well armed as the guards. D. Cf. Ralph, i. 467.

plot, and of all that related to it. At this time the distinguishing names of *Whig* and *Tory* came to be the denominations of the parties[1]. I have given a full account of all errors during this time with the more exactness, to warn posterity from falling into the like excesses, and to make it appear how mad and fatal a thing it is to run violently into a torrent, and in a heat to do those things which may give a general disgust, and to set precedents to others, when times turn, to justify their excesses, by saying they do only follow the steps of those who went before them. The shedding so much blood upon such doubtful evidence was like to have proved fatal to him who drove all these things on with the greatest fury: I mean the earl of Shaftesbury himself. And the strange change that appeared over the nation with relation to the duke, from such an eager prosecution of the exclusion to an indecent courting and magnifying him, not without a visible coldness towards the king in comparison to him, shewed how little men could build on popular heats, which have their ebbings and flowings, and their hot and cold fits, almost as constantly as seas or fevers have. When such changes happen, those who have been as to the main with the side that is run down, will be charged with all the errors of their side, how

[1] For the origin of these names see vol. i. 73; North's *Life of Lord Guilford*, 250; Ranke, iv. 122; Sitwell, *The First Whig*; for Irish Tories, *Essex Papers*, i. 307. There is a list in Roger North's handwriting of names apparently thought suitable for his opponents, in the British Museum. The second of these is 'Birmingham,' and in the *Examen*, 321, the following occurs: 'Then they went on, and styled the adversary Birmingham protestants, alluding to false groats counterfeited at that place. This held a considerable time; but the word was not fluent enough for hasty repartee, and so the lot fell upon *Whig*, which was very significative as well as ready, being vernacular in Scotland . . . for corrupt and sour whey.' From *Gigantomachia, or a Full and True Relation of the great and bloody fight between three pagan knights and a Christian Giant* (London, 1682), the names were obviously soon familiar:

'But Tories, take a friend's advice,
Well-wisher to your nose and eyes,
That never liked this enterprise,
To Whigland so delighting;
Drink for the Duke while you can stand,
Chase all Phanaticks round the land,
With glasses ready charged in hand,
But pray take heed of fighting.'

CHAP. XII. much soever they may have opposed them. I, who had been always in distrust of the witnesses, and dissatisfied with the whole method of proceedings, yet came to be fallen on, not only in pamphlets and poems, but even in sermons, as if I had been an incendiary, and a main stickler against the court, and in particular against the duke. So
500 upon this I went into a closer retirement: and to keep my
MS. 257. mind from running after news and affairs, I set | myself to the study of philosophy and algebra. I diverted myself with many processes in chemistry, and I hope I went into the best exercises, from which I had been much diverted by the bustling of a great town in so hot a time. I had been much trusted by both sides, and that is a very dangerous state; for a man may come upon that to be hated and suspected by both. I withdrew much from all conversation: only I lived still in a particular confidence with the lords of Essex and Russell [1].

April, 168½. The king set out a declaration for satisfying his people. He reckoned up in it all the hard things that had been done by the three last parliaments; and set out their undutiful behaviour to himself in many instances: yet in conclusion he assured his good subjects, that nothing should ever alter his affection to the protestant religion, as established by law, nor his love to parliaments: for he would still have frequent parliaments [2]. When this passed in council, the archbishop of Canterbury moved, that an order should be

[1] It is curious that Burnet should leave unnoticed, until treating of it three years later (*infra* 409), the visit of William of Orange to Charles at this time, July 24, 1681. For its objects and the causes of its failure, see Ranke, iv. 142, &c.

[2] The references to the troubles preceding the Restoration were doubtless most effectual. But the violence of the Whigs had alienated all moderate men; the Popish terror was practically extinct; the tension had been severe and prolonged; Shaftesbury's patronage of Monmouth had driven away many supporters; the country had been growing rich, and the well-to-do classes especially dreaded the advent of another Commonwealth; as Reresby says, *Memoirs*, 211, 'The truth was that the question was not whether the Duke should succeed or not, but whether it should be monarchy or a commonwealth.' The struggle was now transferred to the courts of justice and the press.

added to it, requiring the clergy to publish it in all the churches of England. This was looked on as a most pernicious precedent, by which the clergy were made the heralds to publish the king's declarations, which in some instances might come to be not only indecent but mischievous. An answer was writ to the king's declaration with great spirit and true judgment. It was at first penned by Sidney[1]. But a new draught was made by Somers, and corrected by Jones. The spirit of that side was now spent: so that this, though the best writ paper in all that time, yet had no great effect. The declaration raised over England a humour of making addresses to the king, as it were in answer to it. The grand juries and the bench of justices in the counties, the cities and boroughs, the franchises and corporations, many manors, the companies in towns, and at last the very prentices, sent up addresses[2]. Of these some were more modestly penned, and only expressed their joy at the assurances they saw in the king's declaration; and concluded, that they upon that dedicated their lives and fortunes to his service. But the greater number, and the most acceptable, were those which declared they would adhere to the unalterable succession of the crown, in the lineal and legal descent, and that condemned the bill of exclusion. Others went higher, and arraigned the late parliaments as guilty of sedition and treason. Some reflected severely on the nonconformists, 501
and thanked the king for his not repealing that act of the 35 of queen Elizabeth, which they prayed might be put in execution[3]. Some of the addresses were very high panegyrics, in which the king's person and government were

[1] Algernon Sidney. O. It is entitled 'A Just and Modest Vindication of the Proceedings of the Two Last Parliaments.' The authorship is a matter of great doubt. It was claimed, with much probability, by Ferguson the Plotter. See his *Life* by James Ferguson, 57.

[2] It was begun by Cambridge University and the justices of Middlesex in May, 1681.

[3] *Supra* 278. The Act was now put in rigorous execution; dissenting ministers were heavily fined, or imprisoned in default.

CHAP. XII. much magnified[a 1]. Many of those who brought these up were knighted upon it, and all were well treated at court. Many zealous healths were drunk among them, and in their cups the old valour and the swaggerings of the cavaliers seemed to be revived. The ministers saw through this, and that it was an empty noise and a false shew; yet it was thought necessary then to encourage it, though lord Halifax could not restrain himself from shewing his contempt of it, in a saying that was much repeated. He said the petitioners for a parliament spit in the king's face, but the addressers spit in his mouth. As the country sent up addresses, so the town sent down pamphlets of all sorts, to possess the nation much against the late parliaments: and the clergy struck up to a higher note, with such zeal for the duke's succession, as if a popish king had been a special blessing of heaven, to be much longed for by a protestant church. They likewise gave themselves such a loose against nonconformists, as if nothing was so formidable as that party. So that in all their sermons popery was quite forgot, and the force of their zeal was turned almost wholly against the dissenters; who were now by order from the court to be proceeded against, according to law. There was also a great change made in the commissions all England over. None were left either on the bench or in the militia, that did not with zeal go in to the humour of the court. And such of the clergy as would not engage in that fury were cried out on as the betrayers of the church, and as secret favourers of the dissenters. The truth is, the numbers of these were not great: one observed right, that, according to the proverb in the gospel, *where the carcase is, the eagles will be gathered together*. The scent of preferment will draw aspiring men after it.

Fitzharris's trial came on in Easter term. Scroggs was

[a] A line and a half have been erased here, of which I can only read this: *The flattery was so gross that many . . . papers were . . . flatterers the gravest of divines.*

[1] See Oldmixon, *History of Addresses* (1709), i. 25–54.

turned out, and Pemberton was made chief justice[1]. His rise was so particular, that it is worth the being remembered. In his youth he mixed with such lewd company, that he quickly spent all he had, and run so deep in debt, that he was cast into a jail, where he lay many years: but he followed his studies so close in the jail, that he became one of the ablest men of his profession. He was not wholly for the court. He had been a judge before, and was turned out by Scroggs's means: and now he was raised again, and was afterwards made chief justice of the other bench: but not being compliant enough, he was | turned out a second time, when the court would be served by none but by men of a thoroughpaced obsequiousness. Fitzharris pleaded the impeachment in parliament: but since the lords had thrown that out, it was overruled. He pretended he could discover the secret of Godfrey's murder. He said he heard the earl of Danby say at Windsor, that it must be done: but when the judge told the grand jury, that what was said at Windsor did not lie before them, Fitzharris immediately said, he had heard him say the same thing at Whitehall. This was very gross: yet upon so slight an evidence they found the bill against the lord Danby[2]. And when they were reproached with it, they said a dubious evidence was a sufficient ground for a grand jury: yet another doctrine was set up by the same sort of men within a few months.

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MS. 258.

Plunket, the popish primate of Armagh, was at this time brought to his trial. Some lewd Irish priests[3], and others

[1] Fitzharris had, it must be remembered, accused the Catholics, and was therefore to suffer. But Scroggs was not sufficiently in the court interest to be trusted, and had consequently been disgraced in 1680. For Pemberton's character, see North's *Life of Guilford*, 291; Luttrell, i. 74. He was Chief Justice of the King's Bench from April, 1681, to Jan. 168⅔. Cf. *infra* 347.

[2] Fitzharris confessed to Dr. Hawkins (*infra* 294) that he had been put on by Bethel and Cornish, at Shaftesbury's instigation, to accuse Danby of Godfrey's murder, since that crime was not included in his pardon. *Danby Papers*, *Add. MSS.* 23,043, f. 59. See also Salmon's *Examination*, 833.

[3] Especially Friar John Moier. For the kind of evidence upon which

CHAP. XII. of that nation, hearing that England was at that time disposed to hearken to good swearers, they thought themselves well qualified for the employment: so they came over to swear that there was a great plot in Ireland, to bring over a French army, and to massacre all the English. The witnesses were brutal and profligate men: yet the earl of Shaftesbury cherished them much. They were examined by the parliament at Westminster, and what they said was believed. Upon that encouragement it was reckoned that we should have witnesses come over in whole companies. Lord Essex told me that this Plunket was a wise and sober man [1], who was always in a different interest from the two Talbots [2], the one being the titular archbishop of Dublin, and the other raised afterwards to be duke of Tyrconnell. These were meddling and factious men; whereas Plunket was for their living quietly, and in due submission to the government, without engaging into intrigues of state. Some of these priests had been censured by him for their lewdness: and they drew others to swear as they directed them. They had appeared the winter before upon a bill offered to the grand jury: but as the foreman of the jury, who was a zealous protestant, told me, they contradicted one another so evidently that they would not find the bill. But now they laid their story better together, and swore against him that he had got a great bank of money to be prepared,
503 and that he had an army listed, and was in a correspondence with France to bring over a fleet from thence. He had nothing to say in his own defence, but to deny all: so he was condemned, and suffered very decently, expressing
July 1. many particulars as became a bishop. He died denying himself in every thing that had been sworn against him [3].

Oliver Plunket was judicially murdered, see—beside the *State Trials*—*H. M. C. Rep.* vi. 744. It is painful to find such a man as Essex taking part in the initial stages of this infamous affair. *MSS. of the House of Lords, id. Rep.* xi, App. ii. 168. But see the quotation from Lingard in a following note.

[1] See *Essex Papers*, i. 126, where Essex confirms this view, in 1673.

[2] Peter and Richard Talbot were brothers. *Id.* 222, and vol. i. 312.

[3] When the Earl of Essex, who

Fitzharris was tried next: and the proof was so full that he was cast. He moved in court that I might be ordered to come to him, upon what reason I could never imagine. A rule was made that I might speak with him, in the presence of the lieutenant of the Tower. I went to him, and pressed him vehemently to tell the truth, and not to deceive himself with false hopes. I charged him with the improbabilities of his discovery, and laid home to him the sin of perjury, chiefly in matters of blood, so fully, that the lieutenant of the Tower made a very just report of it to the king, as the king himself told me afterwards. When he saw there was no hope, he said the lord Howard was the author of the libel. Howard was so ill thought of, that, it being known that there was a familiarity between Fitzharris and him, it was apprehended from the beginning that he was concerned in it. I had seen him in lord Howard's company, and had told him how indecent it was to have such a man about him. He said he was in want, and was as honest as his religion would suffer him to be. I found out afterwards that he was a spy of the lady Portsmouth's: and that he had carried lord Howard to her: and, as lord Howard himself told me, she brought the king to talk with him twice or thrice. The king, as he said, entered into a particular scheme with him of the new frame of his ministry in case of an agreement, which seemed to him to be very near. As soon as I saw the libel, I was satisfied that lord Howard was not concerned in it. It was so ill drawn, and so little disguised in the treasonable part, that none but an Irish man of the lowest form could be capable of making it. The report of lord Howard's being charged with this was over

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had been Lord Lieutenant of Ireland, solicited his pardon, declaring from his own knowledge that the charge against him could not be true, the king indignantly replied, 'Then, my lord, be his blood on your own conscience. You might have saved him, if you would. I cannot pardon him, because I dare not.' Lingard's *Hist. of Eng.* xiii. 283. Echard says he had it 'from an unquestionable hand.' Cf. Burnet's own remark in the case of Coleman, *supra* 178. 'It was not in the king's power to pardon him, while the tide went so high.' Plunket and Fitzharris were executed on the same day, July 1, according to Fountainhall, *Hist. Obs.* 43.

CHAP. XII. the whole town a day before any warrant was sent out against him; which made it appear, that the court had a mind to give him time to go out of the way. He came to me, and solemnly vowed he was not at all concerned in that matter: so I advised him not to stir from home. He was committed that night. I had no liking to the man's temper, but he insinuated himself so into me, that, without
504 being rude to him, it was not possible to avoid him. He was a man of a pleasant conversation: but he railed so indecently both at the king and the clergy, that I was very uneasy in his company: yet now during his imprisonment I did him all the service I could: but Algernon Sidney took his concerns and his family so to heart, and managed every thing relating to him with that zeal and that care, that none but a monster of ingratitude could have made him the return that he did afterwards. When the bill against lord Howard was brought to the grand jury, Fitzharris's wife and maid were the two witnesses against him: but they did so evidently forswear themselves, that the attorney general withdrew it. Lord Howard lay in the Tower till the Michaelmas Term, and came out by the Habeas corpus. I went no more to Fitzharris.
MS. 259. But Hawkins, the minister of the Tower, took him into his management; and prevailed with him not only to deny all his former discovery, but to lay it on Clayton, Treby, and the sheriffs, as a subornation of theirs, though it was evident that that was impossible to be true: yet at the same time he writ letters to his wife, who was not then admitted to him, which I saw and read, in which he told her, how he was practised upon with the hopes of life that were given him, but that all these pretended discoveries he now made were falsehoods, only said by him to save his life. He charged her to swear falsely against none. One
July 1. of these was writ that very morning in which he suffered: and yet before he was led out, he signed a new paper containing the former charge of subornation, and put it in Hawkins's hands. And at Tyburn he referred all he had

to say to that paper, which was immediately published: but the falsehood of it was so very notorious, that it shewed what a sort of man Hawkins was: yet he was soon after rewarded for this with the deanery of Chichester[1]. But when the court heard what letters Fitzharris had writ to his wife, they were confounded: and all further discourse about him was stifled, but the court practised on her by the promise of a pension so far, that she delivered up all her husband's letters to them. But so many had seen them before that, that this base practice turned much to the reproach of all their proceedings[2].

Soon after this, Dugdale, Turberville, Smith, and the Irish witnesses, came under another management, and they discovered a plot laid against the king to be executed at Oxford: the king was to be killed, and the government was to be changed. One College, a joiner by trade[3], was

[1] He was not made Dean of Chichester before the year 1688, and was probably the person of that name who had been suspended by King James's commissioners for refusing to read the declaration for liberty of conscience, whilst the prosecution of the bishops was carrying on. Dean Hawkins married the worthy Isaac Walton's daughter, and was father of the author of the *Pleas of the Crown*, and grandfather of Dr. William Hawkins, professor of poetry in Oxford. R.

[2] She was recommended for some provision to King William by the House of Commons. See their *Journal* of June 15, 1689, where there is a report of her case by a committee. O. See Echard's account of Fitzharris's behaviour when he suffered, pp. 1010, 1011 of his *History of England*. Higgons observes, that 'if the court through the influence of Dr. Hawkins had prevailed on Fitzharris to accuse the sheriffs falsely of subornation, they must at least have tempted him with a promise of life; afterwards, when they broke their word, and he came to die, if it were only in revenge, he would certainly have told the truth, and discovered the knavery.' *Remarks on this Hist.* 230. But compare Hume's *Hist. of Eng.*, Charles II, 157, 8vo. ed., where it is suggested that Fitzharris hoped some favour might be shown to his family, his wife being connected with the favourite maid of the Duchess of Portsmouth. And indeed no reliance is to be placed on the testimony of such a notorious rogue either living or dying. See also Ralph, i. 604. R.

[3] See North's *Autobiography* (ed. 1890), 158; *Examen*, 585, &c. The trial lasted continuously from 9 a.m. until 2 a.m. the following morning. College was executed on Aug. 31, *after* Shaftesbury's committal. See the note to Hallam, *Hist. of Eng.* ii. 450, on the flagrant iniquity of this trial.

CHAP. XII. an active and hot man, and came to be known by the name of the Protestant joiner. He was first seized on: and the witnesses swore many treasonable speeches against him.

505 He was believed to have spoken oft with great indecency of the king, and with a sort of threatening that they would make him pass the bill of exclusion. But a design to seize on the king was so notorious a falsehood, that, notwithstanding all that the witnesses swore, the grand jury returned *ignoramus* on the bill. Upon this the court cried out against the juries now returned, because they would not do the king justice, though the matter of the bill was sworn by witnesses whose testimony was so well believed a few months before. It was commonly said these juries would believe every thing one way, and nothing the other. If they had found the bill, so that College had been tried upon it, he would have been certainly saved: but since the witnesses swore that he went to Oxford on that design, he was triable there. North went to Oxford, College being carried thither, and tried him there. North's behaviour in that whole matter was such, that probably if he had lived to see an impeaching parliament he might have felt the ill effects of it[1]. The witnesses swore several treasonable words against College, and that his coming to Oxford was in order to the executing these: so here was an overt act. College was upon a negative: so he had nothing to say for himself, but to shew how little credit was due to the wit-

August 31, 1681. nesses. He was condemned, and suffered with great constancy, and appearances of devotion. He denied all the treasonable matter that had been sworn against him, or that he knew of any plot against the king. He confessed that a great heat of temper had carried him to many undutiful expressions of the king, but protested he was in no design against him. And now the court intended to set the witnesses against all the hot party; which was plainly murder in them, who believed them false witnesses, and yet made use of them to destroy others. One passage

[1] Cf. Ralph, i. 632.

happened at College's trial which quite sunk Dugdale's credit. It was objected to him by College, to take away his credit, that, when by his lewdness he had got the French pox, he to cover that gave it out that he was poisoned by papists: upon which he, being then in court, and upon oath, protested solemnly that he never had that disease; and said that if it could be proved by any physician that he ever had it, he was content that all the evidence he had ever given should be discredited for ever. And he was taken at his word: for Lower, who was then the most celebrated physician in London, proved at the council board that he had been under cure in his hands for that disease; which was made out both by his bills and the apothecary that served them. So he was never more heard of. The earl of Shaftesbury was committed next [1], and sent to the Tower upon the evidence of the Irish witnesses. His papers were at the same time seized on and searched: nothing material was found among them, but a draught of an association, by which the king, if it had taken place, would have reigned only at the discretion of the party. This was neither writ nor marked in any place with his hand. But when there was a talk of an association, some had formed this paper, and brought it to him; of which he always professed, after the matter was over, that he remembered nothing at all. So | it is probable, that, as is ordinary that when any great business is before the parliament zealous men are at the doors with their several draughts, this was one of these, cast carelessly by, and not thought on by him when he had sent his more valuable papers out of the way. There was likewise but one witness that could swear to its being found there: and that was the clerk of the council, who had perused those papers without marking them in the presence of

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MS. 260.

[1] Shaftesbury was committed before College's execution, viz. on July 2, 1681, upon the advice of Halifax. Christie, *Life of Shaftesbury*, ii. 412. But see also Foxcroft's *Life of Halifax*, i. 301, note.

CHAP. XII. any witnesses, as taken among lord Shaftesbury's papers[1]. There was all this summer strange practising with witnesses to find more matter against him. Wilkinson, a prisoner for debt that had been often with him, was dealt with to accuse him[2]. The court had found out two solicitors to manage such matters, Burton and Graham, who were indeed fitter men to have served in a court of inquisition than in a legal government. It was known that lord Shaftesbury was apt to talk very freely, [a] and without discretion [a]: so the two solicitors sought out all that had frequented his company; and tried what they could draw from them, not by a barefaced subornation, but by telling them they knew well that lord Shaftesbury had talked such and such things, which they named, that were plainly treasonable, and they required them to attest it, if they did ever hear such things from him: and they made them great promises upon their telling the truth. So that they gave hints, and made promises to such as by swearing boldly would deserve them, and yet kept themselves out of the danger of subornation, having witnesses in some corner of their chamber that overheard all their discourse. This was their common practice, of which I had a particular account from some whom they examined with relation to my self. In all
507 this foul dealing the king himself was believed to be the chief director; and lord Halifax was thought deep in it, though he always expressed an abhorrence of such practices to me[3].

[a] these words are struck out.

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[1] The chief witness against Shaftesbury was Haynes, whom he had befriended. *Hatton Correspondence*, ii. 1. His petition for bail under the Habeas Corpus Act was refused by the judges on the ground that the Tower was not within their jurisdiction. His attempt to indict the informers failed, as did his offer to the king to retire to Carolina if released. Christie, *Life of Shaftesbury*, ii. 414, 417.

[2] See *The Information of Captain Henry Wilkinson of what hath passed between him and some other persons who have attempted to prevail with him to swear high treason against the Earl of Shaftesbury.* 8vo. 1681.

[3] See Foxcroft's *Halifax*, i. 436.

His resentments wrought so violently on him, that he seemed to be gone off from all his former notions. He pressed me vehemently to accept of preferment at court; and said, if I would give him leave to make promises in my name, he could obtain for me any preferment I pleased: but I would enter into no engagements. I was contented with the condition I was in, which was above necessity, though below envy. The mastership of the Temple was like to fall, and I liked that better than any thing else. So both lord Halifax and Clarendon moved the king in it, who promised I should have it; upon which lord Halifax carried me to the king. I had reason to believe that he was highly displeased with me for what I had done a year before. Mrs. Roberts, whom he had kept for some time, sent for me when she was a dying. I saw her often for some weeks, and among other things I desired her to write a letter to the king, expressing the sense she had of her past life: and at her desire I drew such a letter as might be fit for her to write: but she never had strength enough to write it. So upon that I resolved to write a very plain letter to the king[1]. I set before him his past ill life, and the effects it had on the nation, with the judgments of God that lay on him; and that was but a small part of the punishment that he might look for. I pressed him upon that earnestly to change the whole course of his life. I carried this letter to Chiffinch on the twenty-ninth of January; and told the king in the letter, that I hoped the reflections on what had befallen his father on the thirtieth of January, might move him to consider these things more carefully. Lord Arran happened to be then in waiting, and he came to me next day, and told me he was sure the king had a long letter from me; for he held the candle to him while he read it: he knew at all that distance that it was my hand. The king read it twice over, and then threw it in the fire: and not long after lord Arran took occasion to

[1] *Rawlinson Papers, Add. MSS.* D. 23, fol. 5, Jan. 29, 168½. The whole letter is quoted in the Life of the Author, at the end of the History.

CHAP. XII. name me, and the king spoke of me with great sharpness: so he perceived that he was not pleased with my letter. Nor was the king pleased with my being sent for by
July, 1680. Wilmot earl of Rochester, when he died. He fancied that he had told me many things of which I might make an ill use: yet he had read the book that I writ concerning him,
508 and spoke well of it. In this state I was in the king's thoughts, when lord Halifax carried me to him, and introduced me with a very extraordinary compliment, that he did not bring me to the king to put me in his good opinion so much as to put the king in my good opinion: and added, he hoped that the king would not only take me into his favour but into his heart. The king had a peculiar faculty of saying obliging things with a very good grace: among other things he said, he knew that if I pleased I could serve him very considerably; and that he desired no service from me longer than he continued true to the church and to the law. Lord Halifax upon that added that the king knew he served him on the same terms, and was to make his stops. The king and he fell into some discourse about
MS. 261. religion. Lord Halifax said to the king that he was | the head of his church[1]: to which the king answered[a] that he did not desire to be the head of nothing; for indeed he was of no church. From that the king run out into much discourse about lord Shaftesbury, who was shortly to be tried. He complained with great scorn of the imputation of subornation that was cast on himself. He said he did not wonder that the earl of Shaftesbury, who was so guilty of those practices, should fasten them on others; and he used upon that a Scotch proverb very pleasantly, 'At doomsday we shall see whose arse is blackest.' The discourse lasted half an hour very hearty and free: so I was in favour again, but I could not hold it. I was told I kept

[a] *pleasantly* struck out.

[1] Charles made precisely the same remark about Sir Robert Moray; vol. i. 104, note 4.

ill company: the persons lord Halifax named to me were the earl of Essex, lord Russell, and Jones: but I said I would upon no consideration give over conversing with my friends; and so I was where I was before. CHAP. XII.

A bill of indictment was presented to the grand jury against lord Shaftesbury[1]: the jury was composed of many of the chief citizens of London. The witnesses were examined in open court, contrary to the usual custom. The witnesses swore many incredible things against him, mixed with other things that looked very like his extravagant way of talking. The draught of the association[2] was also brought as a proof of his treason, though it was not laid in the indictment, and was proved only by one witness. The jury returned *ignoramus* upon the bill[3]. Upon this the court did declaim with open mouth against these juries, in which they said the spirit of the party did appear, since men even upon oath shewed they were resolved to find bills or *ignoramus*, as they pleased, without regarding the evidence: and upon this a new run of addresses went round the kingdom[4], in which they expressed their abhorrence of that 509 Nov. 24, 1681.

[1] A special commission was opened on Nov. 24, 1681. Shaftesbury was charged under the treason Act of the 13th of Charles II. Pemberton presided and endeavoured to coerce the grand jury. As to his opinion of the duties of a grand jury, see Christie, *Life of Shaftesbury*, ii. 422, 425.

[2] Unsigned, and not in Shaftesbury's handwriting. See *Somers Tracts*, vii. 308.

[3] North's *Life of Guilford*, 219. 'A certain monster called "Ignoramus."' 'The reign of ignoramus still on foot.' *Id.* 235.

[4] Dorset and Somerset began the addresses, followed by Middlesex. Oldmixon, *History of Addresses*, i. 54. See *The Security of Englishmen's Lives, or the Trust, Power, and Duty of the Grand Juries of England*, 1681. In the *Kenyon MSS.*, *H. M. C. Rep.* xiv, Part iv. 136, there is notice of an 'Abhorrence meeting at Wigan' on Feb. 18, 168½, and of an address of the notables of Lancashire on April 21, 1682. *Id.* 139. Red and blue ribbons were now worn by the adherents of James and the Duke of Monmouth respectively. Luttrell, 111. For the importance of the association, as establishing an *imperium in imperio*, see the remarks in Ranke, iv. 149. Magistrates of the Shaftesbury faction were everywhere turned out, and the penal laws severely executed. The Vice-Chancellor of Cambridge, addressing the king, declared that he reigned 'by a fundamental hereditary right of succession, which no religion, no law, no fault, can alter or diminish.' Oxford followed in the same strain;

CHAP. XII. association found in lord Shaftesbury's cabinet[1], and complained that justice was denied the king; which was set off with all the fulsome rhetoric that the penners could varnish them with. These were generally believed to be penned by the clergy, among whom the duke's health was now always drunk with repeated shouts and huzzahs, to which another health to the confusion of all his enemies was commonly added. It was upon this occasion said that the grand jury ought to find bills even upon dubious evidence, much more when plain treason was sworn; since all they did in finding a bill was only to bring the person to his trial; and then the falsehood of the witnesses was to be detected. But in defence of these *ignoramus* juries, it was said that by the express words of their oath they were bound to make true presentments of what should appear true to them: and that therefore if they did not believe the evidence, they could not find a bill, though sworn to. A book was writ to support that, in which both law and reason were brought to confirm it. [a b] It passed as writ by lord Essex, though I understood afterwards it was writ by Somers[2], who was much esteemed and oft visited by lord Essex, and who trusted himself to him, and writ the best papers that came out in that time [b]. It is true, by the

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[a] *Wildman writ it, but* struck out.

[b] added on the opposite page in the MS.

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and Dr. Sprat and Dr. Hickes were even more emphatic. To confute the last, Samuel Johnson, chaplain to Russell, wrote the *Life of Julian the Apostate*, defending resistance in extreme cases. Russell's *Life of Lord W. Russell*, ii. 12, and App. vii. According to a letter of Dr. Denton of Nov. 22, 1683, in the *Verney MSS.*, Johnson was afterwards fined and imprisoned for this offence. *H. M. C. Rep.* vii. 498.

[1] See an account of this association for the purpose of excluding the Duke of York from the succession to the crown, and of another paper purporting to be a list of the most considerable individuals in every shire, divided under two heads into 'worthy men' and 'men worthy,' interpreted to mean, worthy of trust, and worthy to be hanged, in Lingard's *Hist. of Eng.* xiii. 291. R.

[2] See Christie, *Life of Shaftesbury*, ii. 425, where this opinion is ascribed to Sir John Hawles, Solicitor-General in the reign of William III.

practice that had generally prevailed grand juries were easy in finding bills upon a slight and probable evidence. But both the words of their oath and the reason of the law seemed to oblige them to make no presentments but such as they believed to be true. But on the other hand, a private ill opinion of a witness, or the looking on a matter as incredible, did not seem to warrant the return of an *ignoramus:* that seemed to belong to the jury of life and death. But the chief[a] complaint that was made in the addresses was grounded on their not finding the bill on the account of the draught of the association: and this was in many respects very unreasonable, for as that[b] was not laid in the bill, so there was but one witness to prove it: nor did the matter of the paper rise up to the charge of high treason. And now Dugdale and Turberville, who had been the witnesses upon whose evidence lord Stafford was condemned, being within a year detected, or at least suspected of this villany, I could not but reflect on what he had said to me, that he was confident I should see within a year that the witnesses would be found to be rogues. CHAP. XII.

As to Turberville, what happened soon after this will perhaps mitigate the censure. He was taken with the small pox in a few days after lord Shaftesbury's trial. The symptoms were so bad that the physician told him he had no hope of his recovery: upon which he composed himself to die as became a Christian, and sent for Mr. Hewes, the curate of St. Martin's, who was a very worthy man, and from whom I had this account of him. Turberville looked on himself as a dead man at the first time he came to him: but his disease did no way affect his understanding or his memory. He seemed to have a real sense of another state, and of the account that he was to give to God for his past life. Hewes charged him to examine himself, and that if he had sworn falsely against any man, he should confess 1682. 510

[a] substituted for *grand.* [b] substituted for *the matter.*

CHAP. XII. his sin, and glorify God, though to his own shame. Turberville, both in discourse and when he received the sacrament, protested that he had sworn nothing but the truth in what he deposed both against lord Stafford and the earl of Shaftesbury; and renounced the mercies of God, and the benefit of the death of Christ, if he did not speak the plain and naked truth, without any reservation: and he continued
MS. 262. in the same mind | to his death. So here were the last words of dying men against the last words of those that suffered. To which this may well be added, that one who died of sickness, and under a great depression in his spirits, is less able to stifle his conscience, and to resist the impressions that it may then make on him, than a man who suffers on a scaffold, where the strength of the natural spirits is entire, or rather exalted by the sense of the cause he suffers for. And we know that confession and absolution in the church of Rome give a quiet, to which we do not pretend, where these things are said to be only ministerial and not authoritative [1]. About a year before this Tonge had died, who first brought out Oates. They quarrelled afterwards, and Tonge came to have a very bad opinion of Oates; [a] upon what reason I know not [2]. He died with expressions of very high devotion: and he protested to all who came to see him, that he knew of no subornation in all that matter, and that he was guilty of none himself. These things put a man quite in the dark: and in this mist matters must be left till the great revelation of all secrets. And there I leave it: and from the affairs of England I turn to give an account of what passed in Scotland during all this disorder among us here.

[a] *but* struck out.

[1] Cf. *supra* 270.

[2] Higgons transcribes an account from Echard of a quarrel between Tonge and Oates, at which Dr. Burnet is supposed to have been present. *Remarks*, 231. This curious and not improbable anecdote is to be found in Echard's *Hist.* 949. R.

CHAPTER XIII.

JAMES IN SCOTLAND.

THE duke behaved himself upon his going to Scotland in so obliging a manner, that the nobility and gentry, who had been so long trodden on[a] by duke Lauderdale and his party, found a very sensible change: so that he gained much on them all. And though he continued still to support that side, yet things were so gently carried, that there 511
was no cause of complaint. It was[b] visibly his interest to make that nation sure to him, and to give them such an essay of his government, as might dissipate all the hard thoughts of him with which the world was possessed: and he pursued it for some time with great temper and as great success. He advised the bishops to proceed moderately, and to take no notice of conventicles in houses, and that would put an end to those in the fields. In matters of justice he shewed an impartial temper, and encouraged all propositions relating to trade: and so, considering how much that nation was set against his religion, he made a greater progress in gaining upon them than was expected [1]. He was advised to hold a parliament there in summer 82, and to take the character of the king's commissioner upon him.

[a] substituted for *under*. [b] *so* struck out.

[1] In a letter (to the first Lord Dartmouth), dated Dec. 14, the duke says, 'I live here as cautiously as I can, and am very careful to give offence to none, and to have no partialities, and preach to them laying aside all private animosities, and serving the king his own way. None shall have reason to complain of me; and though some of either party here might have hoped I should have shewed my partiality for them, and some of my friends have been of opinion it had been best for me to have done so, and by it have secured one side to me, yet I am convinced it was not fit for me to do it, it being no way good for his majesty's service, which I can make out by many reasons which would be too long for a letter.' D.

CH. XIII. A strange spirit of fury had broke loose on some of the presbyterians[1], called the Cargillites, from one Cargill[2] that had been one of the ministers of Glasgow in the former times, and was then very little considered, but now was much followed, to the great reproach of the nation. These held that the king had lost the right to the crown by his breaking the covenant, which he had sworn at his coronation[3]: so they said he was their king no more, and by a formal Declaration they renounced all allegiance to him, which a party of them affixed to the cross of Dumfries, a town near the west border. They also taught that it was lawful for any to kill him, and that all his party, chiefly those who were episcopal, by adhering to him, had forfeited their lives; so that it was lawful to kill them likewise. The guards fell upon a party of them whom they found in arms, where Cameron, one of their furious teachers, from whom they were also called Cameronians, was killed: but
July 22, 1680. Hackston, that was one of the archbishop's murderers, and Cargill, were taken[4]. Hackston, when brought before the council, would not own their authority, nor make any answer to their questions. He was so low by reason of his wounds, that it was thought he would die in the question if tortured: so he was in a very summary way condemned to have both his hands cut off, and then to be hanged. All this he suffered with a constancy that amazed all people. He seemed to be all the while as in an enthusiastical rapture, and insensible of what was done to him. When his hands were cut off, he asked, like one uncon-

[1] Wodrow, i. 300; ii. 114, 115, 142; iii. 65, 206, and *passim*.

[2] Donald Cargill, who excommunicated Lauderdale at a field conventicle at the Torwood in Sept. 1680. *Lauderdale Papers*, iii. 209. He was taken in July, 1681.

[3] At Scone, Jan. 1, 165$\frac{9}{10}$; vol. i. 102.

[4] At Ayrsmoss, or Aird's Moss, in Kyle, July 22, 1680. Richard Cameron, while a probationer for the ministry, had urged separation from all who accepted the indulgence in 1677; was one of the leaders at the Declaration of Rutherglen in 1679; gave his name to the Cameronians in 1680; was proclaimed on June 30, and killed on July 22, of the same year. Hackston of Rathillet, though present at Sharp's murder, seems to have taken no active part.

cerned, if his feet were to be cut off likewise: and he had so strong a heart, that notwithstanding all the loss of blood by his wounds, and the cutting off his hands, yet when he was hanged up, and his heart cut out, it continued to palpitate some time after it was on the hangman's knife, as some eye-witnesses assured me[1]. Cargill, and many others of that mad sect, both men and women, suffered with an obstinacy that was so particular[2], that though the duke sent the offer of pardon to them on the scaffold, if they would only say God bless the king, it was refused with great neglect: one of them said very calmly, she was sure God would not bless him, and that therefore she would not take God's name in vain: the other said more sullenly, that she would not worship that idol, nor acknowledge any other king but Christ: and so both were hanged. About fifteen or sixteen died under this delusion, which seemed to be a sort of madness: for they never attempted any thing against any person: only they seemed glad to suffer for their opinions[3]. The duke stopped that prosecution, and appointed them to be put in a house of correction, and to be kept at hard labour. Great use was made of this by profane people to disparage the suffering of the martyrs for the Christian faith, | from the unshaken constancy which

Ch. XIII. 512 July 27. MS. 263.

[1] Cf. Ralph, i. 526, where it is related, that, having at first refused to answer the questions of the Privy Council, Hackston at length gave way, but would not sign his examination. And Cruikshank in his *History of the Church of Scotland* reports that the executioner being long in cutting off his right hand, Hackston desired him to strike in the joint of the left, but adds, that he spake no such words as Burnet represents him to have done. Vol. i. 103. R. See the account in Wodrow, iii 223.

[2] Cargill was hanged on July 27. See Fountainhall, *Hist. Obs.* 44.

[3] Salmon, *Examination*, 896, observes, that the author had told us, that this harmless sort of people had assembled in arms, publicly renounced their allegiance to the king, and that one of them was a murderer of the Archbishop of St. Andrews. But this examiner is silent respecting the systematic persecution, by which these people were goaded on to rebellion. R. See the similar account of them by Rothes after the Pentland rebellion in 1666. Cf. vol. i. 424. Bevill Higgons records a very curious declaration of those in prison, testifying to the same stubborn resolution.

CH. XIII. these frantic people expressed. But this is undeniable, that men who die maintaining any opinion, shew that they are firmly persuaded about it. So from this the martyrs of the first age who died for asserting a fact, such as the resurrection of Christ, or the miracles they had seen, shewed that they were well persuaded of the truth of those facts; and that is all the use that is to be made of this argument.

July 27, 1681. Now the time of the sitting of the parliament drew on[1]. The duke seeing how great a man the earl of Argyll was in Scotland, concluded it was necessary for him either to gain him or to ruin him. Lord Argyll gave him all possible assurances that he would adhere to his interest in every thing, except in the matters of religion, but added, that if he went to meddle with these, he owned to him freely that he would oppose him all he could. This was well enough taken in shew: but lord Argyll said he observed ever after that such a visible coldness and distrust that he saw what he might expect from him. Some moved

Nov. 1679. the excepting against the duke's commission to represent the king in parliament[2], since by law no man could execute any office without taking the oaths: and above forty members of parliament promised to stick to duke Hamilton if he would insist on that. But Lockhart and Cunningham, the two lawyers on whose opinion they depended chiefly, said that a commission to represent the king's person fell not under the notion of an office: and since it was not expressly named in the acts of parliament, they thought it did not fall within the general words of *all places and offices*

513 *of trust*. So this was laid aside, and many who were offended at it complained of duke Hamilton's cowardice[3].

[1] The reaction consequent upon the king's declaration after the dissolution of the Oxford Parliament was equally felt in Scotland.

[2] This was in 1679. See the memorandum from some of the Privy Council of Nov. 6, and Lauderdale's letter of Nov. 18. *Lauderdale Papers*, iii. 181, 182.

[3] The duke (of York), in a letter dated Nov. 28, says 'I believe you will have heard of a difficulty made by some here, about my sitting in council. I had not time to write

He said for himself that he had been in a storm of seven years' continuance by his opposing of duke Lauderdale, and that he would not engage in a new one with a stronger party, unless he was sure of the majority, and they were far from pretending to be able to bring matters near an equality. The first act that passed was one of three lines, confirming all the laws formerly made against popery. The duke thought it would give a good grace to all that should be done afterwards, to begin with such a general and cold confirmation of all former laws. Some moved that a committee might be appointed to examine all the former laws, since some of them seemed unreasonably severe, as passed in the first heat of the reformation, that so they might draw out of them all such as might be fit not only to be confirmed but to be executed by better and properer methods than those prescribed in the former statutes, which had been all eluded. But it was not intended that this new confirmation should have any effect, and therefore this motion was not hearkened to, but the act was hurried on and passed. The next act was for the unalterableness of the succession of the crown. It was declared high treason ever to move for any alterations in it. Lord Argyll run into this with zeal: so did duke Hamilton: and all others that intended to merit by it made harangues about it. Lord Tweeddale was the only man that ventured to move that the law might be made as strict as was possible, with relation to the duke: but he thought it not necessary to carry it further; since the queen of Spain stood so near, and it was no amiable thing to be a province to Spain. Many were so ignorant, as not to understand the relation of the queen of Spain[1] to the king,

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Nov. 1679.

August 14, 1681.

to you of it till now, and hope before this can come to you that his majesty will have settled it as I desire, and I believe that those that made that difficulty are sorry to have done it.' D. The objections were overruled by a letter from the king of Nov. 30, for which see Wodrow, iii. 175.

[1] Marie Louise of Orleans, daughter of Charles's sister Henrietta and of Philip Duke of Orleans, brother of Louis XIV. She was married in August, 1679.

CH. XIII. though she was his niece, and thought it an extravagant motion. He was not seconded, and the act passed without one contradictory vote. There was an additional revenue given for some years, for keeping up more troops. Some complaints were also made of the lords of regalities, who have all the forfeitures and the power of life and death within their regalities. It was upon that proposed that there should be a regulation of these courts, as there was indeed great cause for it, these lords being so many tyrants up and down the country: so it was intended to subject
514 these jurisdictions to the supreme judicatories. But the act was penned in such words, as imported that the whole course of justice all over the kingdom was made subject to the king's will and pleasure: so that instead of appeals to the supreme courts, all was made to end in a personal appeal to the king: and by this means he was made master of the whole justice and property of the kingdom. There was not much time given to consider things: for the duke, finding that he was master of a clear majority, drove on every thing fast, and put bills on a very short debate to the vote, which went always as he had a mind to it. An accident happened that begot in many a particular zeal to merit at his hands. Lord Rothes[1], who had much of his confidence, and was chiefly trusted by him, and was made a duke by his means, fell under a perpetual coldness in his stomach, which was the effect of thirty years' intemperance
MS. 264. to a degree beyond | what had ever been known in that
July 26, 1681. country. He died the day before the opening of the parliament: so upon the hopes of succeeding him, as there were many pretenders, they all tried who could deserve it best by the most compliant submission and the most active zeal.

As they were going on in public business, one stood up in parliament and accused lord Hatton[2], duke Lauderdale's

[1] Duke of Rothes, June, 1680. Luttrell, 46. See vol. i. 138. He died on July 26.

[2] The name is Hatton, not Halton. 'Lord Hatton' simply means 'Laird of Hatton,' and is no peerage title.

brother, of perjury, on the account of Mitchell's business[1]: he had in his hands the two letters that lord Hatton had writ to the earl of Kincardine, mentioning the promise of life that was made him, and, as was told formerly, lord Hatton swore at his trial that no promise was made. The lord Kincardine was dead a year before this: but his lady had delivered those letters to be made use of against Hatton. Upon reading them, the matter appeared plain. The duke was not ill pleased to have both duke Lauderdale and him thus at mercy: yet he would not suffer the matter to be determined in a parliamentary way. So he moved that the whole thing might be referred to the king; which was immediately agreed to. So that infamous business was made public, and yet stifled at the same time: and no censure was ever put on that base action[2]. Another discovery was made of as wicked a conspiracy, though it had not such bad effects, because the tools employed in it could not be wrought up to such a determined pitch of wickedness. The lord Bargeny, who was nephew to

July 9, 1680.

Lauderdale's brother became laird of Hatton by marrying the heiress of Lauder of Hatton.

[1] And of peculation. *Lauderdale Papers*, iii. 226.

[2] See *supra* 141, where mention is made of Mitchell's unhappy business. It is related that Lord Kincardine sent a bishop to Duke Lauderdale, desiring him to consider better, before he denied upon oath the promise of life which had been given to Mitchell, because Lord Kincardine had letters from the duke and the duke's brother in his possession, which requested him to ask the king to make good the promise. On which place of Bishop Burnet's History the late Lord Auchinleck, Judge Boswell, who was grandson of the Earl of Kincardine, has written the following observation, inserted here by the favour of his lordship's grandson, James Boswell, Esq., of the Inner Temple, a gentleman well known by his own and his father's merits. 'The bishop who was sent by my lord Kincardine was Paterson, bishop of Edinburgh, and those very letters were the cause of Lauderdale's disgrace. For when the duke of York was in Scotland, he sent for my lady Kincardine, and asked these letters of her. My lady told the duke, she would not part with the originals; but that, if his grace pleased, he might take a copy of them. Which he did, and shewed them to his brother the king, who was stunned at the villany, and ashamed he had employed such a minister; and immediately ordered all his posts and preferments to be taken from him.' R. This can hardly be correct, since Kincardine died in July, 1680, and Lauderdale gave up the Secretaryship in September of the same year. *Lauderdale Papers*, iii. 210.

CH. XIII. duke Hamilton[1], had been clapt up in prison, as concerned in the rebellion of Bothwell-bridge. Several days were fixed on for his trial: but it was always put off[2], and at last he was let out, without having any one thing ever objected to him. When he was at liberty, he used all possible endeavours to find out on what grounds he had been committed. At last he discovered a conspiracy, in which Hatton and some others of that party were con-
515 cerned. They had practised on some who had been in that rebellion, to swear that he and several others were engaged in it, and that they had sent them out to join in it. They promised these witnesses a large share of the confiscated estates, if they went through in the business. Depositions were prepared for them[3], and they promised to swear them: upon which a day was fixed for the trial. But the hearts of those witnesses failed them, or their consciences rose upon them: so that when the day came on, they could not bring themselves to swear against an innocent man, and they plainly refused to do it. Yet upon new practices and new hopes, they were again resolved to swear boldly: upon which new days had been set twice or thrice: and, their hearts turning against it, they were still put off. Lord Bargeny had full proof of all this ready to be offered. But the duke prevailed to have this likewise referred to the king, and it was never more heard of. This shewed what duke Lauderdale's party were capable of. It likewise gave an ill character of the duke's zeal for justice and against false swearing; though that had been the chief topic of discourse with him for above three years. He was angry at a supposed practice with witnesses, when it fell upon his own party. But now that there was evident proofs of perjury and subornation, he stopt proceedings under pretence of referring it to the king, who was never made acquainted with it, or at least never inquired after

[1] John, Lord Bargeny. See Wodrow, ii. 410, &c.

[2] It was in March, 168½. *Lauderdale Papers*, iii. 196, 197.

[3] For one of these forged depositions, see *id.* 201.

the proof of these allegations, nor ordered any proceedings upon them. CH. XIII.

The main business of this parliament was the act concerning the new test that was proposed. It had been promised in the beginning of the session, that as soon as an act for maintaining the succession should pass, they should have all the security that they could desire for the protestant religion. So, many zealous men began to call for some more effectual security for their religion. Upon which a test was proposed for all that should be capable of any office in church or state, or of electing, or being elected, members of parliament, that they should adhere firmly to the protestant religion; to which the court party added, the condemning of all resistance in any sort or under any pretence, the renouncing the covenant, and an obligation to defend all the king's rights and prerogatives, and that they should never meet to treat of any matter, civil or ecclesiastical, but by the king's permision, and never endeavour any alteration in the government in church or 516
state[1]: and they were to swear all this according to the literal sense of the words. The test was thus loaded at first to make the other side grow weary of the motion, and to let it fall; which they would willingly have done. But the duke was made to apprehend that he would find such a test as this prove much for his service: so it seems that article of the protestant religion | was forgiven for the service that MS. 265.
was expected from the other parts of the test. There was a hot debate upon the imposing it on all that might elect or be elected members of parliament. It was said that was the most essential of all the privileges of the subjects; therefore they ought not to be limited in it. The bishops were earnest for this, which they thought would secure them for ever from a presbyterian parliament. It was carried in the vote, and that made many of the court more zealous than ever for carrying through the act. Some proposed that there should be two tests: one for papists with

[1] Evidently copied from Danby's Non-Resisting test.

CH. XIII. higher incapacities: and another for the presbyterians with milder censures. But that was rejected with much scorn, some making their court by saying they were in more danger from the presbyterians than from the papists: and it was reported that Paterson, then bishop of Edinburgh, said to the duke, that he thought the two religions, popish and protestant, were so equally stated in his mind, that a few grains of loyalty in which the protestants had the better of the papists turned the balance with him. Another clause in the bill was liable to great objections: all the royal family were excepted out of it. Lord Argyll spoke zealously against this. He said the only danger we could apprehend as to popery was, if any of the royal family should happen to be perverted: therefore he thought it was better to have no act at all than such a clause in it. Some few seconded him, but it was carried without any considerable opposition. The nicest point of all was, what definition or standard should be made for fixing the sense of so general a term as the protestant religion. Dalrymple proposed the confession of faith agreed on in the year 1559[1], and enacted in parliament in 1567, which was the only confession of faith that had then the sanction of a law. That was a book so worn out of use, that scarce any in the whole parliament had ever read it. None of the bishops had, as appeared afterwards; for these last 30
517 years the only confession of faith that was read in Scotland was that which the assembly of divines at Westminster had set out[2], which the Scottish kirk had set up instead of the old one: and the bishops had left it in possession, though the authority that enacted it was annulled. So here a book was made the matter of an oath, for they were to swear that they would adhere to the protestant religion as it was declared in the confession of faith enacted in the year 1567,

[1] Ratified by the three estates in 1560.

[2] A purely English production. 'Confession of Faith agreed upon by the Assembly of Divines at Westminster; examined and approved *anno* 1647 by the Church of Scotland, and ratified by Act of Parliament, 1649.' Burton, *Hist. of Scotland*, vii. 228.

that contained a large system of religion that was not so much as known to those who enacted it; yet the bishops went all into it. Dalrymple, who had read it, thought that there were propositions in it which, being better considered of, would make the test be let fall: for in it the repressing of tyranny is reckoned a duty incumbent on good subjects; and the confession being made after the Scots had deposed the queen regent, and it being ratified in parliament after they had forced their queen Mary to resign, it was very plain what they who made and enacted this confession meant by the repressing of tyranny. But the duke and his party set it forward so earnestly, that upon one day's debate the act passed, though by a majority only of ten voices[1]. There was some appearance of security to the protestant religion by this test. But the prerogative of the crown in ecclesiastical matters had been raised so high by duke Lauderdale's act[2], that the obliging all people to maintain this with the rest of the prerogative might have made way for every thing. All ecclesiastical courts subsisted now by this test only upon the king's permission, and at his discretion. August 31, 1681.

The parliament of Scotland was dissolved soon after this act passed[3]: and Hyde was sent down from the king to the duke immediately upon it. It was given out, that he was sent by the king to press the duke upon this victory to shew that what ill usage could not extort from him, he would now do of his own accord, and return to the church of England. I was assured that lord Halifax had prevailed with the king to write to him to that purpose: that the letter was writ, but was not sent; and that lord Hyde had it in charge to manage it as a message[4]. How much

[1] For the text of the Test see Wodrow, iii. 295. There was an additional Act on Sept. 17. See Aeneas Mackay's *Memoirs of Sir J. Dalrymple, first Viscount Stair*, 145.

[2] In 1669. Vol. i. 521.

[3] Parliament was adjourned on Sept. 17, 1681, to March 1, 168½; and then dissolved. Upon Hyde's mission see Clarke's *Life of James II*, i. 699–701, and James's letter in the *Dartmouth Papers*, H. M. C. Rep. xi, Part 5, p. 67. See also Foxcroft's *Halifax*, i. 303.

[4] I have a letter of the duke's, dated Dec. 14th, in which he says,

CH. XIII. of this is true I cannot tell: one thing is certain, that if it was true it had no effect[1]. As soon as the test with the confession of faith were printed, there was a universal murmuring among the best of the clergy[2]. Many were against the swearing to a system made up of so many pro-
518 positions, of which some were at least doubtful; though it was found to be much more moderate in many points than could have been well expected, considering the heat of that
MS. 266. time. There was a limitation put on | the duty of subjects, in the article by which they were required not to resist any whom God had placed in authority, in these words, *while they pass not over the bounds of their office:* and in another they condemned those who resist the supreme power *doing that thing which appertaineth to his charge.* These were propositions now of a very ill sound. They were also highly offended at the great extent of the prerogative in the point of the supremacy, by which the king turned bishops out at pleasure by a letter. It was hard enough to bear this: but it seemed intolerable to oblige men by oath to maintain it. The king might even by a proclamation put down even episcopacy itself, as the law then stood: and by this oath they would be bound to maintain that too. All meetings in synods, or for ordinations, were hereafter

'Besides that in conscience I cannot do what you so press me to, it would not be of that use or advantage to his majesty as some think. For the Shaftesburian and republican party would say it was only a trick, that I had a dispensation, and that I was still a catholic in my heart; and say, that there was more reason to be affeared of popery than ever. The reasons are obvious; besides, I will never be brought to do it, and therefore am glad to see that the thoughts of his majesty's writing to me upon that subject is laid aside; for should he be prevailed upon to do it, one might easily guess what must soon follow after. Therefore let my friends see to hinder such a letter, and put the thoughts of my complying with them in that point of changing my religion quite out of their heads.' D.

[1] I have a letter of the duke's, in which are these words: 'What you hint to me in your letter, and what lord Halifax in his has more plainly said, and has been pressed by lord Hyde, concerning my going to church, has mortified me very much; since I cannot do it; for indeed I see nothing but ruin when such measures are taken, as produced such a message to me, when there was no reason to believe I would comply.' D.

[2] Wodrow, iii. 300 *et seq.*

to be held only by permission. So that all the visible ways of preserving religion depended now wholly on the king's good pleasure: and they saw that this would be a very feeble tenure under a popish king. The being tied to all this by oath seemed intolerable; and when a church was yet in so imperfect a state, without liturgy or discipline, it was a strange imposition to swear never to endeavour any alteration either in church or state. Some or all of these exceptions did run so generally through the whole body of the clergy, that they were all shaking in their resolutions. To prevent this, an explanation was drawn by bishop Paterson[1], and passed in council. It was by it declared, that it was not meant that those who took the test should be bound to every article in the confession of faith, but only in so far as it contained the doctrine upon which the protestant churches had settled the reformation: and that the test did not cut off those rights which were acknowledged to have been in the primitive church for the first three hundred years after Christ: and an assurance was given that the king intended never to change the government of the church. By this it was pretended that the greatest difficulties were now removed. But to this it was answered, that they were to swear they took the oath in the literal sense of the words: so that if this explanation was not conform to the literal sense, they would be perjured who took it; and that the imposers of an oath could only declare the sense of it. But that could not be done by any other, much less by a lower authority, such as the privy council's was confessed to be. Yet when men are to be undone if they do not submit to a hard law, they willingly catch at any thing that seems to resolve their doubts.

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Nov. 3, 1681.

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[1] First of Galloway and then of Edinburgh—a great adherent of the Lauderdale interest, and a member of the 'Secret Committee' of 1680. For his 'sense of the test,' see Wodrow, iii. 303. He became Archbishop of Glasgow in 1687, but was deprived at the Revolution. He died in 1708.

CH. XIII. About eighty of the most learned and pious of their clergy left all, rather than comply with the terms of this law: and these were noted to be the best preachers, and the most zealous enemies to popery, that belonged to that church. The bishops, who thought their refusing the test was a reproach to them who took it, treated them with much contempt, and put them to many hardships. About twenty of them came up to England: I found them men of excellent tempers, pious and learned, and I esteemed it no small happiness that I had then so much credit, by the ill opinion they had of me at court, that by this means I got most of them to be well settled in England; where they have behaved themselves so worthily, that I have great reason to rejoice in being made an instrument to get so many good men, who suffered for their consciences, to be again well employed and well provided for. Most of them were formed by Charteris[1], who had been always a great enemy to the imposing of books and systems as the tests that must be signed and sworn by such as are admitted to serve in the church. He had been for some years divinity professor at Edinburgh, where he had formed the minds of many of the young clergy both to an excellent temper and to a set of very good principles. He upon this retired, and lived private for some years. He writ to me, and gave me an account of this breach that was like to be in the church, and desired I would try, by all the methods I could think of, to stop proceedings upon the test. But the king had put the affairs of Scotland so entirely in the duke's hands, and the bishops here were so pleased with those clauses in the test that renounced the covenant and all endeavours for any alteration in church and state, that I saw it was in vain to make any attempt at court. I therefore wished that they in Scotland would go as far as they could with a good conscience in compliance with the law,

[1] See his character, vol. i. 385. Fountainhall states that Charteris was deprived of the professorship because he refused the test. *Hist. Obs.* 90.

and not bring a church already rent with schism under new distractions, if it was possible to avoid them. At the same time | duke Hamilton wrote to me for my opinion concerning the test. I answered him that I thought the objections to it were managed with too much subtilty: I did not carry these things so far as others did: if it was against his conscience, I prayed him to have no regard to his interest, and upon no account to take any oath till he was satisfied it was lawful, but if he had no scruple in his own mind about it, and only pretended that to gratify a party, I said that, as that would be a mocking of God, so he would be made very uneasy in it: for lord Halifax assured me that he was looked on as a man that was setting himself at the head of the party in opposition to the government, and he might easily foresee what the consequences of that would be. He stood in suspense for some months, yet took it at last. For that I was much blamed by the party, for it was said my letter determined him. I also writ a paper to answer the objections raised to the test, which was sent about among my friends. For though I did not like it, and should never have consented to the making of it, yet I wished that all scruples about it might have been satisfied, and that those worthy clergymen who were turned out upon it, and who were the ablest men in that church, and the fittest to make a stand against popery, might return to their labours. Yet so ill was I represented upon that occasion, that the duke was made believe that I was a great stickler in all the opposition that was made to the test, and he possessed the king with it. CH. XIII. MS. 267.

Upon this matter an incident of great importance happened. The earl of Argyll was a privy councillor, and one of the commissioners of the treasury. So when the time limited was near lapsing, he was forced to declare himself[1]. He had once resolved to retire from all employ-

[1] In a letter of the duke's, dated Nov. 1, he says, 'Lord Argile is here, and has not yet taken it (the test), but by Thursday next he must; or lose all his places, which he will be unwilling to do.' In another of

CH. XIII. NOV. 1681.

ments; but his engagements with duke Lauderdale's party, and the entanglements of his own affairs, overcame that. His main objection lay to that part which obliged them to endeavour no alteration in the government in church or state, which he thought was a limitation on the legislature. He desired leave to explain himself in that point: and he continued always to affirm that the duke was satisfied with that which he proposed: so being called on the next day at the council table to take the test, he said he did not think that the parliament did intend an oath that should have any contradictions in one part of it to another; therefore he took the test as it was consistent with itself: (this related to the absolute loyalty in the test, and the limitations that were on it in the confession [1]:) and he added that he did not intend to bind himself up by it from doing any thing in his station for the amending of any thing in church or state, so far as was consistent with the protestant religion and the duty of a good subject: and he took that as a part of his oath. The thing passed, and he sat that day in council; and went next day to the treasury chamber, where he repeated the same words. Some officious people upon this came and suggested to the duke, that great advantage might be taken against him from these words. So at the treasury chamber he was desired to write them down, and give them to the clerk, which he did, and was immediately made a prisoner in the castle of Edinburgh upon it. It was said this was high treason, and the assuming to himself the legislative power, in his giving a sense of an act of parliament, and making that a part of his oath. It was also said that his saying that he did not think the parliament intended an oath that did contradict itself, was a tacit way of saying that he did think it, and was a

the 5th, 'You will hear from lord Hyde, of lord Argile's having taken the test, and spoiled all again by not taking it yesterday as one of the lords of the treasury.' On the 12th, 'People seem little concerned for lord Argile's being put into the castle.' D.

[1] *Scil.* of Faith. *Supra* 314 315.

defaming and a spreading lies of the proceedings of parliament, which was capital. The liberty that he reserved to himself was likewise called treasonable, in assuming a power to act against law. These were such apparent stretches, that for some days it was believed all this was done only to fright him to a more absolute submission, and to surrender up some of those great jurisdictions over the Highlands that were in his family. He desired he might be admitted to speak with the duke in private: but that was refused. He had let his old correspondence with me fall: but I thought it became me in this extremity to serve him all I could: and I prevailed with lord Halifax to speak so oft to the king about it, that it came to be known: and lord Argyll writ me some letters of thanks upon it. Duke Lauderdale was still in a firm friendship with him, and tried his whole strength with the king to preserve him: but he was sinking both in body and mind, 521
and was like to be cast off in his old age. Upon which I also prevailed with lord Halifax to offer him his service, for which duke Lauderdale sent me very kind messages. I thought these were the only returns that I ought to make him for all the injuries he had done me, thus to serve him and his friends in their distress. But the duke [of York] took | this, as he did every thing from me, by MS. 268.
the worst hands possible: he said I would reconcile my self to the greatest enemies I had in opposition to him. Upon this it was not thought fit upon many accounts that I should go and see duke Lauderdale, which I had intended to do. It was known I had done him acts of friendship: so the scandal of being in enmity with him was over: for a Christian is no man's enemy, and he will always study to overcome evil with good.

CH. XIII.

Lord Argyll was brought to a trial for the words he had spoke. The fact was certain: so the debate lay in a point of law, what guilt could be made out of his words [1]. Dec. 12, 1681.

[1] Dec. 13, the duke says, 'Lord Argile's trial began yesterday, and their forms in the justice court are so tedious, that they could not make

CH. XIII. Lockhart pleaded three hours for him, and shewed so manifestly that his words had no sort of criminousness, much less of treason in them, that if his cause had not been judged before his trial no harm could have come to him. The court that was to judge the point of law, or the relevancy of the libel, consisted of a justice general and of five judges. The justice general is not bound to vote, unless the court is equally divided. One of the judges was deaf[1], and so old that he could not sit all the while the trial lasted, but went home and to bed. The other four were equally divided: so the old judge was sent for: and he turned it against lord Argyll[2]. The jury was only to find the fact proved: but yet they were officious, and found it treason: and to make a shew of impartiality, whereas in the libel he was charged with perjury for taking the oath falsely, they acquitted him of the perjury. No sentence in our age was more universally cried out on than this[3]. All people spoke of it, and of the duke who drove

an end of it then, but will, as I believe, this evening; and have reason to believe the jury will find the bill, and not *ignoramus*, and that that little lord will be once again at his majesty's mercy.' 'Since I wrote this, I have had an account that the jury, of which the marquis of Montrose was chancellor, as they call them here, have found lord Argile guilty of treason, and other crimes, so that he is absolutely in his majesty's hands.' D. This extract is in Dalrymple's *Memoirs*.

[1] Lord Nairn.

[2] Lockhart, of Carnwarth, in his Letter on the Bishop of Salisbury's History, published lately with the *Lockhart Papers*, remarks on this account that if the Justice-General did not vote, as indeed is the practice of chairmen or presidents in all courts, and the infirm deaf judge was absent, there still remained five voting judges, the court consisting of seven judges, and consequently there could not be an equality, that is, two and two of a side, as the bishop affirms. Lockhart relates that the justice clerk, so called from having been originally a clergyman, voted in all other cases with the other judges, except when the Justice-General is absent, on which occasion he presides, and does not vote, except on an equality amongst the other judges. I. 599. R. See Preface to Sprat's *Rye House Conspiracy*, and Salmon's *Examination*, 898.

[3] 'His case is thought very hard . . .; and all imputed to the Duke's severity. . . . But Arguile is not much pittied, being looked on generally as a very ill man to y^e^ crown, and who has made use of y^e^ King's favours heretofore to do very greate injustice to others.' *Hatton Correspondence*,

it on, with horror. All that was said to lessen that was, CH. XIII.
that duke Lauderdale had restored the family, with such an extended jurisdiction, that he was really the master of all the Highlands: so that it was fit to attaint him, that by a new restoring him these grants might be better limited. This, the duke writ to the king, was all he intended by it, as lord Halifax assured me. But lord Argyll was made believe that the duke intended to pro- 522
ceed to execution: some more of the guards were ordered to come to Edinburgh: rooms were also fitted for him in the common gaol, to which peers use to be removed a few days before their execution; and a person of quality, whom lord Argyll never named, affirmed to him on his honour, that he heard one in great favour say to the duke, The thing must be done, and that it would be easier to satisfy the king about it after it was done, than to obtain his leave for doing it. It is certain many of the Scottish nobility did believe that it was intended he should die[1]. Upon these reasons Argyll made his escape out of the Dec. 20, 1681.
castle in the disguise of a footman. Others suspected those stories were sent to him on purpose to frighten him to make his escape; as that which would justify further severities against him. He came to London, and lurked for some months there. It was thought I was in his secret: but though I knew one that knew it, and saw many papers that he then writ giving an account of all that matter, yet I abhorred lying, and it was not easy to

Jan. 5, 1682. Halifax's reported exclamation is well known: 'I know nothing of Scotch law, but this I know, that we should not hang a dog here on the grounds on which my Lord Argyll has been sentenced.' See Fountainhall, *Hist. Obs.* 54.

[1] 'Jan. 5. I find by yours of the 27th of last month, that people take all the pains they can to tax me with severity in this affair of lord Argile: it is not the first wrong of that kind which has been done me, as those who are acquainted with the laws of this country know very well: and has but to thank himself for what has happened to him; and to shew you what wrong is done me, if I had not hindered his being fallen on in parliament, they had brought him there, in as ill a condition as to his fortune, as he is now.' *Dartmouth MSS.* D.

CH. XIII. [a] have kept out of the danger of that [a], if I had seen him, or known where he was: so I avoided it by not seeing him. One that saw and knew him went and told the king of it: but he would have no search made for him, and retained still very good thoughts of him [1]. In one of Argyll's papers he writ, that if ever he was admitted to speak with the king, he could convince him how much he merited at his hands by that which had drawn the duke's indignation on him. He that shewed me this explained it, that at the duke's first being in Scotland, when he apprehended that the king might have consented to the exclusion, he tried to engage Argyll to stick to him in that case; who told him he would always be true to the king, and likewise to him when it should come to his turn to be king, but that he would go no further, nor engage himself, in case the king and he should quarrel. I had lived many years in great friendship with the earl of Perth [2]: I lived with him as a father with a son for above twelve years: and he had really the submissions of a child to me. So, he having been on lord Argyll's jury, I writ him a letter about it with the freedom that I thought became me. He, to merit at the duke's hands, shewed it to him, as he himself confessed to me. I could very easily forgive him, but could not esteem him much after so unworthy an action. He was then aspiring
523 to great preferment; so he sacrificed me to obtain favour. But he made greater sacrifices afterwards [3]. The duke now seemed to triumph in Scotland: all stooped to him: the presbyterian party was much depressed: the best of the clergy were turned out: yet, with all this, he was now more hated there than ever. Argyll's business made him

[a] substituted for *avoid lying*.

[1] When urged to have him arrested, Charles merely said, 'Pooh, pooh! leave a hunted partridge!'

[2] *scil.* James Drummond, 4th Earl and 1st titular Duke of Perth, for a time a strong opponent of Lauderdale; see *supra* 147. He was made Justice-General on Nov. 16, 1682, and was one of the seven who formed the Cabinet for Scotland.

[3] See *infra* ff. 653, 678, 804.

be looked on as one that would prove a terrible master when all should come into his hands. He had promised to redress all the merchants' grievances with relation to trade, to gain their concurrence in parliament: but, as soon as that was over, all his promises were forgotten. The accusations of perjury were stifled by him. And all the complaints of the great abuse Hatton was guilty of in the matter of the coin ended in turning | him out of all his employments, and obliging him to compound for his pardon, by paying 20,000*l.* to two of the duke's creatures[1], one of whom he advanced soon after to be chancellor of Scotland[2]; so that all the reparation the kingdom had for the oppression of so many years, and so many acts of injustice, was, that two new[a] oppressors had a share of the spoils, who went into the same tract, or rather invented new methods of oppression, in which the new chancellor exceeded all that had gone before him. He had a small estate, which he resolved to raise up till it should hold a proportion to his new title: for he was made earl of Aberdeen. All these things, together with a load of age and of a vast bulk, sunk duke Lauderdale, so that he died that summer[3]. His heart seemed quite spent: there was not left above the bigness of a walnut of firm substance: the rest was spongy, liker the lungs than a heart. The duke had leave given him to come to the king at New-

Ch. XIII.

MS. 269.

August 20, 1682.

March 12, 168½.

[a] substituted for *raw*.

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[1] 'And thus fell that unhappy man, unregrated by many, because of his disobliging insolence when in power.' Fountainhall, *Hist. Notices*, 373; and *Hist. Obs.* 79, 80. There is much about Hatton in James's letters to Queensberry. *H. M. C. Rep.* xv, App. viii.

[2] Sir George Gordon of Haddo. *Infra* 328.

[3] He had had a stroke of apoplexy, in 1680, and was very ill in August, 1681. He had been estranged from James since his vote against Stafford. *Supra* 275. Fountainhall, *Hist. Obs.* 75. 'Discontent and age were the ingredients in his death, if his Dutchess and Physitians be freed. For she had abused him most grosely, and got from him all she could expect.' *Id.* 74. 'He dyed like a fool, by the hand of a woman.' *Id.* 76. Fountainhall calls him 'the learnedest and powerfullest minister of state in his age.'

CH. XIII. market: and there he prevailed for leave to come up, and live again at court[1]. As he was going back to bring up May 5 or 6, 1682. the duchess, the Gloucester frigate that carried him struck on a bank of sand[2]. The duke got into a boat: and took care of his dogs, and of some unknown persons, who were taken from that earnest care of his to be his priests. The long boat went off with very few in her, though she might have carried of above 80 more than she did[3]; 150 perished,

[1] Through the urgency of Louis XIV, who felt sure of Charles only while James was at his side. Dalrymple's *Memoirs*, i. 106 (ed. 1790). The desire of Charles to induce James to settle £5,000 a year upon the Duchess of Portsmouth out of the receipts of the Post Office, which were his for life, was an additional reason. Clarke, *Life of James II*, i. 722–727; Macpherson, *Original Papers*, i. 129, 132–134. James arrived at Newmarket on March 12, 168½. Reresby, *Memoirs*, 243–250.

[2] The sand known as the 'Lemon and Oar' or 'Lemmon and Ore,' sixteen leagues from the mouth of the Humber; May 5 or 6, 1682. Lords O'Brien and Roxburgh, and a younger brother of Laurence Hyde, with 130 seamen, were drowned; 160, besides the Duke, being saved. Luttrell, and Reresby's *Memoirs*, 250. Fountainhall, *Hist. Obs.* 68, speaks of James's ill-luck at sea as proverbial.

[3] 'Sir John Berry the commander was cleared of being in any fault by his majesty and the council. But captain Ayres the pilot was sentenced to perpetual imprisonment for his negligence.' *Complete History of England*, vol. iii. 395. See also an account of this sad disaster in the *Life of King James II*, vol. i. 731, where it is said that only Mr. Churchill and one or two more were invited by the duke to go into the shallop; and that the perishing sailors gave a loud huzza, when they saw his royal highness in safety. Among the letters published by Mr. Ellis, there is one, which Dalrymple however had already printed, from the lord provost of Edinburgh [Sir J. Dick] after escaping from this shipwreck. It is dated a few days afterwards. He says, that 'when the duke got his clothes on and inquired how things stood, she had nine feet of water in her hold, and the sea fast coming in at the gun-ports; the seamen and passengers were not at command, every man studying his own safety. This forced the duke to go out at the large window of the cabin, where his little boat was ordered quietly to attend him, lest the passengers and seamen should have thronged so in upon him, as to overset his boat. This was accordingly so conducted as that none but earl Winton and the president of the session, with two of the bed-chamber men, went with him. They were forced to draw their swords to hold people off.' Vol. iv. of the *Second Series*, p. 68. Compare Sir Egerton Brydges' note on Collins's *Peerage*, vol. iv. p. 119. Mr. Pepys also, who was accompanying the duke in another vessel, has related several circumstances of this accident. It appears that Colonel Legge, after saving the duke, saved himself by going aboard the vessel in which Pepys was. The Duke of York gave

some were men of great quality. But the duke took no notice of this cruel neglect, which was laid chiefly to Legge's [1] charge [2]. CH. XIII.

eleven months' pay to the widow of every seaman who perished, and a sum of money to each child of such seaman. See Lingard's *History of England*, vol. xiii. 314 *note*. R. See Bevill Higgons, *Remarks*, 343, for obvious inaccuracies in the text. A 'long boat,' for instance, which 'might have carried off above 80 more than she did,' would be indeed a rarity. The account of the struggle of the duke's dog 'Mumper' and Sir Charles Scarborough for a plank is well known. Echard, 1020. The long boat was really the pinnace of a fifth-rate man-of-war. See also *Reflections upon Bishop Burnet's Posthumous History by Philalethes*, 85.

[1] *scil.* George Legge, afterwards Baron Dartmouth, Dec. 2, 1682.

[2] The ground of this reflection was, that he stood with his sword drawn to hinder the crowd from oversetting the boat the duke was in; which the bishop thought was a fault. But he had forgot a famous story of a struggle between Sir Charles Scarborough and the duke's dog Mumper [Echard, 1020], which would have convinced him that the dogs took care of themselves. D. See a letter from the Earl of Dartmouth to Erasmus Lewis, Esq., in which this charge is refuted, p. 826. (Burnet, Dartmouth copy.) H. L. (Henry Legge.) The letter is here subjoined, although it has been already published by Sir John Dalrymple in his Memoirs, Appendix i. 128 (ed. 1790).

To Erasmus Lewis, Esq.

Sandwell,

Sir, Jan. 25, 1723–4.

This is only in answer to the last paragraph in your's of the 21st. My father was on board the *Glocester*, but so little deserved to have the drowning 150 men (which the bishop has so liberally bestowed upon him) laid chiefly to his charge, that it was in great measure owing to him that any escaped. After the ship had struck, he several times pressed the duke to get into the boat, who refused to do it, telling him, that if he were gone, nobody would take care of the ship, which he had hopes might be saved, if she were not abandoned. But my father finding she was ready to sink, told him if he staid any longer they should be obliged to force him out; upon which the duke ordered a strong box to be lifted into the boat, which, besides being extremely weighty, took up a good deal of time, as well as room. My father asked him with some warmth, if there was any thing in it worth a man's life. The duke answered, that there were things of so great consequence, both to the king and himself, that he would hazard his own, rather than it should be lost. Before he went off, he enquired for lord Roxburgh, and lord Obrian, but the confusion and hurry was so great, that they could not be found. When the duke and as many as she would hold with safety were in the boat, my father stood with his sword drawn, to hinder the crowd from oversetting of her, which, I suppose, was what the bishop esteemed a fault: but the king thanked him publicly for the care he had taken of the duke; and the duchess, who was not apt to favour him much upon other occasions, said upon this,

CH. XIII. May, 1682.

In Scotland the duke declared the new ministers: Gordon, now earl of Aberdeen [1], was made chancellor, and Queensberry [2] was made treasurer: and the care of all affairs was committed to them. But they both were very proud and very covetous men; so it was not probable their friendship could last long. The duke at parting recommended to the council to preserve the public peace, to support the church, and to oblige all men to live regularly in obedience to the laws. The bishops made their court to him with so much zeal, that they wrote
524 a letter to the archbishop of Canterbury, to be communicated to the rest of the English bishops, setting forth in a very high strain his affection to the church and his care of it: and lest this piece of merit should have been stifled by Sancroft, they sent a copy of it to the press; which was a greater reproach to them than a service to him, who could not but despise such abject and indecent flattery. The proceedings against conventicles were now like to be

that she thought herself more obliged to him, than to any man in the world, and should do so as long as she lived. I cannot guess what induced the bishop to charge my father with the long boat's not being sufficiently manned; for if that were true (which I much doubt), it was not under his direction, he being on board in no other capacity but as a passenger, and the duke's servant. And I believe his reflection upon the duke for his care of the dogs to be as ill grounded, for I remember a story (that was in every body's mouth at that time), of a struggle that happened for a plank between sir Charles Scarborough, and the duke's dog Mumper, which convinces me that the dogs were left to take care of themselves (as he did), if there were any more on board; which I never heard until the bishop's story book was published. This is all in relation to that affair that ever came to the knowledge of

Sir,

Your most faithful,
humble servant,
DARTMOUTH.

[1] *scil.* Sir George Gordon of Haddo, created 1st Earl of Aberdeen, Nov. 30, 1682; he had been made Lord Chancellor in the previous May. He died in 1720. Refusing to assent to the Act making husbands and fathers answerable for the attendances of their wives and daughters at conventicles, he was replaced in June, 1684, by Perth. Cf. *infra* 417, 420. There is an important collection of the letters of James regarding Aberdeen and Queensberry, with Scotch affairs in general at this time, in the Buccleugh and Queensberry papers. *H. M. C. Rep.* xv, *App.* viii.

[2] William Douglas, 3rd Earl of Queensberry, created duke in 1684. He was Lord Treasurer from May, 1682, to January, 1686.

severer than ever: all the fines, that were set so high by law that they were never before levied but in some particular instances, were now ordered to be levied without exception. All people upon that saw they must either conform or be quite undone. For the chancellor laid down a method for proceeding against all offenders punctually: and the treasurer was as rigorous in ordering all the fines to be levied. CH. XIII.

When the people saw this, they came all to church again, and that in some places where all sermons had been discontinued for many years. But they came in so awkward[a] a manner, that it was visible they did not mean to worship God, but only to stay some time within the church walls: and they were either talking or sleeping all the while: yet most of the clergy seemed to be transported with this change of their condition, and sent up to England many panegyrics of the glorious services that the duke had done their church. This compliance shewed how soon the presbyterians could overcome all their scruples, when they saw what they were to suffer for them. So that the enemies of religion gained their point, by observing the ill nature of the one side, and the cowardliness of the other, and pleased themselves in censuring them both; and by this means an impious and atheistical leaven began to corrupt most of the younger sort. This has since that time made a great progress in that kingdom, which was before the freest from it of any nation in Christendom. The beginnings of it were from the duke's stay among them, and from his court, which have been cultivated since with much care, and but too much success.

About the end of the year two trials gave all people sad apprehensions of what they were to look for. One Home[1] was charged by a kinsman of his own for having been at Bothwell-Bridge. All gentlemen of estates were Nov. 15, 1682.

[a] spelled *awkerd*.

[1] This was probably the Alexander Hume of Hume, mentioned by Wodrow, iii. 416-420; cf. Fountainhall, *Hist. Ob.* 86.

CH. XIII. excepted out of the indemnity: so he, having an estate, could have no benefit by that. One swore he saw him go into a village, and seize on some arms: another swore he saw him ride towards the body of the rebels: but none did swear that they saw him there. He was indeed among them: but there was no proof of it; and he proved that
525 he was not in the company where the single witness swore he saw him seize on arms, and did evidently discredit him. Yet he was convicted and condemned on that single evidence, that was so manifestly proved to be
MS. 270. infamous. | Many were sensible of the mischievousness of such a precedent: and great applications were made to the duke for saving his life: but he was not born under a pardoning planet. Lord Aberdeen, the chancellor, prosecuted Home with a particular spite, because his father had suffered in the late times for bearing arms on the king's side, and Home's father was one of the jury that cast him. The day of his execution was set to be on the
Dec. 29, 1682. same day of the year[1] on which lord Stafford had suffered; which was thought done in compliment to the duke, as a retaliation for his blood. Yet Home's infamous kinsman, who had so basely sworn against him, lived not to see his execution; for he died before it full of horror for what he had done. Another trial went much deeper, and the consequences of it struck a terror into the whole country.

One Blakewood[2], that managed the marquis of Douglas's concerns, who was a retired and unactive man, was accused of treason for having kept company with one that had been in the business of Bothwell-Bridge. Blakewood had at that time no good character, which is the common fate of all that govern other men's affairs; though upon this occasion, his accounts being exactly looked into, they discovered an extraordinary degree of fidelity and exactness. He pleaded for himself, that the person on whose account he was now prosecuted as an abettor of traitors,

[1] *Supra* 278. See Fountainhall, *Historical Notices*, 380 and 409-413.

[2] William Laurie of Blakewood.

had never been marked out by the government by process or proclamation. It did not so much as appear that he had ever suspected him upon that account. He had lived in his own house quietly for some years, after that rebellion, before he employed him: and if the government seemed to forget his crime, it was no wonder if others entered into common dealings with him. All the lawyers were of opinion that nothing could be made of this prosecution: so that Blakewood made use of no secret applications, thinking he was in no danger. But the court came to a strange sentence in this matter by these steps: they judged that all men who suspected any to have been in rebellion were bound to discover such their suspicion, and to give no harbour to such persons: that the bare suspicion made it treason to harbour the person suspected, whether he was really guilty or not: that if any person was under such a suspicion, it was to be presumed that all the neighbourhood knew it, so that there was no need of proving that against any particular person, since the presumption of law did prove it. And it being proved 526
that the person with whom Blakewood had conversed lay under that suspicion, he was upon that condemned as guilty of high treason. This was such a constructive treason, that went upon so many unreasonable suppositions, that showed the impudence of a sort of men who had been for forty years declaiming against a parliamentary attainder for a constructive treason, in the case of the earl of Strafford, and did now in a common court of justice condemn a man upon a train of so many inferences, that it was not possible to make it look like a constructive treason. The day of his execution was set: and though the marquis of Douglas writ earnestly to the duke for his pardon, that was denied. He only obtained two months' reprieve, for making up his accounts: the reprieve was renewed once or twice: so Blakewood was not executed. This put all the gentry in a great fright: many knew they were as obnoxious as Blakewood was, and none could

Ch. XIII. have the comfort to know that he was safe. This revived among them a design that Lockhart had set on foot ten years before, of carrying over a plantation to Carolina. All the presbyterian party saw they were now disinherited of a main part of their birthright of choosing their representatives in parliament: and upon that they said they would now seek a country where they might live undisturbed, as freemen and as Christians. The duke encouraged the motion: he was glad to have so many untoward people sent far away, who, he reckoned, would be ready upon the first favourable conjuncture to break out into new rebellion. Some of the gentlemen were sent up to treat with the patentees of Carolina. They did not like the government of those *palatinates*, as they were called, yet the prospect of so great a colony obtained to them all the conditions they proposed. I was made acquainted with all the steps they made; for those who were sent up were particularly recommended to me, and seemed to depend much on the advices I gave them. In the negotiation this year there was no mixing with the malecontents in England: only they who were sent up went among them, and informed them of the oppressions they lay under; in particular of the terror with which this sentence against Blakewood had struck them all. And the court resolved to prosecute that further, for a proclamation was issued out in the beginning
MS. 271. of | the year 83[1], by which the king ordered circuit courts to be sent round the western and southern counties, to inquire after all who had been guilty of harbouring or conversing with those who had been in rebellion, even though there had been neither process nor proclamation
527 issued out against them. He also ordered that all who were found guilty of such converse with them should be proceeded against as traitors. This inquisition was to last three years: and at the end of that time all was to

[1] There is no such proclamation mentioned in Wodrow. Probably Burnet refers to the Act of August 3, 1682, and to the consequent commissions given to Claverhouse, Meldrum, and White; Wodrow, iii. 378, 423.

conclude in a full indemnity to such as should not be then under prosecution. But the indemnity was to take place immediately to all such as should take the test. This was perhaps such a proclamation as the world had not seen since the days of the duke of Alva. Upon it great numbers run in to take the test, declaring at the same time that they took it against their consciences: but they would do any thing to be safe. Such as resolved not to take it were trying how to settle or sell their estates; and resolved to leave the country, which was now in a very oppressed and desperate state.

CHAPTER XIV.

TRIUMPH OF THE COURT. THE RYE HOUSE PLOT. TRIAL AND EXECUTION OF RUSSELL.

BUT I must next turn again to the affairs of England. The court was[a] every where triumphant. The duke was highly complimented by all, and seemed to have overcome all difficulties[1]. The court, not content with all their victories, resolved to free themselves from the fears of troublesome parliaments for the future. The cities and boroughs of England were invited, and prevailed on, to demonstrate their loyalty by surrendering up their charters, and taking new ones modelled as the court thought fit. It was much questioned whether those surrenders were good in law or not. It was said that those who were in the government in corporations, and had their charters and seals trusted to their keeping, were not the proprietors nor masters of those rights: they could not extinguish those corporations, nor part with any of their privileges. Others said that whatever might be objected to the reason and

[a] substituted for *seemed*.

[1] Halifax, however, declared that there were few men of sense among his adherents. Reresby, *Memoirs*, 231.

CH. XIV. equity of the thing, yet when the seal of a corporation was put to any deed, that such deed was good in law[1]. The matter goes beyond my skill in law to determine it. This is certain, that whatsoever may be said in law, there is no sort of theft or perfidy more criminal, than for a body of men, whom their neighbours have trusted with their concerns, to steal away their charters, and affix their seals to such a deed, betraying in that both their trust and their oaths. In former ages corporations were jealous of their privileges and customs, to excess and superstition: so that it looked like a strange degeneracy, when all these were now delivered up; and this on design to pack
528 a parliament that might make way for a popish king: so that, instead of securing us from popery under such a prince, we were now contriving ways to make all easy to him. Popery at all times has looked odious and cruel: yet what the emperor had lately done in Hungary, and what the king of France was then doing against protestants of that kingdom[2], shewed that their religion was as perfidious and as cruel in this age as it had been in the last; and by the duke's government of Scotland [a] men might see what was to be expected from him. All this laid together, the whole looked like an extravagant fit of madness: yet no part of it was so unaccountable, as the high strains to which the universities and most of the clergy were carried. The nonconformists were now prosecuted [b] with much eagerness[3]. This was visibly set on by the papists, and it was wisely done of them; for they knew how much the nonconformists were set against them, and therefore they made use of the indiscreet heat of some

[a] *all* struck out. [b] *in most places* struck out.

[1] What does he think of the surrenders of the charters of abbeys? S. Cf. 345.

[2] Soon followed by the revocation of the Edict of Nantes. In the *Savile Correspondence* it is constantly remarked that the treatment of the Catholics in England was the cause of this.

[3] See Reresby's *Memoirs*, 257. The Act of Uniformity was strictly executed, and the prisons were

angry clergymen to ruin them. This they knew would render the clergy odious, and give the papists great advantages against them, if ever they should strike up into an opposition to their designs. CH. XIV.

At midsummer a new contest[a] discovered how little the court resolved to regard either justice or decency. The court had carried the election of sir John Moor to be mayor of the city of London at Michaelmas 82[1]. He was the alderman on whom the election fell in course: yet some who knew him well were for setting him aside, as one whom the court would easily manage. He had been a nonconformist himself, till he grew so rich that he had a mind to go through the dignities of the city: but though he conformed to the church, yet he was still looked on as one that in his heart favoured the sectaries: and upon this occasion he persuaded some of their preachers to go among their congregations to get votes for him. Others, who knew him to be a flexible and faint-hearted man[2], opposed his election: yet it was carried for him. | The opposition that was made to his election had sharpened MS. 272. him so much, that he became in all things compliant to the court, in particular to Jenkins, who took him into his own management. When the day came in which the mayor used to drink to one, and so mark him out for sheriff, he drunk to North[3], a merchant that was brother to the chief justice[4]. Upon that it was pretended that

[a] substituted for *debate fell in that.*

soon filled. Baxter was one of the victims, for an infringement of the Five Mile Act.

[1] The royal interest had been growing continually in the city.

[2] Cf. *Examen*, 596.

[3] *scil.* Dudley North, a Turkey merchant. See this episode fully described in the *Examen*, 600, &c. Cf. North's *Life of Dudley North*, 341; Howell's *State Trials*, ix. 187. The custom was obsolete. See also Salmon's *Examination*, 923, where a very different account from that in the text is given. Cf. *supra* 253.

[4] Harris, *Life of Charles II*, 343, says, his lordship pretended a right, for many years disused, whatever the old practice might have been, to nominate one of the sheriffs by drinking to him. Lord John Russell, in his *Life of Lord Russell*, 172, adds, 'That the letter of the charter and various precedents demonstrate,

CH. XIV. this ceremony was not a bare nomination, which the common hall might receive or refuse as they had a mind
529 to it: but that this made the sheriff, and that the common hall was bound to receive and confirm him in course, as the king did the mayor. On the other hand it was said that the right was to be determined by the charter, which granted the election of the sheriffs to the citizens of London: and that, whatever customs had crept in among them, the right still lay where the charter had lodged it, among the citizens. But the court was resolved to carry this point: and they found some orders that had been made in the city concerning this particular, which gave some colour to this pretension of the mayor's. So he claimed it on Midsummer-day: and said the common hall were to go and elect one sheriff, and to confirm the other that had been declared by him. The hall on the other hand said that the right of choosing both was in them. The old sheriffs put it, according to custom, to a poll: and it was visible the much greater number was against the lord mayor. The sheriffs were always understood to be the officers of that court: so the adjourning it belonged to them: yet the mayor adjourned the court, which they said he had no power to do, and so they went on with the
June 24–July 14, 1682. poll. There was no disorder in the whole progress of the matter, if that was not to be called one, that they proceeded after the mayor had adjourned the poll[1]. But though the mayor's party carried themselves with great insolence towards the other party, yet they shewed on

beyond all doubt, that this right of election resided in the citizens at large, and that the choice allowed to the Lord Mayor was only a matter of courtesy between the city and its chief magistrate.' The election had resided with the Livery since the Civil War.

[1] Salmon, *Examination*, 925. 'The trial of the sheriffs, Pilkington and Shute, the Lord Grey of Wark ... and the rest of the rioters, for assaulting the Lord Mayor, and continuing the Common Hall after the adjournment, was brought on before the Lord Chief Justice Saunders at the Guildhall, the 8th of May, 1683, &c. ... and judgement given against the defendants accordingly.' Heavy fines were imposed. *State Trials*, ix. 187–293; Ralph, i. 684–698; Luttrell, June 24.

this occasion more temper than could have been expected from so great a body, who thought their rights were now invaded. The mayor upon this resolved to take another poll, to which none should be admitted but those who were contented to vote only for one, and to approve his nomination for the other. And it was resolved that his poll should be that by which the business should be settled: and though the sheriff's poll exceeded his by many hundreds, yet order was given to return those on the mayor's poll, and that they should be sworn; and so those of the sheriff's poll should be left to seek their remedy by law, where they could find it. Box, who was chosen by the mayor's party, and joined to North, had no mind to serve upon so doubtful an election, where so many actions would lie, if it was judged against them at law: and he could not be persuaded to hold it. So it was necessary to call a new common hall, and to proceed to a new election: and then, without any proclamation made as was usual, one in a corner near the mayor named Rich, and about thirty more applauded it, those in the hall, that was full of people and of noise, hearing nothing of it. Upon this it was said that Rich was chosen without any 530
contradiction: and so North and Rich were returned, and July 14, 1682.
sworn the sheriffs for the ensuing year[1]. The violence and injustice with which this matter was managed, shewed that the court was resolved to carry that point at any rate: and this gave great occasions of jealousy, that some wicked design was on foot, for which it was necessary in the first place to be sure of favourable juries[2]. Lord

[1] See the account in Lord J. Russell's *Life of Lord Russell*, ii. 16–18. James wrote to the Prince of Orange on Oct. 24, mentioning the choice of 'a good and loyal mayor, as well as two sheriffs of the same stamp—which is a great mortification to the Whiggs.' R. O. 'King William's Chest.'

[2] 'That much irregularity occurred in these proceedings cannot be doubted; but the presumption is, that the election of the court candidates was legal, because, after the revolution, when men were eager in pursuit of vengeance, and the question was brought by petition before parliament, each house, after a separate examination of Moore and North, deemed it advisable to drop

CH. XIV. Shaftesbury upon this, knowing how obnoxious he was, went out of England[1]. His voyage was fatal to him: he just got to Amsterdam to die in it; of the last parts of his life I shall have some occasion to make mention afterwards. When Michaelmas-day came, those who found how much they had been deceived in Moor, resolved to choose a mayor that might be depended on. The poll was closed when the court thought they had the majority: but upon casting it up, it appeared they had lost it. So they fell to canvass it: and they made such exceptions to those of the other side, that they discounted as many voices as gave them the majority. This was also managed in so gross a manner, that it was visible the court was resolved by fair or foul means to have the government of the city in their hands. But because they would not be at this trouble, nor run this hazard, every year, it was resolved that the charter of the city must either be given up. or be adjudged to the king. The former was much the easier way: so great pains was taken to manage the next election of the common council, so that they might be tractable in this point. There was much injustice complained of in many of the wards of the city, both in the poll | and in the returns that were made. And in order to the disabling all the dissenters from having a vote in that election, the bishop and clergy of London were pressed by the court to prosecute them in the church

Nov. 28, 1682. Jan. 21, 168$\frac{2}{3}$.

MS. 273.

the inquiry.' Lingard's *History of England*, xiii. 316.

[1] The circumstances of his escape leave little doubt that it was connived at by the Government. Burnet antedates the event. In August he was in consultation with Russell, Monmouth, and others, about a rising. For six weeks he lay concealed at Wapping. He reached Harwich, disguised as a Presbyterian clergyman, and sailed thence on Nov. 28. He died on Jan. 21, 168$\frac{2}{3}$. Apparently it was the election of the Tory Pritchard as Lord Mayor, on Oct. 22, following on that of Tory sheriffs, which hastened his flight, a hostile jury being now certain. There was now a large Tory majority in the Council. Christie's *Life of Shaftesbury*, ii. 243, &c.; Ranke, iv. 164. For a concise estimate of Shaftesbury's work, see *id.* 166. Traill's sketch of him in the *Twelve English Statesmen* Series is satisfactory as regards his position as parliamentary orator and the first party leader in the modern sense.

courts[1]; that so they might excommunicate them, which some lawyers thought would render them incapable to vote, though other lawyers were very positively of another opinion. It is certain it gave at least a colour to deny them votes. The bishop of London begun to apprehend that things were running too fast, and was backward in the matter. The clergy of the city refused to make presentments. The law laid that on the church-wardens, and so they would not meddle officiously. The king was displeased with them for their remissness. But after all the practices of the court, in the returns of the common council of the city, they could not bring it near an equality 531 for delivering up their charter. Jenkins managed the whole business of the city with so many indirect practices, that the reputation he had for probity was much blemished by it[2]: he seemed to think it was necessary to bring the city to a dependence on the court, on the fairest methods he could fall on; and if these did not succeed, that then he was to take the most effectual ones, hoping that a good intention would excuse bad practices. CH. XIV.

The earl of Sunderland had been disgraced[3] after the exclusion parliaments, as they were now called, were dissolved. But the king had so entire a confidence in him, and lady Portsmouth was so much in his interests, that upon great submissions made to the duke[4] he was again

[1] Proof of church attendance, and the taking the oath of supremacy, were exacted.

[2] But since this history came out, there has been published the Life of Jenkins [by William Wynne, 1724, 2 vols. f.], in which there is a letter of his to the Duke of York, very strongly and honestly dissuading him from the extremity of prosecuting the city for a forfeiture of their charter, or seizing their liberties. O.

[3] *Supra*, 284.

From a letter of James of July 29, 1682, it does not appear as if any terms were made with the Duke. 'Lord Sunderland is come back to Court, and all his past faults have been forgiven him at the intersesion of the Dutchess of Portsmouth, and his owning them, &c. Many honest men are allarmed at it, but not I.' *H. M. C. Rep.* xv, App. viii. 171.

[4] Sunderland and Halifax were reconciled now, July, 1682. Reresby, *Memoirs*, 258. But, although in August Halifax became Lord Privy Seal in succession to Anglesey, (*Hatton Correspondence*, ii. 17 *note*; Anglesey's MS. Diary, *Brit. Mus.*,

CH. XIV. restored to be secretary this winter. Lord Hyde was the person that disposed the duke to it: upon that, lord Halifax and he fell to be in ill terms: for he hated lord Sunderland beyond expression, though he had married his sister[1]. From lord Sunderland's returning to his post all men concluded that his declaring as he did for the exclusion was certainly done by direction from the king, who naturally loved craft and a double game, that so he might have proper instruments to work by, which way soever he had turned himself in that affair. The king was the more desirous to have lord Sunderland again near him, that he might have somebody about him who understood foreign affairs. Jenkins understood nothing[2]: but he had so much credit with the high church party, that he was of great use to the court. Lord Conway was brought in to be the other secretary[3], who was so very ignorant of foreign affairs, that, his province being the north, one of the foreign ministers talked to him of the circles of Germany, which amazed him: he could not imagine what circles had to do with affairs of state. He was now dismissed. Lord Halifax and lord Hyde fell to be in open war, and were both much hated[4]. Lord Halifax charged Hyde, who was at this time made earl of Rochester[5], of bribery, for

Jan. 31, 168$\frac{0}{1}$.

Jan. 168$\frac{2}{3}$.

Add. MSS. 18,730; and *H. M. C. Rep.* ii. 213), and was made a Marquis, this return of Sunderland to favour meant the former's loss of influence. He had been the leading adviser since Sunderland's dismissal.

[1] Who married whose sister? S. Halifax had married Sunderland's sister.

[2] Consult Sir Leoline Jenkins' Life, p. xxxii, prefixed to his Negotiations, published in 1724. Ralph, in the first volume of his History, 257, remarks, that the reflection on Sir Leoline Jenkins more exposes him that made it, than him it was intended to asperse. R.

[3] Conway was made Secretary on Jan. 31, 168$\frac{2}{3}$. *Add. MSS.* 28,053, f. 236. He was an intimate friend of Essex, and his letters in the Essex papers are of very great interest. He was also on close terms of intimacy with Danby. He died Sept. 1683. *Portland MSS.*, iii. 376.

[4] Halifax urged the king to summon Parliament, but Hyde and Seymour were against it. The former, of course, knew of Charles' verbal money treaty with Louis. *Supra* 286, *note*.

[5] The late title was extinct, through the death, in 1681, of Wilmot's young son. Luttrell, 144. Hyde was created Earl of Rochester, Nov. 1681.

having farmed a branch of the revenue much lower than had been proffered for it. Lord Halifax acquainted the king first with it, and, as he told me, he desired lord Rochester himself would examine into it, he being[a] inclined to think it was rather an abuse put on him than corruption in himself. But he saw lord Rochester was cold in the matter, and that instead of prosecuting any for it he protected all concerned in it. He laid the complaint before 532
the king in council: and to convince the king how ill a bargain he had made, the complainers offered, if he would break the bargain, to give him 40,000*l.* more than he was to have from the farmers. He looked also into the other branches of the revenue, and found cause to suspect much corruption in every one of them: and he got undertakers to offer at a farm of the whole revenue. In this he had all the court on his side: for the king being now resolved to live on his revenue, without putting himself on a parliament, he was forced on a great reduction of expense: so that many payments run in arrear, and the whole court was so ill paid, that the offering any thing that would raise the revenue, and blemish the management of the treasury, was very acceptable to all in it. Lord Rochester was also become so outrageous and insolent, that he was much hated. But the duke and the lady Portsmouth[1] both protected the earl of Rochester so powerfully, that even propositions to the king's advantage, which blemished him, were not hearkened to[2]. This touched[b] in too tender a part to admit of a reconciliation. The duke forgot all lord Halifax's service in the point of the exclusion[3]: and the dearness that was between them

[a] *at first* struck out.

[b] *Rochester* struck out.

[1] And Sunderland, Reresby, 268, 271. 'My Lord Privy Seal had the better and most approved cause, and my Lord Rochester the better interest'; *id.* 276. See Ralph, i. 704–706.

[2] See Ralph, i. 704–706, concerning these disputes between the Lords Halifax and Rochester. R.

[3] It appears by many of the Duke's letters, that he always looked upon Lord Halifax as the most dangerous

CH. XIV. was now turned upon this to a coldness, and afterwards to a most violent enmity. Upon this occasion lord Halifax sent for me: for I went no more near any that belonged to the court, and he told me the whole matter. I asked him how he stood with the king. He answered that neither he nor I had the making of the king: God had
MS. 274. made him of a particular composition; but that | he knew what the king said to himself. I asked him if he knew likewise what he said to others; for he was apt to say to his several ministers whatsoever he thought would please them, as long as he intended to make use of them[1]. By the death of the earl of Nottingham the seals were given
Dec. 20, 1682. to North, who was made lord Guilford[2]. He had not
Sept. 27, 1683. the virtues of his predecessor, but had had parts far beyond him: they were turned to craft and to a depth in false and wicked designs, so that whereas the former seemed to mean well even when he did ill, this man was believed to mean ill even when he did well[3]. The court finding

enemy he had, though in one he makes great acknowledgements for his behaviour in the bill of exclusion: but he thinks, if he had been really his friend, he would not have proposed the next day his banishment and other limitations, which he understood were of worse consequence to himself and the monarchy, than even the bill itself. D. Cf. *supra* 265. Halifax was much annoyed at the courting which he underwent at the hands of the country party. Reresby, 270. He was now reconciled with Danby, who was still in the Tower. *Id.* 275.

[1] There was a curious order given by Charles at this time, which illustrates the standing of his advisers, viz. that the only persons who were to have the *entrée* of the bed-chamber were Ormond, James, Halifax, and the Secretaries for England and Scotland. Arlington, although Lord Chamberlain, was severely snubbed when he endeavoured to enter. *Hatton Correspondence*, ii. 21.

[2] According to Roger North, he was much disgusted at his appointment. It is probable that this was largely at receiving the inferior post of Lord Keeper, instead of that of Chancellor. For his chancery reforms, see his *Life*, 260. North was made Lord Keeper, Dec. 20, 1682, and Baron Guilford, Sept. 27, 1683. He died Sept. 15, 1685, in his forty-eighth year.

[3] He was not made Lord Guilford till the year after; which I take notice of, because this mistake led the bishop to expose himself very much, before a very large assembly. The last Lord Guilford and I were appointed with him in a commission of delegates, to try the validity of the old Earl of Macclesfield's will. When we came to sign the decree, the bishop, after he had signed it himself, thrust it to Lord Guilford,

that the city of London could not be wrought on to surrender their charter, resolved to have it condemned by a judgment in the king's bench[1]. Jones had died in May[2]: so now Pollexfen[3] and Treby[4] were chiefly relied

who very civilly put it back to me. Burnet said he ought to sign first, for he was an elder baron. Lord Guilford told him he knew that was not so, and that Lord Stawell was between him and me. The bishop said he could venture to be very positive that he was in the right. Chief Baron Ward, seeing him persevere in his impertinence, desired I would end the dispute, for I was first named in the commission, which would not have been, if it were not my due. Upon which I took the pen, and said, I supposed his lordship would give us leave to know our own rank, but hoped that he did not think either of us looked upon every body that went before us, to be our betters; which occasioned a very universal laugh, and the bishop was as much out of countenance as he was capable of being. D.

[1] *Quo Warranto* processes appear to have been going on, though not in this systematic way, throughout the reign. There were voluntary surrenders of their charters by Lincoln and Bury St. Edmunds in 1664. *H. M. C. Rep.* xiv, App. viii. 105.

[2] He died at Hampden, in Bucks, of a cold he took there by unaired sheets. The old Lord Trevor, who was well known to him, and related to Mr. Hampden, and acquainted with many of the party, told me that it was thought a great felicity to Sir William Jones, by his nearest friends, that he died at this time: for as he was privy to the consultations and designs of the Lord Russell and the others of his set, and having made himself as obnoxious to the court as any of them, and because of his superior abilities, more dangerous; it was very likely he would have fallen under the suspicion at least of being engaged in the plot my Lord Russell suffered for, and have been treated with a particular severity, which his timid nature could not have borne, and might have drawn confessions from him, injurious to his friends and his own character. O. Compare North's *Examen*, 509. Sir William Temple, in his Memoirs, says of Sir William Jones, that 'he having the name of the greatest lawyer in England, and commonly of a very wise man, besides this, very rich, and of a wary, and rather timorous nature, made people generally conclude, that the thing (the exclusion of the Duke of York) was certain and safe.' Temple's Works, vol. ii. p. 532. R.

[3] Sir Henry Pollexfen (1632–1691). He was a prominent Whig in the reign of Charles II—'the adviser and advocate of all those who were afterwards found traitors,'—'a thorough-stitch enemy to the crown and monarchy in his time.' But he was King's Counsel after Monmouth's rebellion, in the Bloody Assize, and 'upon the revolution he was made a judge, and, from a whiner for favour to criminals, he proved the worst butcher of a judge that hath been known.' North's *Life of Guilford*, 283, 284.

[4] 'Sir George Treby, who succeeded Jeffries in the Recordership, was no fanatic; but, of the fanatic party, as true as steel. His genius lay to free-thinking.' *Id.* 275. Deprived of the

CH. XIV. on by the city in this matter. Sawyer[1] was the attorney general, a dull but hot man, but forward to serve all the
533 designs of the court. He undertook, by the advice of Saunders, a learned but very immoral man, to overthrow the charter[2].

The two points upon which they rested the cause were, that the common council had petitioned the king upon a prorogation of parliament that it might meet on the day to which it was prorogued, and had taxed the prorogation as that which occasioned a delay of justice. This was construed to be the raising sedition, and the possessing the people with an ill opinion of the king and his government. The other point was, that the city had imposed new taxes on their wharfs and markets; which was an invasion of the liberty of the subject, and contrary to law. It was said that all the crown gave was forfeitable back to the crown again upon a maleversation of the body; and that the common council was the body of the city, as chosen by all the citizens; so that they were all involved in what the common council did: and so they inferred that since they had both scandalized the king's government and oppressed their fellow subjects, they had thereupon forfeited their liberties: many precedents were brought of the seizing on the liberties of towns and other corporations, and of extinguishing them.

The arguments against this were made by Treby, then the recorder of London, and Pollexfen, who argued about three hours a piece. They laid it down for a foundation,

Recordership in 1685, restored in 1688; Attorney-General in 1689, and Chief Justice of the Common Pleas in 1692; he died in 1701. 'A learned man in his profession, of which we have now few, none fewer.' Evelyn, *Memoirs*, ii. 73.

[1] Sawyer was Speaker, during Seymour's illness in April, 1678. Marvell, *Prose*, ii. 605 (Grosart).

[2] See (and it is worth while) the character of Saunders in R. North's *Life of the Lord Keeper Guilford* [and in the *Autobiography*, 92-95], as also that of Sawyer, in the same book, which does Sawyer more justice than this author has done here. He was not so contemptible a man. See his argument upon the *Quo Warranto* against the City of London (which *all* lawyers deem a great performance), &c. O.

that trading corporations were immortal bodies, for the breeding a succession of trading men, and for perpetuating a fund of public chambers for the estates of orphans and trusts, and for all pious endowments: that crimes committed by persons entrusted in the government of them were personal things, which were only chargeable on those who committed them, but could not affect the whole body. The treason of a bishop or a clerk only forfeited his title, but did not dissolve the bishopric or benefice: so the magistrates only were to be punished for their own crimes. An entailed estate, when a tenant for life was attainted, was not forfeited to the king, but went to the next [a] in remainder [a] upon his death. The government of a city, which was a temporary administration, vested no property in the magistrates: and therefore they had nothing to forfeit but what belonged to themselves. There were also express acts of parliament made in favour of the city, that it should not be punished for the misdemeanors of those who bore office in it. They answered the great objection that was brought from the forfeitures of some abbeys, on the attainder of their abbots, in king Henry the eighth's 534 time, that there were peculiar laws made at that time, upon which those forfeitures were grounded, which had been repealed since that time: and all those forfeitures were confirmed in parliament, and that purged all defects. The common council was a selected body, chosen for particular ends: and if they went beyond these, they were liable to be punished for it. If the petition they offered the king was seditious, the king might proceed against every man that was concerned in it: and those upon whom those taxes had been levied, might bring their actions against those who had levied them. But it seemed very strange, that when none of the petitioners were proceeded against for any thing contained in that petition, and when no actions were brought on the account of those taxes, that the whole body

CH. XIV.

[a] substituted in pencil on the opposite leaf by another hand for *heir* struck out.

CH. XIV. should suffer in common for that for which none of those who were immediately concerned in it should be so much as hitherto brought in question for in any court of law. If the common council petitioned more earnestly than was fitting for the sitting of the parliament, that ought to be ascribed to their zeal for the king's safety, and for the established religion: and it ought not to be strained to any other sense than to that which they profess in the body of their petition, much less to be carried so far as to dissolve the whole body on that account. And as for the tolls and taxes, these were things practised in all the corporations of England, and seemed to be exactly according to law. The city since the fire had at a vast charge made their wharfs
MS. 275. and markets | much more noble and convenient, and therefore they might well deny the benefit of them to those who would not pay a new rate, that they set on them, for the payment of the debt contracted in building them. This was not the imposing a tax, but the raising a rent out of a piece of ground, which the city might as well do as a man who rebuilds his house may raise the rent of it. All the precedents that were brought were examined and answered. Some corporations were deserted, and so upon the matter they dissolved themselves. Judgments in such cases did not fit this in hand. The seizing on the liberties of a corporation did not dissolve the body; for when a bishop dies, the king seizes the temporalities, but the corporation still subsists, and they are restored to the next incumbent. There were indeed some very strange precedents made in Richard the Second's time: but they were followed by as
535 strange a reverse: the judges were hanged for the judgments they gave. They also insisted on the effects that would follow on the forfeiting the charter. The custom of London was thereby broken. All the public endowments and charities lodged with the city must revert to the heirs[a] of the donors. This is the substance of the plain part of the argument, as I had it from Pollexfen. As for the

[a] substituted in pencil by another hand on the opposite page for *executors*.

more intricate points of law, I meddle not with them, but leave these to the learned men of that profession. When the matter was brought near judgment, Saunders, that had laid the whole thing, was made chief justice, Pemberton, who was not satisfied in the point, being removed to the common pleas upon North's advancement. Dolben[1], a judge of the king's bench, was found not clear: so he was turned out, and Withins[2] came in his room. When sentence was to be given, Saunders was struck with an apoplexy: so he could not come into court: but he sent his judgment in writing, and died a few days after: upon which great reflections were made. The sentence was given without the solemnity that was usual upon great occasions[3]. The judges were wont formerly in delivering their opinions to make long arguments, in which they set forth the grounds of law on which they went, which were great instructions to the students and barristers. But that had been laid aside ever since Hale's time. April, 1683.

The judgment now given was, that a city might forfeit its charter; that the maleversations of the common council were the acts of the whole city; and that the two points set forth in the pleadings were just grounds for the forfeiting of a charter[4]. Upon which premises the proper conclusion seemed to be, that therefore the city of London had forfeited their charter. But the consequences of that were so much apprehended, that they did not think fit to venture on it: so they judged that the king might seize the liberties of the city. The attorney general moved, contrary to what is

[1] Sir William Dolben (brother of John Dolben, Bishop of Rochester and Archbishop of York; *infra* 430), was created judge Oct. 23, 1678; dismissed April, 1683; reinstated March 11, 168⅝; died Jan. 25, 1694.

[2] Cf. *supra* 262; *infra* 402.

[3] North, on the contrary, says (*Life of Guilford*, 276) that the judgement by Jones was 'short and sound, given with that gravity and authority as became the Court and greatness of the occasion.'

[4] The Charter was given back upon terms which required the royal confirmation for all appointments; 'so that,' in Jeffreys' words, 'the King of England is likewise King of London.' *Rutland MSS.*, June 21, 1681. Reresby, *Memoirs*, 264. 287 (especially), 401.

CH. XIV. usual in such cases, that the judgment might not be recorded[1]: and upon that, new endeavours were used to bring the common council to deliver up their charter: yet that could not be compassed, though it was brought much nearer in the number of the voices than was imagined could ever be done[2].

There were other very severe proceedings at this time with relation to particular persons. Pilkington was sheriff of London the former year; an honest but an indiscreet
536 man, that gave himself great liberties in discourse. He being desired to go along with the mayor and aldermen to compliment the duke upon his return from Scotland, declined going, and reflected on him as one concerned in the burning of the city. Two aldermen said they heard that, and swore it against him. Sir Patience Ward, the mayor of the former year, seeing him go into that discourse, had diverted him from it, but heard not the words which the others swore to: and he deposed, to the best of his
Nov. 24, 1682. remembrance he said not those words. Pilkington was cast in an 100,000*l.* damages[3], the most excessive that had ever been given[4]. But the matter did not stop there. Ward was indicted of perjury, it being said that since he swore that the words were not spoken, and that the jury had given a verdict upon the evidence that they were

[1] From a letter to Lord Preston (*H. M. C. Rep.* vii. 364), it appears that the Common Council thanked the king 'for his grace and mercy to them in their distressed condition for not commanding the judgement against the Charters to be entered.'

[2] See Ralph, i. 716, where it is observed, that it does not appear that any question of this nature was ever put to the Common Council. According to North, 'after judgement was pronounced, the Common Council thought fit to agree that an humble petition should be presented to the king. It was conceived in general terms, begging his majesty's pardon and favour to the distressed city.' *Examen*, 633.

[3] No authentic record of the trial exists; but see Luttrell's *Diary*, Nov. 4, 24, and Clarke's *Life of James II*, i. 738, where this is wrongly dated as happening in May, 1683. Pilkington afterwards was Lord Mayor in two successive years, 1689, 1690.

[4] 'By the law of England ratified in the Great Charter, no fine ought to extend to the total ruin of a criminal.' See Howell's *State Trials*, ix.

spoken, that by consequence he was guilty of perjury. It was said on the other side, that when two swear one way, and a third swears another way, a jury may believe the two better than one: but it is not certain from thence that he is perjured: if that were law, no man would be a witness, if because they of the other side were believed, he should be therefore convicted of perjury. A man's swearing to a negative, that such words were not spoken, did only amount to this, that he did not hear them: and it would be hard to prove that he who swore so had heard them. But Ward proved by him that took the trial in short hand, as he had done some others with great approbation, that he had said that *to the best of his remembrance these words were not spoken by Pilkington:* upon which Jefferies said that his invention was better | than his memory: and the MS. 276. attorney general, in summing up the evidence to the jury, said, they ought to have no regard to Ward's evidence, since he had only deposed upon his memory. Yet that jury returned Ward guilty of perjury: and it was intended, if he had not gone out of the way[1], to have set him on the pillory[2]. The truth is, juries became at that time the shame of the nation, as well as a reproach to religion[3]: for they were packed, and prepared to bring in verdicts as they were directed, and not as matters appeared on the evidence. CH. XIV.

Thus affairs were going on all the year 82, and to the beginning of 83. The earl of Shaftesbury[4] was for making 1683.

[1] He escaped to Holland. Calamy's *Life*, i. 142.

[2] Ralph observes that, if any evidence in such times as these is to be credited, Sir Patience Ward swore first, that Pilkington was not in the room when the duke was talked of, and afterwards, that when Hooker took exception to Pilkington's words, he (Ward) laid his hand on Pilkington's mouth, which latter part of his evidence falsified the former, and furnished matter for a charge of perjury against him. Ralph also remarks, that 'the juries are to be blamed only for their rigour, not for the injustice of their verdicts.' 697.

[3] So they are now. S.

[4] 'That unwearied statesman.' Fountainhall, *Historical Observations*, 91.

CH. XIV. use of the heat the city was in during the contest about the sheriffs, and thought they might have created a great disturbance, and made themselves masters of the Tower: and he believed the first appearance of the least disorder would have prevailed on the king to yield every thing.

537 The duke of Monmouth, that understood what a rabble was and what regular troops were, looked on this as a mad exposing of themselves and of their friends. The lords of Essex and Russell were of the same mind. So lord Shaftesbury, seeing they could not be engaged into action, flew out against them. He said the duke of Monmouth was sent into the party by the king for this end, to keep all things quiet, till the court had gained its point: he said lord Essex had also made his bargain, and was to go to Ireland; and that among them lord Russell was deceived. With this he endeavoured to blast them in the city. They studied to prevent the ill effects that those jealousies which he was infusing into the citizens might have among them. So the duke of Monmouth gave an appointment to lord Shaftesbury, or some of his friends, to meet him and some that he should bring along with him, at Shepherd's, a wine merchant in whom they had an entire confidence. The night before this appointment lord Russell came to town on the account of his uncle's illness. The duke of Monmouth went to him, and told him of the appointment, and he desired he would go thither with him: he consented, the rather because he intended to taste some of that merchant's wine. At night they went with lord Grey and sir Thomas Armstrong[1]. When they came, they found none but Rumsey and Ferguson[2], two of lord Shaftesbury's tools

[1] For the various military appointments held by Sir Thomas Armstrong between 1661 and 1683, see Dalton, *English Army Lists*, 1661–1685. He was kidnapped at Leyden in 1684, brought home, tried and executed: *infra* 412, 414; vol. i. 355 *note*.

[2] *Robert Ferguson, the Plotter*, by James Ferguson (1887), is a detailed and most interesting account of this remarkable character. He was at the bottom of this and almost every other plot until his death in 1714. The whole story of the Rye House Plot will be found unravelled with much acumen. From Lord Preston's letters

that he employed: upon which they, seeing no better company, resolved immediately to go back; but lord Russell called for his wines: and while they were abringing it up, Rumsey and Armstrong fell into a discourse of surprising the guards. Rumsey[1] fancied it might have been easily done: Armstrong, that had commanded them, shewed his mistakes. This was no consultation what was to be done, but what might have been done. Lord Russell spoke nothing upon the subject, but as soon as he had tasted his wines they went away[2]. It may seem that this is too slight a passage to be told so copiously: but much depends on it. Lord Shaftesbury had one meeting with the earls of Essex and Salisbury before he went out of England. Fear, anger, and disappointment had wrought so much on him, that lord Essex told me he was much broke in his thoughts: his notions were wild and impracticable: and he was glad he was gone out of England: but that he had done them already a great deal of mischief, 538
and would have done more if he had stayed. As soon as he was gone, the lords and all the chief men of the party saw their danger from forward sheriffs, willing juries, mercenary judges, and bold witnesses[3]: so they resolved to go home, and be silent; to speak and meddle as little as might be in public business; and to let the present ill temper the nation was fallen in wear out. For they did not doubt but the court, especially as it was now managed by the duke, would soon bring the nation again into its

it appears, if his information was correct, that the conspiracy was largely directed from France. *H. M. C. Rep.* vii. 342, &c. See Cockburn's *Remarks*, 10.

[1] On Rumsey and his earlier life see *Cal. St. P. Dom.* 1667–8, 152.

[2] 'The Marquess of Winchester is not named in the Bishop's History, or in Echard's, and the common writers. But he came to Shepherd's house, and looking through the keyhole, saw Rumsey there, so he went away, and would not be seen with him.' Oldmixon's *Hist. of the Stuarts*, 679. R.

[3] Probably the main object of the *Quo Warranto* measures was to secure the abolition of the influence of sheriffs, and thus to remove the difficulty of Grand Juries hostile to the Court. Fountainhall, *Hist. Obs.*, 57.

CH. XIV.

wits by their ill conduct and violent proceedings. All that was to be done was to keep up as much as they could a good spirit with relation to elections of parliament, if one should be called[1].

The duke of Monmouth resolved to be advised chiefly by lord Essex. He would not be alone in that, but named lord Russell, against whom no objection could lie: and next to him he named Algernon Sidney, brother to the earl of Leicester, a man of most extraordinary courage, a steady man, even to obstinacy, sincere, but of a rough and boisterous temper, that could not bear contradiction, but would give foul language upon it. He seemed to be a Christian, but in a particular form of his own. He thought it was to be like a divine philosophy in the mind, but he was against all public worship, and every thing that looked like a church. He was stiff to all republican principles, and such an enemy to every thing that looked like monarchy, that he set himself in a high opposition against Cromwell when he was made protector. He had indeed studied the history of government in all its branches beyond any man I ever knew[2]. He was ambassador in Sweden[3] at the time of the restoration, but did not come back till the year 78, when the parliament was pressing the king into a war. The court of France obtained leave for him to

[1] Ralph, i. 722, compares this account of the intentions and actions of the chief men of the party, with that which the author himself gives a little afterwards, *infra* 353–355. R.

[2] When Sidney's large book upon government came out, in the reign of King William, Sir William Temple asked me if I had seen it: I told him I had read it all over; he could not help admiring at my patience, but desired to know what I thought of it: I said it seemed to me wrote with a design to destroy all government: Sir William answered, that was for want of knowing the author, for there was one passage in it that explained the whole, which was this: 'If there be any such thing as divine right, it must be where one man is better qualified to govern himself: such a person seems by God and nature designed to govern the other, for his benefit and happiness.' Now I that knew him very well, can assure you, that he looked upon himself to be that very 'man so qualified to govern the rest of all mankind.' D.

[3] He was appointed ambassador in 1659 by the Council of State. R.

return. He did all he could to divert people from that war[1], so that some took him for a pensioner of France: but to those to whom he durst speak freely he said he knew it was all a juggle; that our court | was in an entire MS. 277. confidence with France, and had no other design in this shew of a war but to raise an army, and keep it beyond sea till it was trained and modelled. Sidney had a particular way of insinuating himself into people that would hearken to his notions and not contradict him. He tried me: but I was not so submissive a hearer: so we lived afterwards at a greater distance. He wrought himself into lord Essex's confidence to such a degree that he became the master of his spirit[2]. He had great kindness to lord Howard, as was 539 formerly told: for he hated both the king and monarchy as much as he himself did. He prevailed on lord Essex to take him into their secrets, though that lord had expressed such an ill opinion of him a little before to me, as to say he wondered how any man would trust himself to be alone with him. Lord Russell, though his cousin german, had the same ill opinion of him; yet Sidney overcame both their aversions. Lord Howard had made the duke of Monmouth enter into confidences with Sidney, who used to speak very slightly of him, and to say it was all one to him whether James duke of York or James duke of Monmouth was to succeed; yet lord Howard perhaps put a notion into him, which he offered often to me, that a prince who knew there was a flaw in his title would always govern well, and consider himself as at the mercy of the righteous heir, if he was not in all things in the interests and hearts of his people; which was often neglected by princes that relied on an undoubted title. Yet to this

[1] This account of his opposing a war with France is confirmed by his letters to Henry Savile, ambassador in that country, first edited in 1742. See particularly 150.

[2] This perhaps may explain what is said of the Earl of Essex in Lord Gray's paper, hereafter mentioned, *infra* f. 646. By that paper it looks as if he (Lord Essex) was become inclined to republicanism. But Lord Russell, far otherwise; see *infra* 383-385. O.

CH. XIV. I always objected that a prince who was in a constant fear from a dangerous competition must study to secure himself by a standing army. Lord Howard, by a trick put both on the duke of Monmouth and Sidney, brought them to be acquainted. He told Sidney that the duke of Monmouth was resolved to come some day alone and dine with him: and he made the duke of Monmouth believe that Sidney desired this, that so he might not seem to come and court the duke of Monmouth, and that some regard was to be had to his temper and age. Hampden was also taken into their secret. He was the grandson of him that had pleaded the cause of England in the point of the ship-money with king Charles the first. His father was a very eminent man, and had been zealous in the matter of the exclusion. He was a young man of great parts; the learnedest gentleman I have ever known, for he was a critic both in Latin, Greek, and Hebrew. He was a man of great heat and vivacity, but too unequal in his temper. He had once great principles of religion, but he was much corrupted by P. Simon's conversation at Paris [1].

With these men the duke of Monmouth met often. His interest in Scotland, both by the dependence that his wife's great estate brought him, but chiefly by the knowledge he had of their affairs while he was among them, and by the confidence he knew they had all in him, made him turn his thoughts much towards that kingdom, as the properest scene of action. He had met oft with lord Argyll while
540 he was in London, and had many conferences with him of the state of that kingdom, and of what might be done

[1] The truth of this account is confirmed by a passage of some length, in Mr. Hampden's Confession of his offences against Piety and Religion, which had been placed by his direction in the hands, successively, of Bishops Patrick and Kidder, and which was printed in the *London Chronicle* for Feb. 1759. The number of the *Chronicle*, in which the Confession appears, is preserved in the Earl of Onslow's copy of this History. This letter of Mr. Hampden is also to be seen in Dunton's *Hazard of a Death-bed Repentance*, 34, and in Noble's *History of the Protectorate House of Cromwell*, 82. Bishop Burnet speaks again of this gentleman, *Infra* ff. 646, 647. R.

there: and he thought the business of Carolina was a very proper blind to bring up some of the Scots gentlemen under the appearance of treating about that. They upon this agreed to send one Aaron Smith to Scotland, to desire that some men of absolute confidence might be sent up for that end. So when the proclamation that was formerly mentioned was published, it spread such an universal apprehension through all the suspected counties, that they looked on themselves as marked out to destruction: and it is very natural for people under such impressions to look out for remedies as soon as they can. In the beginning of April some of them came up. The person that was most entirely trusted, and to whom the journey proved so fatal, was Baillie, of whose unjust treatment upon Carstares's information an account was formerly given[1]. He was my cousin german: so I knew him well. He was deeply engaged in the presbyterian principles, but was a man of great piety and virtue, learned in the law, in mathematics, and in languages. I went to him as soon as I heard he was come, in great simplicity of heart, thinking of nothing but of Carolina. I was only afraid they might go too much into the company of the English, and give true representations of the state of affairs in Scotland: and that this might be reported about by men that would name them, and that might bring them into trouble. But a few weeks after, I found they came not to me as they were wont to do, and I heard they were oft with Lord Russell. I was apprehensive of this: and lord Essex being then in the country, I went to him, to warn him of the danger I feared lord Russell might be brought into by this conversation with my countrymen. He diverted me from all my apprehensions, and told me I might depend on it lord Russell would be in nothing without acquainting him: and he seemed to agree entirely with me, that a rising in the state in which things were then would be fatal. I always said that when the root of the constitution was struck at to be overturned,

[1] *Supra* 113.

CH. XIV. then I thought subjects might defend themselves: but I thought jealousies and fears, and particular acts of
MS. 278. injustice, could not warrant this. | He did not agree with me in this: for he thought the obligation between prince and subject was so equally mutual, that upon a breach on the one side the other was free: and he thought the late injustice in London, and the end that was driven at by it, did set them at liberty to look to themselves; yet he con-
541 fessed things were not ripe enough yet, and that an ill laid and an ill managed rising would be our ruin. I was then newly come from writing my History of the Reformation; and did so evidently see that the business of lady Jane Grey, and Wyat's rising, was that which threw the nation so quickly into popery after king Edward's days, for such as had rendered themselves obnoxious in those matters saw no other way to redeem themselves, and found their turning was a sure one, that I was very apprehensive of this; besides that I thought it was yet unlawful. What passed between the Scots and the English lords I know not; only that Argyll, who was then in Holland, asked at first 20,000*l.* for buying a stock of arms and ammunition, which he afterwards brought down to 8,000*l.* and a thousand horse to be sent into Scotland: upon which he undertook the conduct of that matter. I know no further than general hints of other matters: for though Hampden offered frequently to give me a particular account of it all, knowing that I was writing the history of that time, yet I told him, that till by an indemnity that whole matter was buried, I would know none of those secrets which I might be obliged to reveal, or to lie and deny my knowledge of them. So to avoid that, I put it off at that time; and when I returned to England at the Revolution, we appointed often to meet, in order to a full relation of it all; but by accidents it went off, as a thing is apt to do which one can recover at any time: and so his unhappy end came on before I had it from him[1].

[1] Cf. *infra* f. 647.

I know this, that no money was raised. But the thing had got some vent; for my own brother, a zealous presbyterian, who was come from Scotland, it not being safe for him to live any longer in that kingdom, knowing that he had conversed with many that had been in the rebellion, told me there was certainly somewhat in agitation among them, about which some of their teachers had let out somewhat very freely to himself. How far that matter went, and how the scheme was laid, I cannot tell; and so must leave it in the dark. Their contracts for the project of Carolina seemed to go on apace. They had sent some thither the former year, who were now come back, and brought them a particular account of every thing. They likewise, to cover their negotiations with lord Argyll, sent some over to him, but with the blind of instructions for buying ships in Holland, and other things necessary for their transportation. CH. XIV.

While this matter was thus in a close management among them, there was another company of lord Shaftesbury's creatures that met in the Temple, in the chambers of one West, a witty and active man, full of talk, and believed to be a determined atheist. Rumsey and Ferguson came constantly thither. The former of these was an officer in Cromwell's army, who went into Portugal with the forces that served there under Schomberg. He did a brave action in that service: and Schomberg writ a particular letter to the king setting it out: upon which he got a place: and he had applied himself to lord Shaftesbury as his patron. He was much trusted by him, and sent often about on messages: once or twice he came to lord Russell, but it was upon indifferent things: yet lord Russell owned to me that at every time he saw him he felt such a secret aversion to him, that he was in no danger of trusting him much. He was one of the bold talkers, and kept chiefly among lord Shaftesbury's creatures. He was upon all the secret of his going beyond sea, which seemed to shew that he was not then a spy of the court's, which 542

CH. XIV. some suspected he was all along[1]. Ferguson was a hot and a bold man, whose spirit was naturally turned to plotting: he was always unquiet, and setting on some to mischief. I knew a private thing of him, by which it appeared he was a profligate knave, and could cheat those that trusted him entirely: so though he, being a Scottish man, took all the ways he could to be admitted into some acquaintance with me, I would never see him or speak with him, so that I did not know his face till the Revolution. He was cast out by the presbyterians, and then went among the independents, where his boldness raised him to some figure, though he was at bottom a very empty man. He had the management of a secret press, and of a purse that maintained it: and he gave about most of the pamphlets writ of that side: and with some he passed for the author of them: and such was his vanity, because this made him more considerable, that he was not ill pleased to have it believed, though it exposed him so much the more. With these, Goodenough, that had been under-sheriff of London in Bethel's year, and one Halloway
MS. 279. of Bristol[2], met often, and had a great deal | of rambling discourse, to shew how easy a thing it was of the sudden to raise 4,000 men in the city. Goodenough by reason of his office knew the city well, and pretended he knew so many men of so much credit in every corner of it, and on whom they might depend, who could raise that
543 number, which he reckoned would quickly grow much stronger: and it is probable that was the scheme with which lord Shaftesbury was so possessed that he thought it might be depended on. They had many discourses of the heads of a declaration proper for such a rising, and disputed of these with much subtilty, as they thought: and they intended to send Halloway to Bristol, to try what could be done there at the same time. But all this was only talk, and went no further than to a few of their

[1] See Burton's *History of Scotland*, vii. 538.

[2] *Infra* 410.

own confidents. Rumsey, Ferguson, and West were often talking of the danger of executing this, and that the shorter and surer way was to kill the two brothers. One Rumbold[1], that had served in Cromwell's army, came twice among them; and while they were in that wicked discourse, which they expressed by the term *lopping*, he upon that told them he had a farm near Hodsden[2], in the way to Newmarket: and there was a moat cast round his house, through which the king often passed in his way thither. He said, once the coach went quite alone, without any of the guards about it; and that if he had laid any thing cross the way, to have stopped the coach but a minute, he could have shot them both, and have rode away through grounds that he knew well, so that it should not have been possible to have followed him. Upon which they run into much wicked talk about the way of executing that; but nothing was ever fixed on: all was but talk. At one time lord Howard was among them: and they talked over their several schemes of lopping. One of them was to be executed in the playhouse. Lord Howard said he liked that best, for then they will die in their calling. This was so like his way of talk that it was easily believed, though he always denied it. Walcot, an Irish gentleman that had been of Cromwell's army, was then now in London, and he got into that company, and was made believe that the thing was so well laid that many both in city and country were engaged in it. He liked the project of a rising, but declared he would not meddle in their lopping. So this wicked knot of men continued their caballings from the time that the earl of Shaftesbury went away: and these were the subjects of their discourse. The king went constantly to Newmarket for about a month both in April and October. So in April, while he was there, a fire broke out, and burnt a part April 1683.

[1] For Rumbold's early life, see the *Clarke Papers* (Camden Society; ed. Firth), 192 *note*.

[2] Or Hogsdone, in Hertfordshire. Reresby, 279.

CH. XIV. of the town: upon which the king came back a week sooner than he intended.

544 While all these things were thus going on, there was one Keeling, an anabaptist, in London, who was sinking in his trade, and began to think that of a witness would be the better trade[1]. Goodenough had employed him often to try their strength in the city, and to count on whom they could depend for a sudden rising: he had also talked to him of the design of killing the two brothers: so June 12, 1683. he went and discovered all he could to Legge, at that time made lord Dartmouth[2]. Legge made no great account of it, but sent him to Jenkins. He took his depositions, but told him he could not proceed in it without more witnesses: so he went to his brother, who was a man of heat in his way, but of probity, and did not incline to ill designs, and less to discover them[3]. Keeling carried his brother to Goodenough, and assured him he might be depended on. So Goodenough run out into a rambling discourse of what they both could and would do: and he also spoke of killing the king and the duke, which would make their work easy. When they left him, the discoverer pressed his brother to go along with him to Westminster, where he pretended business; but stopped at Whitehall. The other was uneasy, longing to get out of his company, to go to some friends for advice upon what had happened; but he drew him on, and at last, he not knowing whither he was going, he drew him in to Jenkins's office, and there told the secretary he had brought another witness, who had heard the substance of the plot from Goodenough's own mouth just then. His brother was deeply struck with

[1] Josiah Keeling, 'an oylman, living neere Smithfield, an anabaptist, and a mighty boutefeu in all the seditions and commotions in the city.' *Hatton Corr.* ii. 22. North calls him 'a good liver and honest at the bottom.' *Life of Guilford*, sect. 238.

[2] George Legge was created Baron Dartmouth, Dec. 2, 1682. Cf. *supra* 327.

[3] Cf. Ralph, i. 725, who shows that Keeling's brother [John] was a voluntary witness, by the man's going a second time to Secretary Jenkins's office, and joining in a second information. R.

this cheat and surprise, but could not avoid the making oath to Jenkins of all he had heard. The secretary, whose phlegmatic head was not turned for such a work, let them both go, and sent out no warrants till he had communicated the matter to the rest of the ministry, the king being then at Windsor. So Keeling, who had been thus drawn into the snare by his brother, sent advertisements to Goodenough, and all the other persons whom he had named, to go out of the way. Rumsey and West were at this time perpetually together: and apprehending that they had trusted themselves to too many persons, who might discover them, they laid a story, in which they resolved to agree it well | together, that they should not MS. 280. contradict one another. They framed their story thus: that they had laid the design of their rising to be executed on the 17th of November, the day of queen Elizabeth's coming to the crown, on which the citizens used to run 545 together, and carry about popes in procession, and burn them: so that day seemed proper to cover their running together, till they met in a body. Others, they said, thought it best to do nothing on that day, the rout being usually at night, but to lay their rising for the next Sunday, at the hour of people's being at church. This was laid to shew how near the matter was to the being executed. But the part of their story that was the best laid, for this looked ridiculous, since they could not name any one of any condition that was to head this rising, therefore they added this story: they pretended that Rumbold had offered them his house in the heath for executing the design[1]. It was called Rye, and from thence this was called the Rye-plot[2]. He asked forty men, well

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[1] Rumbold, when tried in the next reign for his participation in the Earl of Argyll's rebellion, denied that an attempt on the king's life had even been proposed to him. See Ralph, i. 872.

[2] 'I have seen the Rye House myself, and I think a more unlucky place could not have been pitched upon; for the house, like a citadel, commands the road, which is a narrow pass, and the mischief might have been done without any preparation of horses and men. The

CH. XIV. armed and mounted, whom Rumsey and Walcot were to command in two parties: the one was to engage the guards, if they should be near the coach: and the other was to stop the coach, and to murder the king and the duke. And Rumsey took the wicked part to himself, and said that Walcot had made a scruple of killing the king, but none of engaging the guards. Rumbold was to do the execution. And they said they were divided in their minds what to do next: some were for defending the moat till night, and then to have gone off: others were for riding through grounds in a shorter way towards the Thames. Of these forty they could name but eight; but it was pretended that Walcot, Goodenough, and Rumbold, had undertaken to find both the rest of the men and the horses: for though upon such an occasion men would have taken care to have had sure and well tried horses, this also was said to be trusted to others. For arms, West had bought some as on a commission for a plantation: and these were said to be some of the arms with which they were to be furnished; though when they were seen, they seemed very improper for such a service. I saw all West's narrative, which was put in lord Rochester's hands: and a friend of mine borrowed it of him, and lent it me. They were so wise at court, that they would not suffer it to be printed; for then it would have appeared too gross to be believed [1]. But the part of it all that seemed the most amazing was, that it was to have been executed on the day in which the king had intended to return from New-
April 1683. market: but the happy fire that sent him away a week sooner had quite defeated the whole plot, while it was within a week of its execution, though neither horses, men,

Doctor calls it a house upon a heath, in which he either betrays his ignorance or his want of probity; for the situation of the country was such as to afford cover enough for men to have made their escape.' *Impartial Reflections*, by Philalethes, 87. See the depositions at the end of Sprat's account of the Rye House Plot, which Burnet probably had before him.

[1] See North's *Examen*, 380, where it appears that both West and Rumsey surrendered themselves without an assurance of pardon. R.

nor arms were yet provided[1]. This [a]seemed to be[a] so eminent a providence, that the whole nation was struck with it: and both preachers and poets had a noble subject to enlarge on, and to shew how much the king and the duke were under the watchful care of Providence. Within three days after Keeling's discovery the plot broke out, and became the whole discourse of the town. Many examinations were taken, and several persons were clapt up upon it. Among these Wildman was one, who had been an agitator in Cromwell's army, and had opposed his Protectorship[2]. Soon after the restoration he, being looked on as a high republican, was kept long in prison; where he had studied law and physic so much, that he passed as a man very knowing in those matters. He had a way of creating in others a great opinion of his sagacity, and had great credit with the duke of Buckingham, and was now very active under Sidney's conduct. He was seized on, and his house was searched. In his cellars there happened to be two small field-pieces that belonged to the duke of Buckingham, and that lay in York House when that was sold to be pulled down: Wildman carried those two pieces, which were finely wrought, but of little use, into his cellars, where they were laid on ordinary wooden carriages, and no way fitted for any use: yet these were carried to Whitehall, and exposed to view, as an undeniable proof of a rebellion designed, since here was their cannon. Several persons came to me from court, assuring me there was full proof made of a plot. Lord Howard coming in soon after them to see me, talked of the whole matter in his spiteful way with so much scorn, that I really thought he knew of nothing; and by consequence I believed there was no truth in all these discoveries. He said the

[a] substituted for *was*.

[1] *Supra* 359; *Hatton Correspondence*, ii. 26.

[2] Wildman had been one of Lilburne's associates, but seems to have left him before the end of 1648. Gardiner, *Hist. of the Commonwealth*, i. 38 note; *Great Civil War*, iii. 218, 221, 284, 291.

CH. XIV. court knew they were sure of juries, and they would furnish themselves quickly with witnesses: and he spoke of the duke as of one that would be worse not only than queen Mary but than Nero: and with eyes and hands lifted up to heaven, he vowed to me that he knew of no plot, and that he believed nothing of it. Two days after
June 23, 1683. a proclamation came out for seizing on some who could not be found, and among these Rumsey and West were
MS. 281. named. The next day West delivered | himself, and Rumsey came in next day. These two brought out their story, which, how incredible soever it was, passed so for certain, that any man that seemed to doubt it was now
547 concluded to be in it. That of defending themselves within mud walls and a moat looked like the invention of a lawyer, that could not lay a military contrivance with any sort of probability. Nor did it appear where the 40 horses were to be lodged, and where to be brought together. All these were thought objections to be made by none but those who either were of it or wished well to it. These new witnesses had also heard of the conferences that the duke of Monmouth and the other lords had with those who were come from Scotland, but knew nothing of it themselves. Rumsey did likewise remember the discourse at Shepherd's. When the council found the duke of Monmouth and lord Russell were named, they writ to the king to come to London. They would not venture to go further without his presence and leave. A messenger of the council was sent the morning before the king came to wait at lord Russell's gate, and to have stopped him if he had offered to go out. This was observed, for he walked many hours there: and it was looked on as done on purpose to frighten him away: for his back gate was not watched, so that for several hours he might have gone away if he had intended it. He heard that Rumsey had named him: but he knew he had not trusted him, and he never reflected on the discourse at Shepherd's. He sent his wife among his friends for advice. They were of

different minds: but since he said he apprehended nothing from any thing he had said to Rumsey, they thought his going out of the way would give the court too great advantage, that looking like a confessing of guilt. So this agreeing with his own mind, he stayed at home till the king was come: and then a messenger was sent to carry him before the council[1]. He received it very composedly, and went thither. Rumsey had also said that at Shepherd's there was some discourse of Trenchard's undertaking to raise a good body out of Taunton, and of his failing in it. So lord Russell was examined upon that, the king telling him that nobody suspected him of any design against his person, but that he had good evidence of his being in designs against his government. Lord Russell protested he had heard nothing relating to Trenchard: and said to the last, that either it was a fiction of Rumsey's, or it had passed between him and Armstrong, while he was walking about the room, or tasting the wines at Shepherd's; for he had not heard a word of it. Upon all this he was sent close prisoner to the Tower. Sidney 548
was brought next before the council; but his examination lasted not long. He said he must make the best defence he could, if they had any proof against him: but he would not fortify their evidence by any thing he should say. And indeed that was the wisest course; for the answering questions upon such examinations is a very dangerous thing: every word that is said is laid hold on that can be turned against a man's self or his friends, and no regard is had to what he says in favour of them: and it had been happy for the rest, especially for Baillie, if they had all held to this maxim. There was at that time no sort of evidence against Sidney, so that his commitment was against law. Trenchard was also examined, but denied every thing: but one point of his guilt was well known;

[1] The king was always present at the examinations before the Council, and North declares that he was just and lenient. North's *Life of Guilford*, 205.

CH. XIV. he was the first man that had moved the exclusion in the house of commons[1]. So he was reckoned a lost man. Baillie and two other gentlemen of Scotland, both Campbells[2], had changed their lodgings while the town was in this fermentation: and upon that they were seized on as suspected persons, and brought before the king. He himself examined them, and first questioned them about the design against his person, which they very frankly answered, and denied they knew any thing about it. Then he asked them if they had been in any consultations with lords or others in England, in order to an insurrection in Scotland. Baillie faltered at this, for his conscience restrained him from lying. He said he did not know the importance of those questions, nor what use might be made of his answers: he desired to see them in writing, and then he would consider how to answer them. Both the king and the duke threatened him upon this: and he seemed to neglect that with too much of the air of a philosopher, which provoked them out of measure against him. The other two were so lately come from Scotland that they had seen nobody and knew nothing. Baillie was loaded by a special direction with very heavy irons, so that for some weeks his life was a burden to him. Cochrane, another of those who had been concerned in this treaty, was complained of, as having talked very freely of the duke's government of Scotland: upon which the Scottish secretary[3] sent a note to him desiring him to come to him; for it was intended only to give him a reprimand, and to have
MS. 282. ordered him to go to Scotland. | But he knew his own
549 secret: so he left his lodgings, and got beyond sea. This shewed the court had not yet got full evidence, otherwise

[1] See *supra* 257 note. There is certainly an inaccuracy here. Trenchard is not mentioned as speaking in the first debate, Oct. 26, and last only in that of Nov. 2. John Trenchard was member for Taunton. There were two other Trenchards in the House, Henry and William, members for Poole and Westbury respectively.

[2] Sir Hugh Campbell of Cesnock and George Campbell, his son. Wodrow, 224.

[3] The Earl of Murray.

he would have been taken up, as well as others were. As soon as the council rose, the king went to the duchess of Monmouth's, and seemed so much concerned for the duke of Monmouth, that he wept as he spoke to her. That duke told a strange passage relating to that visit to the lord Cutts, from whom I had it. The king told his lady, that some were to come and search her lodgings: but he had given order that no search should be made in her apartments: so she might conceal him safely in them. But the duke of Monmouth added that he knew him too well to trust him: so he went out of his lodgings. And it seems he judged right: for the place that was first searched for him was her rooms: but he was gone[1]: and he gave that for the reason why he could never trust the king after that. It is not likely the king meant to proceed to extremities with him, but intended to have him in his own hands and in his power. An order was sent to bring up the lord Grey, which met him coming up. He was brought before the council, where he behaved himself with great presence of mind. He was sent to the Tower; but the gates were shut: so he staid in the messenger's hands all night, whom he furnished so liberally with wine, that he was dead drunk. Next morning he went with him to the Tower gate, the messenger being again fast asleep. He himself called at the Tower gate, to bring the lieutenant of the Tower to receive a prisoner: but he began to think he might be in danger: he found Rumsey was one witness, and if another should come in, he was gone: so he called for a pair of oars, and went away, leaving the drunken messenger fast asleep[2]. Warrants were sent for several

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June 28.

[1] Mr. Francis Gwyn (Secretary at War in Queen Anne's time) told me that as soon as this book was published, he asked the Duchess of Monmouth if she remembered anything of this story; she answered, it was impossible she should, for there was not one word of it true. D.

[2] 'On Wednesday Lord Gray was sent to the same place, but when he came to the Tower he found the person which was sent with him asleep; he got out of the coach and walked three turns about the yard, as is reported, and finding him still asleep, away he went, and is not yet

CH. XIV. other persons: some went out of the way, and others were dismissed after some months' imprisonment. The king shewed some appearance of sincerity in examining the witnesses. He told them he would not have a growing evidence, and so he charged them to tell out at once all that they knew. He led them into no accusations by asking them any questions: he only asked them if Oates was in their secret: they answered that they all looked on him as such a rogue that they would not trust him. The king also said he found lord Howard was not among them, and he believed that was upon the same account. There were many more persons named, and more particulars set down
550 in West's narrative, than the court thought fit to make use of: for they had no appearance of truth in them.

Lord Russell from the time of his imprisonment looked upon himself as a dead man, and turned his thoughts wholly to another world. He read much in the Scriptures, particularly in the psalms, and read Baxter's dying thoughts. He was as serene and calm as if he had been in no danger at all. A committee of council came to examine him upon the design of seizing on the guards, and about his treating with the Scots. He answered them civilly, and said that he was now preparing for his trial, where he did not doubt but he should answer every thing that could be objected to him. From him they went to Sidney, who treated them more roughly. He said it seemed they wanted evidence, and therefore they were come to draw it from his own mouth, but they should have nothing from him. Upon this examination of Lord Russell, in which his treating with the Scots was so positively charged on him, as a thing of which they were well assured, his lady desired me to see who this could be that had so charged him: but this appeared to be only an artifice, to draw a confession from him. Cochrane was gone, and Baillie was a close prisoner, and was very ill used: none were admitted to him. I sent

found.' Nathaniel Harley to Abagail Harley, June 28, 1683; *Portland MSS.*, *H. M. C.* Rep. xiii, App. ii. 236; *Hatton Correspondence*, ii. 24.

to the keeper of the prison to let him want for nothing, and that I should see him paid. I also at his desire sent him books for his entertainment, for which I was threatened with a prison. I said I was his nearest kinsman in this place, and this was only to do as I would be done by. From what I found among the Scots I quieted the fears of lord Russell's friends. Lord Howard was still going about, and protesting to every person he saw that there was no plot, and that he knew of none: yet he seemed to be under a consternation all the while. Lord Russell told me he was with him when the news was brought that West had delivered himself, upon which he saw him change colour: and he asked him if he apprehended any thing from him? He confessed he had been as free with him as with any man. Hampden saw him afterwards under great fears, and upon that he wished him to go out of the way if he thought there was matter against him, and if he had not a strength of mind to suffer any thing that might come to him. The king spoke of him with such contempt, that it was not probable that he was all this while in correspondence with the court. At last, four days before | lord Russell's trial, MS. 283. 551 he was taken in his own house after a long search; and was found standing up within a chimney. As soon as he was taken, he fell a crying: and at his first examination he told, as he said, all he knew. West and Rumsey had resolved only to charge some of the lower sort; but had not laid every thing so well together, but that they were found contradicting one another. So Rumsey charged West for concealing some things: upon which he was laid in irons, and was threatened with hanging. For three days he would eat nothing, and seemed resolved to starve himself: but nature overcame his resolutions: and then he told all he knew, and perhaps more than he knew; for I believe it was at this time that he wrote his Narrative. And in that he told a new story of lord Howard, which was not very credible: that he thought the best way of killing the king and the duke was, for the duke of Monmouth to fall

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CH. XIV. into Newmarket with a body of three or four hundred horse when they were all asleep, and so to take them all. As if it had been an easy matter to get such a body together, and to carry them thither invisibly, upon so desperate a service. Upon lord Howard's examination, he told a long story of lord Shaftesbury's design of raising the city[1]. He affirmed that the duke of Monmouth had told him how Trenchard had undertaken to bring a body of men from Taunton, but had failed in it. He confirmed that of a rising intended in the city on the 17th or the 19th of November last: but he knew of nobody that was to be at the head of it: so this was looked on as only talk. But that which came more home was, that he owned there was a council of six settled, of which he himself was one; and that they had several debates among them concerning an insurrection, and where it should begin, whether in the city or in the country; but that they resolved to be first well informed concerning the state Scotland was in; and that Sidney had sent Aaron Smith to Scotland to bring him a sure information from thence, and that he gave him sixty guineas for his journey: and more of that matter he did not know, for he had gone out of town to the Bath, and to his estate in the country. During his absence, the lords began to apprehend their error in trusting him: and upon it lord Essex said to lord Russell, as he told me in prison, that the putting themselves in the power of such a man would be their reproach as well as their ruin, for trusting a
552 man of so ill a character: so they resolved to talk no more to him, but at his next coming to town they told him, they saw it was necessary at present to give over all consultations, and to be quiet: and after that they saw him very little. Hampden was upon lord Howard's discovery seized

[1] A zealot in the same cause, the political writer, Samuel Johnson (*supra* 302 *note*), in his *Notes on Burnet's Pastoral Letter*, has the following passage: 'If when my Lord Shaftesbury was forced to leave his own house, and had secreted himself at Mr. Watson's, he talked with Howard of Escrick, about relieving himself and his country, he did amiss, and it was a defect, for talk is but talk, when all is done.' Page 100.

on: he, when examined, desired not to be pressed with questions: so he was sent to the Tower. CH. XIV.

A party of horse was sent to bring in lord Essex, who had staid all this while at his house in the country; and seemed so little apprehensive of danger, that his own lady did not imagine he had any concern on his mind. He was offered to be conveyed away very safely: but he would not stir. His tenderness for lord Russell was the cause of this: for he thought his going out of the way might incline the jury to believe the evidence the more for his absconding. He seemed resolved, as soon as he saw how that went, to take care of himself. When the party came to bring him in, he was at first in some disorder, yet he recovered himself. But when he came before the council, he was in much confusion. He was sent to the Tower, and there he fell under a great depression of spirits: he could not sleep at all. He had fallen before that twice under great fits of the spleen, which returned now upon him with more violence. He sent by a servant, whom he had long trusted, and who was suffered to come to him, a very melancholy message to his wife; that what he was charged with was true: he was sorry he had ruined her and her children: but he had sent for the earl of Clarendon, to talk freely to him, for he had married his sister. She immediately sent back the servant, to beg of him that he would not think of her or her children, but only study to support his own spirits; and desired him to say nothing to lord Clarendon nor to any body else, till she should come to him, which she was in hope to obtain [leave to do] in a day or two. Lord Clarendon came to him upon his message: but he turned the matter so well to him, as if it had been only to explain somewhat that he had mistaken himself in, when he was before the council: but as to that for which he was clapt up, he said there was nothing in it, and it would appear how innocent he was: so that lord Clarendon went away in a great measure satisfied, as he himself told me. His lady had another message from him, that he was much

CH. XIV. calmer, especially when he found how she took his condition to heart, without seeming concerned for her own share in it. He ordered many things to be sent to him: and among
MS. 284. other | things he called at several times for a penknife, with
553 which he used to pare his nails very nicely: so this was thought intended only for an amusement; but it was not brought from his house in the country, though sent for: but when it did not come, he called for a razor, and said that would do as well. The king and the duke came to the Tower that morning, as was given out, to see some invention about the ordnance. As they were going into their barge, the cry came after them of what had happened to lord Essex: for his man, thinking he staid longer than ordinary in his closet, said he looked through the lock-hole, and there saw him lying dead: upon which the door being broke open, he was found dead; his throat cut so
July 13, 1683. that both the jugulars and the gullet were cut, a little above the *aspera arteria*. I shall afterwards[1] give an account of the further inquiry into this matter, which passed then [a] as done by himself. So the coroner's jury found it self-murder: and when his body was brought home to his own house, and the wound was examined by his own surgeon, he said to me, it was impossible the wound could be as it was, if given by any hand but his own: for except he had cast his head back, and stretched up his neck all he could, the *aspera arteria* must have been cut. But to go on with this tragical day, in which I lost the two best friends I had in the world.

The lord Russell's trial was fixed for that day. A jury was returned that consisted of citizens of London who were not freeholders. So the first point argued in law was, whether this could be a legal jury. The statute was express: and the reason was, that none but men of certain estates

[a] *universally* struck out.

[1] *Infra* 398.

might try a man upon his life. It was answered, that the practice of the city was to the contrary, upon the very reason of the law: for the richest men of the city were often no freeholders, but merchants, whose wealth lay in their trade and stock. So this was overruled, and the jury was sworn[1]. They were picked out with great care, being men of fair reputation in other respects, but so engaged in the party for the court, that they were easy to believe every thing of that side. Rumsey, Shepherd, and lord Howard were the witnesses; who deposed according to what was formerly related. Shepherd swore lord Russell was twice at his house, though he was never there but once. And when lord Russell sent him word after his sentence, that he forgave him all he had sworn against him, but that he must remember that he was never within his doors but one single time: to which all the answer Shepherd made was, that all 554
the while he was in court during the trial he was under such a confusion, that he scarce knew what he said. Both Rumsey and he swore that lord Russell had expressed his consent to the seizing on the guards, though they did not swear any one word that he spoke which imported it: so that here a man was convicted of treason, [a]for being present by accident, or for some innocent purpose, where treasonable matter was discoursed, without bearing a part in that discourse, or giving any assent by words or otherwise to what was so discoursed; which at the most amounts to misprision or concealment of treason only[a]. As lord Howard began his evidence, the news of the earl of Essex's death came to the court: upon which lord Howard stopped, and said, he could not go on till he gave vent to his grief in some tears: he soon recovered himself, and told all his story. Lord Russell defended himself by many com-

[a] substituted for *on . . . only, without any one word sworn against him* struck out.

[1] The jury was packed by North and Rich, the Tory sheriffs. Hallam, *History of England*, ii. 458; *infra* 400.

CH. XIV. purgators, who spoke very fully of his great worth, and that it was not like he would engage in ill designs. Some others besides my self testified how solemnly lord Howard had denied his knowledge of any plot, upon its first breaking out. Finch, the solicitor general, said no regard was to be had to that, for all witnesses denied at first. It was answered, if these denials had been only to a magistrate, or at an examination, it might be thought of less moment: but such solemn denials with asseverations to friends, and officiously offered, shewed that such a witness was so bad a man that no credit was due to his testimony. It was also urged that it was not sworn by any of the witnesses that lord Russell had spoke any such words, or words to that effect: and without some such indication, it could not be known that he hearkened to the discourse, or consented to it. Lord Russell also asked upon what statute he was tried: if upon the old statute of the twenty-fifth of Edward the third, or if upon the statute made declaring what shall be held treason during the king's reign[1]? They could not rely on the last, because of the limitation of time in it: six months and some more were passed since these discourses: so they relied on the old statute. Upon which he asked, where was the overt act? Words could not be an act. It was also said, that by that statute the very imagining the king's death, when proved by an overt act, was treason: but it was only the levying war, and not the imagining to levy war, against the king, that was treason by that statute. Cook and Hale were of this opinion, and
555 gave their reasons for it. And it seemed that the parliament that passed the act of treasons during the present
MS. 285. reign were of that mind; for they enumerated | consultations to raise war among those things which were declared to be treason during that reign. This shewed that they did not look on them as comprehended within the old statute[2]. The king's counsel pretended, that consultations

[1] 13 Car. II. c. 1. See Hallam, *Hist. of England*, iii. 154.

[2] But see Hale as to this, in his *Hist. Placit. Coronae*, i. 119, &c. O.

to seize on the guards were an overt act of a design against the king's person. But those forces that have got the designation of Guards appropriated to them, are not the king's guards in law: they are not so much as allowed of by law: for even the lately dissolved long parliament, that was so careful of the king and so kind to him, would never take any notice of the king's forces, much less call them his guards. The Guards were only a company of men in the king's pay. So that a design to seize on them amounted to no more than to a design to seize on a part of the king's army. But the word *Guards* sounded so like a security to the king's person, that the design against them was constructed a design against his life. None of the witnesses spoke of any design against the king's person. Lord Howard swore positively that they had no such design. Yet the one was constructed to be the natural consequence of the other. So that after all the declaiming against a constructive treason in the case of the earl of Strafford, the court was always running into it, when they had a mind to destroy any that stood in their way. Lord Russell desired that his counsel might be heard to this point of seizing the guards: but that was denied, unless he would confess the fact: and he would not do that, because, as the witnesses had sworn it, it was false. He once intended to have related the whole fact, just as it was: but his counsel advised him against it. Some of his friends were for it, who thought that it could amount to no more than a concealment and misprision of treason. Yet the counsel distinguished between a bare knowledge, and a concealing that, and a joining in counsel with men that did design treason: for in that case, though a man should differ in opinion from a treasonable proposition, yet his [a] mixing in counsels with such men will in law make him a traitor. Lord Russell spoke but little: yet in few words he touched on all the material points of law that had been suggested

[a] *designedly* inserted by another hand.

CH. XIV. to him. Finch[1] summed up the evidence against him: but in that, and in several other trials afterwards, he shewed more of a vicious eloquence, and of ingenious malice, in turning matters with some subtlety against the prisoners,
556 than of solid or sincere reasoning. Jeffreys would shew his zeal, and speak after him: but it was only an insolent declamation, such as all his were, full of [a] fury and indecent invectives. Pemberton was the head of the court, the other bench not being yet filled. He summed up the evidence at first very fairly: but in conclusion he told the jury, that a design to seize the guards was surely a design against the king's life. But though he struck upon this, which was the main point, yet it was thought that his stating the whole matter with so little eagerness against lord Russell was that which lost him his place: for he was turned out soon after. Lord Russell's behaviour during the trial was decent and composed, so that he seemed very little concerned in the issue of the matter. He was a man of so much candour, that he spoke little as to the fact: for since he was advised not to tell the whole truth, he could not speak against that which he knew to be true, though in some particulars it had been carried beyond the truth. But he was not allowed to make the difference, and so he left that wholly to the jury; who brought in their verdict against him, upon which he received sentence[2].

He then composed himself to die with great seriousness. He said he was sure the day of his trial was more uneasy to him, than that of his execution would be. All possible methods were used to have saved his life: money was offered to lady Portsmouth, and to all that had credit, and that without measure. He was pressed to send petitions and

[a] *mad* struck out.

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[1] *scil.* Heneage Finch, afterwards Earl of Aylesford.

[2] For an assertion of the fairness of these trials see North's *Autobiog.* 128. But this must be compared with Hallam's account. Lord J. Russell, too, in his Life of his kinsman, also frames an overpowering indictment.

submissions to the king and to the duke. But he left it to his friends to consider how far these might go, and how they were to be worded. All he was brought to was, to offer to live beyond sea in any place that the king should name, and never to meddle any more in English affairs. But all was in vain: both king and duke were fixed in their resolutions; but with this difference, as lord Rochester afterwards told me, that the duke suffered some, among whom he protested to me he was one, to argue the point with him [1], but the king could not bear the discourse [2]. Some have said that the duke moved that he might be executed in Southampton Square before his own house, but that the king rejected that as indecent: so Lincoln's Inn Fields was the place appointed for his execution. The last week of his life he was shut up all the mornings, as he himself desired; and | about noon I came to him, and staid with MS. 286. him till night. All the while he expressed a very Christian temper, without sharpness or resentment, vanity or affectation. His whole behaviour looked like a triumph over death. Upon some occasions, as at table, or when his 557 friends came to see him, he was decently cheerful. I was by him when the sheriffs came to shew him the warrant for his execution: he read it with indifference; and when they were gone, he told me it was not decent to be merry with such a matter, otherwise he was near telling Rich, who though he was now of the other side, yet had been a member of the house of commons, and had voted for the exclusion, that they should never sit together in that house any more to vote for the bill of exclusion. The day

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[1] But see the Appendix to Welwood's *Memoirs*, 322. O.

[2] My father told the king the pardoning of Lord Russell would lay an eternal obligation upon a very great and numerous family, and the taking of his life would never be forgiven; and his father being alive, it could have little effect upon the rest of the family, besides resentments, and certainly there was some regard due to Lord Southampton's daughter and her children. The king answered, 'All that is true; but it is as true, that if I do not take his life, he will soon have mine.' Which would admit of no reply. D. Dalrymple quotes this [and prints Russell's petition] in the Appendix to his *Memoirs*, ed. 1790, Pt. I. Bk. i. App. ix. 120. R.

CH. XIV. before his death he fell to bleed at the nose: upon that he said to me pleasantly, 'I shall not now let blood to divert this, that will be done to-morrow.' At night it rained hard: and he said, 'Such a rain to-morrow would spoil a great show, which was a dull thing in a rainy day.' He said the sins of his youth lay heavy upon his mind: but he hoped God had forgiven them, for he was sure he had forsaken them, and for many years he had walked before God with a sincere heart. If in his public actings he had committed errors, they were only the errors of his understanding; for he had no private ends nor ill designs of his own in them. He was still of opinion that the king was limited by law, and that when he broke through those limits his subjects might defend themselves, and restrain him. He thought a violent death was a very desirable way of ending one's life: it was only the being exposed to be a little gazed at, and to suffer the pain of one minute; which he was confident was not equal to the pain of drawing a tooth. He said he felt none of those transports that some good people felt; but he had a full calm in his mind, no palpitation at heart, nor trembling at the thought of death. He was much concerned at the cloud that seemed to be now over his country: but he hoped his death should do more service than his life could have done.

This was the substance of the discourses between him and me. Tillotson was oft with him that last week. We thought the party had gone too quick in their consultations, and too far; and that resistance in the condition we were then in was not lawful. Lord Russell said he had not leisure to enter into discourses of politics; but he thought a government limited by law was only a name, if the subjects might not maintain those limitations by force: otherwise all was at the discretion of the prince: that was contrary to all the notions he had lived in of our government. But he said there was nothing among them but the embryos of things, that were never like to have

any effect, and that were now all quite dissolved[1]. He thought it was necessary for him to leave a paper behind him at his death: and because he had not been accustomed to draw such papers, he desired me to give him a scheme of the heads fit to be spoken to, and of the order in which they should be laid: which I did, and he was three days employed for some time in the morning to write it out[2]. He ordered four copies to be made of it, all which he signed; and gave the original, with three of the copies, to his lady, and kept the other, to give it to the sheriffs on the scaffold. He writ it with great care: and in the passages that were tender, he writ them in papers apart, and shewed them to his lady and to myself before he writ them out fair. He was very easy when this was ended. He also writ a letter to the king, in which he asked pardon for every thing he had said or done contrary to his duty: protesting he was innocent as to all designs against his person or government, and that his heart was ever devoted to that which he thought was his true interest. He added that though he thought he had met with hard measure, yet he forgave all concerned in it, from the highest to the lowest; and ended hoping that his majesty's displeasure at him would cease with his own life, and that no part of it should fall on his wife and children. The day before his death he received the sacrament from Tillotson with much devotion; and I preached two short sermons to him, which he heard with great affection; and we were shut up till towards the evening. Then he suffered his children, that were very young, and some few of his friends, to take

[1] Lord Russell had contributed towards the growth of these embryos, if the following account is to be believed. 'Sir Thomas Armstrong has also acquainted me, when we were beyond sea, that Mr. Sheppard had received some thousand pounds from my Lord Russel to transmit to my Lord Argyll, just before the discovery of the plot.' *Lord Grey's Confession*, 66. Compare Macormick's *Life of Carstares*, prefixed to his *State Papers*, 13, and Carstares's Deposition inserted in the Appendix to Sprat's *History of the Rye-House Conspiracy*, 119. R.

[2] According to Luttrell, Burnet's authorship of the speech was taken for granted.

CH. XIV. leave of him; in which he maintained his constancy of temper, though he was a very fond father. He also parted with his lady with a composed silence: and as soon as she was gone he said to me, 'The bitterness of death is past': for he loved and esteemed her beyond expression, as she well deserved it in all respects; and she had the command of herself so much that at parting she gave him no dis-
MS. 287. turbance. He went into his | chamber about midnight: and I staid all night in the outward room. He went not to bed till about two in the morning: and was fast asleep at four, when, according to his order, we called upon him. He was quickly dressed, but would lose no time in shaving: for he said he was not concerned in his good looks that day. He was not ill pleased with the account he heard that morning of the manner of Walcot's death, who, together with one Hone and Rowse, had suffered the day before.
559 These were condemned upon the evidence of the witnesses. Rumsey and West swore fully against Walcot. He had also writ a letter to the secretary, offering to make discoveries, in which he said the plot was laid deep and wide. Walcot denied at his death the whole business of the Rye Plot, and of his undertaking to fight the guards while others should kill the king. He said West had often spoke of it to him in the phrase of *lopping;* and that he had always said he would not meddle in it, and that he looked on it as an infamous thing, and as that which the duke of Monmouth would certainly revenge, though West assured him that duke had engaged under his hand to consent to it. This confession of Walcot's, as it shewed himself very guilty, so it made West appear so black, that the court made no more use of him. Hone, a poor tradesman in London, who it seems had some heat but scarce any sense in him, was drawn in by Keeling, and Lee, another witness, that was brought in by Keeling, to a very wild thing, of killing the king, but sparing the duke, upon this conceit, that we would be in less danger in being under a professed papist than under the king. He had promised to serve

in the execution of it, but neither knew when, where, nor how it was to be done: so though he seemed fitter for a Bedlam than a trial, yet he was tried the day before the lord Russell, and suffered with the others the day before him[1]. He confessed his own guilt; but said these who witnessed against him had engaged him in that design for which they now charged him: but he knew nothing of any other persons, besides himself and the two witnesses. The third was one Rowse, that had belonged to Player the chamberlain of London; against whom Lee and Keeling swore the same things. He was more affected with a sense of the heat and fury with which he had been acted, than the others were: but he denied that he was ever in any design against the king's life. He said the witnesses had let fall many wicked things of that matter in discourse with him: that he was resolved to discover them, and was only waiting till he could find out the bottom of their designs: but that now they had prevented him. He vindicated all his acquaintance from being any way concerned, or from approving such designs. These men dying as they did, was such a disgrace to the witnesses, that the court saw it was not fit to make any further use of them. And now whereas great use was made of the conjunction of these two plots, one for a rising and another for an assassination, that the one was that which gave the heart and hope to the other black conspirators, by which they were over all England blended together as a plot within a plot, which cast a great load on the whole party[2], 1680

[1] He had escaped in Oct. 1681, by the refusal of the Grand Jury of Middlesex to find a true bill (Reresby, *Memoirs*, 221), 'though never was anything more fully proved than the high treason against him.' *Savile Correspondence*, ii. 231.

[2] In the king's own Declaration concerning the conspiracy appointed this year to be read in all churches, the two plots do not appear to be confounded with each other. After mentioning the meeting of the principal conspirators to consult about the best means for mastering the guards and seizing the king's person, it is added, 'Whilst this design was forming, some villains were likewise carrying on that horrid and execrable plot of assassinating our royal person and our dearest brother in our coming from Newmarket.' Page 9.

CH. XIV. Russell seemed to have some satisfaction to find that there was no truth in the whole contrivance of the Rye Plot: so that he hoped that infamy which now blasted their party would soon go off. He went in to his chamber six or seven times in the morning, and prayed by himself, and then came out to Tillotson and me: he drank a little tea and then some sherry. He wound up his watch, and said, now he had done with time, and was going to eternity. He asked what he should give the executioner. I told him ten guineas. He said, with a smile, it was a pretty thing to a man to give a fee to have his head cut off. When the sheriffs called him about ten o'clock, lord Cavendish was waiting below to take leave of him. They embraced very tenderly. Lord Russell, after he had left him, upon a sudden thought came back to him, and pressed him earnestly to apply himself more to religion, and told him what great comfort and support he felt from it now in his extremity. Lord Cavendish had very generously offered to manage his escape, and to stay in prison for him while he should go away in his clothes: but he would not hearken to the motion. And the duke of Monmouth had sent me word, to let him know that if he thought it could do him any service, he would come in, and run fortunes with him. He answered, it could be of no advantage to him to have his friends die with him. Tillotson and I went in the coach with him to the place of execution. Some of the crowd that filled the streets wept, while others insulted. He was touched with the tenderness that the one gave him, but did not seem at all provoked by the other. He was singing psalms a great part of the way: and said he would sing better very soon. As he observed the great crowds of people all the way, he said to us, I shall quickly see a much better assembly. When he came to the scaffold, he walked
MS. 288. about it four | or five times: then he turned to the sheriffs, and delivered them his paper. He protested he had

always been far from any designs against the king's life or government: he prayed God would preserve both, and the protestant religion. He wished all protestants might love one another, and not make way for popery by their animosities. CH. XIV.

The substance of the paper he gave them was, first, 561
a profession of his religion, and of his sincerity in it: that he was of the church of England: but wished all would unite together against the common enemy: that churchmen might be less severe, and dissenters less scrupulous. He owned he had a great zeal against popery, which he looked on as an idolatrous and bloody religion: but that though he was at all times ready to venture his life for his religion or his country, yet that would never have carried him to a black or wicked design. No man ever had the impudence to move to him any thing with relation to the king's life. He prayed heartily for him, that in his person and government he might be happy, both in this world and in the next. He protested that in the prosecution of the popish plot he had gone on in the sincerity of his heart, and that he never knew of any practice with the witnesses. He owned he had been earnest in the matter of the exclusion; as the best way, in his opinion, to secure both the king's life and the protestant religion: and to that he imputed his present sufferings: but he forgave all concerned in them, and charged his friends to think of no revenges. He thought his sentence was hard: upon which he gave an account of all that had passed at Shepherd's. From the heats that were in choosing the sheriffs, he concluded that matter would end as it now did: and he was not much surprised to find it fall upon himself: he wished it might end in him: killing by forms of law was the worst sort of murder. He concluded with some very devout ejaculations. After he had delivered this paper, he prayed by himself: then Tillotson prayed with him. After that he prayed again by himself: and then undressed himself, and laid his head on the block, without

CH. XIV. July 21. the least change of countenance: and it was cut off at two strokes[1].

This was the end of that great and good man: on which I have perhaps enlarged too copiously: but the great esteem I had for him, and the share I had in this matter, will, I hope, excuse it. His speech was so soon printed that it was selling about the streets an hour after his death: upon which the court was highly inflamed. So Tillotson and I were appointed to appear before the cabinet council. Tillotson had little to say, but only that lord Russell had shewed him his speech the day before he suffered, and that he spoke to him what he thought was incumbent on him, upon some parts of it, but he was not disposed to alter it[2]. I was longer before them. I
562 saw they apprehended I had penned the speech[3]. I told the king, that at his lady's desire I had writ down a very particular journal of every passage, great and small, that had happened during my attendance on him[4]: I had just ended it, as I received my summons to attend his majesty:

[1] 'He behaved himself like a stout man, but not like a good Christian.' Duke of York to Queensberry, *H.M.C. Rep.* xv. App. viii. 194. On the same day, July 21, 1683, was published 'The Judgment and Decree of the University of Oxford, passed in their Convocation, against certain pernicious books and damnable doctrines, destructive to the sacred persons of Princes, their state and government, and of all human society.' Anthony Wood's *Life*, ed. Clark, iii. 61–64. See Wodrow, iii. 506 *note*, and the *Kenyon MSS.*, *H. M. C. Rep.* xiv. App. iv. 163, where this remarkable pronouncement is given in full; and Ranke, iv. 182.

[2] 'Dr. Tillotson himself, though he had wrote that letter to the Lord Russell' (in favour of passive obedience) 'yet would not generally affirm, although asked before the king in person' (by the Duke of York), 'that no case was to be excepted. And his Majesty was so far from being offended at his caution, that he declared to his brother, that the Dean spoke like an honest man; and would not have him pressed any further.' *Echard*, 23. R. See Foxcroft's *Halifax*, i. 393, for Halifax's account of his dealings with Tillotson and Burnet concerning Russell's speech.

[3] See the severe remarks in Salmon's *Examination*, 934, upon Burnet's equivocation, in saying he had not 'penned' the speech, when he admitted that he drew out the heads of it; *supra* 379.

[4] Burnet's Journal is printed in Appendix viii. to vol. ii. of Lord John Russell's *Life of Lord William Russell.*

so, if he commanded me, I would read that to him: which upon his command I did. I saw they were all astonished at the many extraordinary things in it: the most important of them are set down in the former relation. The lord keeper asked me, if I intended to print that. I said it was only intended for his lady's private use. The lord keeper, seeing the king silent, added, You are not to think the king is pleased with this, because he says nothing. This was very mean. He then asked me, if I had not studied to dissuade the lord Russell from putting many things in his speech[1]. I said I had discharged my conscience to him very freely in every particular: but he was now gone: so it was impossible to know, if I should tell any thing of what had passed between us, whether it was true or false: I desired therefore to be excused. The duke asked me, if he had said any thing to me in confession. I answered, that if he said any thing to me in confidence, that was enough to restrain me from speaking of it. Only I offered to take my oath, that the speech was penned[2] by himself,

[1] See Burnet's letter to Compton, July 30, 1683, *Rawlinson MSS.* C. 983, 61, *Bodl.*

[2] Jesuitical. S. Quære, what that word (*penned*) means? See *supra* 379. The paper does not seem clear and ingenuous enough for the character of such a man as my Lord Russell, and at such a time with him. He was certainly a very honest man, and truly meant the good of his country in all this transaction, and *that* only. But he was legally convicted, as to the crime, in law, and the evidence of it. It would have been the same with those who engaged in the revolution, if they had not succeeded; and that is his best defence. See Lord Grey's paper (lately, 1757, published in print) relating to this plot, where Lord Russell *seems* to have been very early and deep in it, as to an insurrection. But be all this as it may, what have bad princes, with their instruments, to answer for hereafter, who, by iniquitous acts of pretended government, force unhappy subjects to resist them, for the sake of necessary defence, and who, if they happen to fail, are treated as criminals, and put often to cruel deaths by those very tyrants that provoked them; acting against them (and making it a justification) under the letter and colour of laws, instituted only and avowedly for the protection and security of good government? Is not this murder in the sight of an all-judging God? Would not such princes be far safer in this world, and happier in that to come, if, in such cases, they pardoned their miserable subjects, and amended their own future administration of power? I have often thought it a

CH. XIV. and not by me. The duke, upon all that passed in this examination, expressed himself so highly offended at me, that it was concluded I would be ruined. Lord Halifax sent me word, that the duke looked on my reading the journal as a studied thing, to make a panegyric on lord Russell's memory. Many pamphlets were writ on that occasion, and I was heavily charged in them all, as the adviser, if not the author, of the speech. But I was advised by all my friends to write no answer, but to bear the malice that was vented upon me with silence; which I resolved to do.

CHAPTER XV.

FURTHER PERSECUTION OF THE WHIGS. TRIAL OF SIDNEY. FINAL DISGRACE OF MONMOUTH.

MS. 289. July 28, 1683. | AT this time prince George of Denmark[1] came into England to marry the duke's second daughter. The

great unhappiness to my Lord Russell, and it must have been matter of much uneasiness to a man of his principles and virtues (public and private), to have been connected in any undertaking with the men of the characters he united himself with, on this occasion—Monmouth, Shaftesbury, Howard, Grey, Armstrong, &c. Essex, Sidney, and Hampden, were better men in themselves than the others; but the two first were republicans (the Earl of Essex inclined to be so, as Lord Grey's paper says, see *supra* 352, not very strange with regard to him), and Hampden (*supra* 354), *then* an infidel, or pretending to be so. *Scarcely* any one of them all could give any credit to the cause. O. Lady Russell, in her letter to the king, professing her own belief, that the paper her lord delivered to the sheriffs was his, and not Doctor Burnet's, intimates, that an argument for its having been composed by the latter was drawn from the use of some phrases familiar to him. See this letter in Lord John Russell's *Life of Lord Russell*, p. 238. Dr. Lingard remarks, that Burnet, after the revolution, owned the plan and order of this speech was his; referring to what occurs, *supra* 379. R.

[1] The marriage of this prince into the royal family had apparently been contemplated as early as 1669, when he came on a visit, being then only fifteen years of age. Newsletter, *Fleming Papers*, July 28, 1669; Arlington's *Letters*, ii. 277. James writes on May 9, 'I find the loyal party here do like it, and the Whigs are as much troubled at it.' *H.M.C. Rep.* xv, App. viii. 191.

prince of Hanover[1] had come over two years before to make addresses to her: but he was scarce got hither, when he received orders from his father not to proceed in that design; for he had agreed a match for him with his brother the duke of Zell for his daughter, which however it did at that time accommodate the family, proved very unhappy afterwards to the prince himself. The marriage that was now made with the brother of Denmark did not at all please the nation: for we knew that the proposition came from France: so it was apprehended that both courts 563 reckoned they were sure that he would change his religion, in which we have seen since that our fears were ill grounded. He has lived in all respects the happiest with his princess that was possible, except in one particular: for though there was a child born every year, yet they have all died: so that the fruitfullest marriage that has been known in our age has been fatally blasted as to the fruits of it. CHAP. XV

The affairs abroad were now every where in a great fermentation[2]. The emperor had governed Hungary so strangely, as at once to persecute the protestants and to oppress the papists in their liberties; which disposed both to rebel: upon which the malecontents were now in arms, and had possessed themselves of several places in the Upper Hungary; which being near Poland, they were managed and assisted by the French ministers in that kingdom; in which the cardinal of Fourbin was the chief instrument. But they not being able to maintain themselves against the emperor's whole force, Tekeli, who was set at their head, offered all submissions to the Turk, and begged his protection. Upon this that great war broke out, all set on by the practices of the king of France, who, while he was persecuting the protestants in his own kingdom, was at the same [time] encouraging the rebellion

[1] Afterwards George I.

[2] Continental affairs during this period receive much illumination from the correspondence of Lord Preston, our Ambassador at Paris. They are contained in the Graham Papers, *H. M. C. Rep.* vii.

CHAP. XV. of Hungary, and drawing the Turk into Christendom. I need not enlarge further on a matter so well known as the siege of Vienna: which if it had been as well prosecuted as it was first undertaken, the town would have been certainly taken, and with that the emperor and his family been ruined. The king of France drew a great army together near the frontier of Germany, and seemed to depend upon it that the town would be taken, and that he would be called in by the princes of Germany to protect them, and upon that have been chosen emperor. He at the same time sent Humières with an army into Flanders, upon a pretension to Alost, that would have seemed very strange in any other court but that. He had once possessed himself, during the war, of Alost: but afterwards he drew his troops out of it. So it not being in his hands when the peace of Nimeguen was made, no mention was made of restoring it. But now it was said, that, it being once in the king's hands by the right of his arms, it was still his, since he had not expressly renounced it: therefore
564 he now demanded it, or to have Luxemburg given him as an equivalent for it. Humières finding no resistance in the Spanish Netherlands, he destroyed and ruined the country, beyond any thing that had been done during the whole war. This was the state of affairs abroad at the time of these trials.

All people thought we should see a parliament presently called[1], from which both the king and the duke might have expected every thing that they could desire: for the body of the nation was yet so possessed with the belief of the Plot, that probably all elections would have gone as the court directed, and scarce any of the other party would have had the courage to have stood for an election any where. But the court of France began to apprehend that

[1] Halifax tried earnestly to induce Charles to call a parliament, on the ground of personal honour, as well as political expediency; promising, at the same time, to study to find out good reasons for his breaking his word to his people. Reresby, 293, 294.

the king might grow so much the master at home, that he would be no longer in their management: and they foresaw that, what success soever the king might have in a parliament with relation to his own affairs, it was not to be imagined but that a house of commons, at the same time that they shewed their submission to the king, would both enable him to resist the progress of the French arms, and address to him to enter into alliances with the Spaniards and the States[1]. So the French made use of all their instruments to divert our court from calling a parliament: and they got the king to consent to their possessing themselves of Luxemburg: for which I was told they gave him 300,000*l.* but I have no certainty of that. Lord Mountagu told me of it, and seemed to believe it: and lady Portsmouth valued herself on this of Luxemburg as gained by her, and called it the last service she did the court of France[2].

At this time I went over into France[3] chiefly | to be out of the way, when I was fallen on almost in every libel: for MS. 290. 1683.

[1] To all appeals of this sort Charles merely replied that 'his own affairs were in too ill a posture at home.' Reresby, 289. In Lord Preston's letters it is said that Louis XIV 'has been long weary of being forced to court the King of England.' *H. M. C. Rep.* vii. 334.

[2] 'After much haggling Charles agreed to allow the French to seize Luxembourg, and received a million of livres in return' (less than eighty thousand pounds). 'Barillon writes thus to Louis XIV on December 1, 1681. Après plusieurs, &c.' *Sir John Dalrymple's Memoirs of Great Britain and Ireland, Appendix.* Again, he says, that 'the French chose rather to deal with King Charles than with Mr. Montague' (the same whom Burnet mentions here, and before *supra* 183, and elsewhere, and who was afterwards Duke of Montague) 'about Luxembourg.' Montague having (according to Barillon) proposed to embroil the king with his parliament, and reduce him to the necessity of dissolving it, which would render all his opposition to France ineffectual through want of being supported. In the Life, lately published from the Stuart papers, of James II, mention is made, without any reserve, of a treaty conducted by him in behalf of his brother Charles with the French court, for the purpose of procuring money two years before this. See vol. i. 664. R.

[3] 'Though they could not directly reach D. G. Burnet, yet the Bishop of London took upon him, &c.; so he laid aside his clerical habit, and put on gray cloths.' Fountainhall, *Historical Observations*, 118.

CHAP. XV. new sets of addresses were now running about the nation, with more heat and swelled eloquence in them than the former ones had, in all which the providential fire of Newmarket was set off with great pomp, and in many of them there were hard things said of lord Russell and his speech, with insinuations that looked towards me[a].

In France, Ruvigny, that was the lady Russell's uncle[1], studied to have me to be much visited and known. There my acquaintance with Marshal Schomberg began: and by him I was acquainted with Marshal Bellefonds, who was devout, but very weak[2]. He read the Scriptures much, and seemed to practise the virtues of the desert in the midst of that court. I knew the archbishop of Rheims,
565 who was a rough, boisterous man[3]: he seemed to have good notions of the episcopal duty in all things, except that of the setting a good example to his clergy: for he allowed himself in liberties of all kinds. The duke of Montausier was a pattern of virtue and sincerity, if not too cynical in it[4]. He was so far from flattering the king, as all the rest did most abjectly, that he could not hold contradicting him, as oft as there was occasion for it. And for that

[a] *So my being out of the way stopped this a little,* struck out.

[1] Lady Russell was second daughter and co-heiress of Thomas Wriothesby, fourth Earl of Southampton, by his first wife Rachel de Ruvigny, eldest daughter of Daniel de Massue, Seigneur of Ruvigny, the brother of Henri de Massue, first Marquis of Ruvigny, Ambassador at Charles II's court. She was thus cousin, not niece of the Ruvigny mentioned, afterwards Earl of Galway.

[2] Bernardin Gigault, Marquis de Bellefonds (1630–1694), soldier and diplomatist. He commanded the French army in Holland in 1673, and was Ambassador to the English court in the same year. *Supra* i. 543.

[3] Charles Maurice de Tellier: *infra* f. 603.

[4] Charles de Sainte-Maure (1610–1690), Duke of Montausier. He fought for the crown against the Frondeurs, and held many governments under Louis XIV, who made him governor of the Dauphin in 1668, a post which he held until 1679. It was under his auspices that the Delphin classics were produced *ad usum Delphini.* His rigid discipline and severe instruction gave his pupil a disgust for learning which he never threw off. His perfect uprightness and purity of life in the midst of a vicious society were very remarkable.

reason chiefly the king made him the dauphin's governor: to which, he told me, he had applied himself with great care, though he very frankly added, but without success. The exterior of the king was very solemn [1]. The first day I happened to see him was when the news came of the raising the siege of Vienna [2]; with which, Schomberg told me, he was much struck, for he did not look for it. While I was at court, that was only for four or five days, one of the king's coaches was sent to wait on me, and the king ordered me to be well treated by all about him, which upon that was done with a great profusion of extraordinary respects: at which all people stood amazed. Some thought it was to encourage the side against the court, by this treatment of one then in disgrace. Others more probably thought that the king, hearing I was a writer of history, had a mind to engage me to write of his side. I was told a pension would be offered me, but I made no steps towards it: for though I was offered an audience of the king, I excused it, since I could not have the honour to be presented to that king by the minister of England [3]. I saw

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Sept. 12, 1683.

[1] Saint-Simon speaks of 1683 as the *apogée* of the reign of Louis XIV.

[2] John Sobieski defeated the Turks under the walls of Vienna, Sept. 12, 1683.

[3] The Bishop seems to avoid giving the true cause of his good reception in the court of France, though it was known then, and may be still by anybody that reads a book he published in the year 1682, entitled, *The History of the Rights of Princes*, in the preface to which, he bestows the most extravagant commendations upon the King of France, which were always acceptable to him from any hand; and the book itself was of great use to them in their dispute with Innocent XI, concerning the regalia. D. Another reason for Burnet's good reception at the French court is suggested in a letter of Lord Preston, the English Ambassador there, to the Marquis of Halifax, published by Dalrymple in the Appendix to his *Memoirs*. 'I have, since I had this account, considered why Mr. Montague should have been treated worse than Dr. Burnet, and I can only think of these reasons for it. First, he cannot be so useful at this time as the Doctor, who, if he be gone into England, may continue his former practices with the discontented party. In the next place, if Mr. Montague had had a reception, it could not have been excused so to the king, our master, as that of Dr. Burnet was by his Most Christian Majesty, pretending not to know his character and

CHAP. XV. the prince of Condé but once, though he intended to see me oftener. He had a great quickness of apprehension, and was thought the best judge in France both of wit and learning. He had read my History of the Reformation, that was then translated into French, and seemed highly pleased with it. So were many of the great lawyers, in particular Harlay[1], then attorney general, and now first president of the court of parliament of Paris. The contests with Rome were then very high; for the assembly of the clergy had passed some articles very derogatory to the papal authority: so many fancied that matter might go to a rupture: and Harlay said very publicly, that if that should happen, I had laid before them a good plan, to copy from it.

Bellefonds had so good an opinion of me, that he thought instances of devotion might have some effect on me: so he got[a] the duchess La Vallière to think that she might be
506 an instrument in converting me: and he brought a message from her, desiring me to come to the grate to her. I was twice there, and she told me the steps of her conversion,

[a] *got* substituted for *made*.

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circumstances. Or perhaps, another reason might be, the present scarcity of money here, where they are begun to retrench in all sorts of expenses.' (Montague, it is before stated, had applied to the King of France for some money as a gratification.) 'It is a question now often asked at this court in confidence, whether there has been really any such thing as a late conspiracy in England, which I take to be one effect of the Doctor's late conversation here.' R. [Burnet's reception—though probably he describes it somewhat warmly—was so marked that Preston received instructions from Sunderland to acquaint Louis XIV with the adverse opinion entertained of him in the English court. *H. M. C. Rep.* vii. 261. See also *id.* 261–401 *passim*: and on 498 (Dr. Denton's letter of Nov. 22, 1683), we read 'Dr. Burnet is silenced.' See also *Rawlinson MSS.* A. 236, 35].

[1] Achille de Harlay, Comte de Beaumont (1639–1712), was first President of the Parliament of Paris from 1689 to 1707. He displayed great complaisance to Louis XIV, especially in obtaining the legitimation of his natural children; but generally he was noted for the uprightness of his public character. He was noted for severe and caustic wit, and the *Harlaeana* was a collection of his sayings.

and of her coming into that strict order of the Carmelites, with great humility and much devotion. Treville, one of the duchess of Orleans' admirers, was so struck with her death, that he had lived in retreat from that time, and was but newly come to appear again[1]. He had great knowledge, with a true sense of religion: he seemed to groan under many of the corruptions of their church. He and some others I knew of the Sorbonne, chiefly Faure[2], Pique, and Brayer, seemed to think that almost every thing among them was out of order, and wished for a regular reformation: but their notion of the unity of the church kept them still in a communion that they seemed uneasy in: and they said very freely, they wondered how any one that was once out of their communion should desire to come back into it. They were generally learned only in one point. Faure was the best read in ecclesiastical history of any man I saw among them: and I never knew any of that church that understood the Scriptures so well as Pique did. They declared themselves to me for abolishing the papal authority, and for reducing the pope to the old primacy again. They spoke to me of the bishops of France, as men that were both vicious and ignorant: they seemed now to be against the pope, but it was only because he was in the interests of the house of Austria: but they would declare him infallible the next day after he should turn to the interest of France. So they expected no good, neither from the court nor from the clergy. I saw St. Amour[3], the author of the journal of what passed at Rome in the condemnation of the five propositions of Jansenius. He seemed to be a sincere and worthy man, who had more judgment than either quickness or learning. He told me his whole life had been one campaign against the Jesuits; and spoke of

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| MS. 291.

[1] See vol. i. 543.

[2] François Faure (1612–1687) was tutor to Louis XIV, and afterwards Bishop of Amiens.

[3] Louis Gorin de Saint Amour (1619-1687) was a Doctor of the Sorbonne and Rector of the University of Paris. He refused to subscribe the condemnation of Arnauld, and was in consequence ejected from the Sorbonne.

CHAP. XV. them as the great plague of the church. He lamented also that sharpness of style with which his friend Arnauld [1] treated the protestants; for which he said both he and all his friends blamed him. I was carried by a bishop to the Jesuits at St. Antoine's. There I saw P. Bourdaloue [2], esteemed the greatest preacher of the age, and one of the honours of his order. He was a man of a sweet temper, not at all violent against protestants: on the contrary, he believed good men among them might be saved; which was a pitch in charity that I had never observed in any of the learned of that communion. I was also once with
567 P. de la Chaise [3], the king's confessor, who was a dry man. He told me how great a man they would make me, if I would come over to them.

This was my acquaintance of the popish side. I say little of the protestants; they came all to me, so I was well known among them. The method that carried over the men of the finest parts among them to popery was this: they brought themselves to doubt of the whole Christian religion: when that was once done, it seemed a more indifferent thing of what side or form they continued to be after that. The base practices [a] of buying many over with pensions, and of driving others over with perpetual ill usage, and the acts of the highest injustice and violence, and the vile artifices in bringing on and carrying so many processes against most of their churches, as not comprehended within the edict of Nantes, was a reproach both to the greatness of their king and to the justice of their courts. Many new edicts were coming out every day against them,

[a] substituted for *methods*.

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[1] Henri Arnauld (1597–1692). He was largely engaged in diplomatic service, and became Bishop of Angers in 1649, devoting himself thenceforward to good works in his diocese. He too upheld the cause of the Jansenists. He appears to have been a man of the most saintly character.

[2] Louis Bourdaloue, the great Jesuit preacher (1632–1704).

[3] See this expression *supra* 64, Le Père François d'Aix de la Chaise, a Jesuit (1624–1709).

which contradicted the edict of Nantes in the most express words possible: and yet to all these a most impudent clause was added, that the king did not intend by them to recall, nor to go against, any article of the edict of Nantes, which he would maintain inviolable. I knew Spanheim[1] particularly, who was envoy from the elector of Brandenbourg, who is the greatest critic of the age in all ancient learning, and is with that a very able man in all affairs, and a frank cheerful man: qualities that do not always agree to very learned men. After a few months' stay I returned, and found both the king and duke were highly offended with the [a]reception I had met with in France. They did not know what to make of it, and fancied there was something hid under it. CHAP. XV.

The addresses[2] had now gone round England. The grand juries made after that high presentments against all that were esteemed whigs and nonconformists. Great pains were taken to find out more witnesses: pardons and rewards were offered very freely, but none came in: which made it evident that nothing was so well laid, or brought so near execution, as the witnesses had deposed: otherwise people would have been crowding in for pardons. All people were apprehensive of very black designs when they saw Jeffreys made lord chief justice, who was scandalously vicious, and was drunk every day; besides a drunkenness of fury in his temper, that looked like enthusiasm. He did not consider the decencies of his post, nor did he so much as affect to seem impartial, as became a judge; 568 but run out upon all occasions into declamations that did not become the bar, much less the bench. He was not learned in his profession[3]: and his eloquence, though June 16, 1683.

[a] *kind* struck out.

[1] Ezekiel Spanheim (1629–1710), a man of great learning, who was largely employed in diplomatic missions by the Elector Palatine Charles Louis.

[2] *Supra* 289.

[3] I have heard Sir J. Jekyl (Master of the Rolls) say otherwise. He had likewise great parts, and made a great chancellor in the business of that court. In mere private matters he was thought an able and upright

CHAP. XV. viciously copious, yet was neither correct nor agreeable[1]. Pemberton was turned out of the common pleas, and Jones was put in his place: and Jeffreys had three judges joined with him in the king's bench, fit to sit by him[2].

The king sent a new message to the city of London, requiring the common council to deliver up their charter, threatening them that otherwise he would order the judgment to be entered. Upon this a great debate arose among them. Some were for their compliance, that so they might prevent the prejudice that would[a] otherwise arise. On the other hand it was said, that all freemen took an oath to maintain the rights of their corporation; so that it was perjury in them to [b]betray these[b]. They said it was better to leave the matter to the king than by any act of their own to deliver all up. So it was carried not to do it, only by a few voices. Upon that the judgment was entered, and the king seized on their liberties. Many of the aldermen and other officers were turned out, and others were put in their places. So they continued
MS. 292. for some time a | city without a charter or a common council: and the king named the magistrates. New charters were sent to most of the corporations, in which
June, 1683. the king reserved a power to himself to turn out magistrates at his pleasure[3]. This was done to make all sure for a new election of parliament, which came now under consideration.

1684. There was a clause in the act that repealed the triennial bill passed in the beginning of the troubles, which enacted

[a] substituted for *might*. [b] substituted for *deliver them up*.

judge wherever he sat. But when the crown or his party were concerned, he was, as he is here represented; generally at least. O.

[1] And went back to common pleading. Fountainhall, *Historical Observations*, 96.

[2] Sir F. Wythens, April 25, 1683; Sir Richard Holloway, Sept. 25, 1683; and Sir Thomas Walcot, Oct. 22, 1683, in the places of Dolben, Raymond, and Jones respectively. Foss, *Judges of England*.

[3] *Supra* 347; Ranke, iv. 184. In March, 1684, *Quo Warrantos* were issued against fourteen of the City Companies. Fountainhall, *Historical Observations*, 120. The passage in the text referring to other English towns.

that a parliament should meet every third year: but it had none of those enforcing clauses in case it did not meet that were in the other act[1]; and the third year from the parliament of Oxford was now near at hand. So, since the king had declared he would govern according to law, and in particular that he would have frequent parliaments, for which he had special thanks given him in many of the addresses, it was proposed that a parliament should be called. A war seemed like to break out in Flanders; where the Spaniards, how ill soever they were prepared for it, had declared war upon the French troops, possessing themselves of Dixmuyd and Courtrai. The prince of Orange was pressing the states to go into a new war, rather than let Luxemburg be taken: but this was much opposed by the town of Amsterdam. The calling a new 569
parliament here, and England's engaging, as all believed they might do, would be an effectual restraint on the French. But the king had consented to let Luxemburg fall into their hands: so it was apprehended that the parliament might fall upon that, which was the only point that could occasion any difference between the king and them. It was also said that it was fit all the charters should be first brought in, and all the corporations new modelled, before the parliament should be called. The prerogative lawyers pretended that the prerogative was indeed limited by negative and prohibiting words, but not by affirmative words[2]. Lord Halifax told me he pressed this all he could[3]; but there was a French interest working strongly against it. So the thoughts of a parliament at that time were laid aside. The Scottish prisoners were ordered to be sent down to be tried in Scotland. This was sad news to them: for the boots there are a severe torture. Baillie had reason to expect the worst usage. He was carried to Newgate in the morning that lord Russell

[1] Vol. i. 353 *note*.

[2] A dangerous and scandalous doctrine. O.

[3] Confirmed by Reresby, *Memoirs*, 293; see *supra* 389; Foxcroft's *Halifax*, i. 398.

CHAP. XV. was tried, to see if he could be persuaded to be a witness against him: every thing that could work on him was made use of, but all in vain: so they were resolved to use him severely.

I passed slightly over the suspicions that were raised upon lord Essex's death, when I mentioned that matter[1]. This winter the business was brought to a trial. A boy and a girl did report that they heard great crying in his lodgings[2], and that they saw a bloody razor flung out at window, which was taken up by a woman that came out of the house where he was lodged. These children reported this confidently that very day, when they went to their several homes. They were both about ten or twelve years old. The boy went backward and forward in his story, sometimes affirming it, and at other times denying it: but his father had an office in the custom house: so it was thought he prevailed with him to deny it in open court. But the girl stood firmly to her story. The simplicity of the children, together with the ill opinion that was generally had of the court, inclined many to believe this. As soon as his lady heard of it, she ordered a strict inquiry to be made about it; and sent what she found to me, to whom she had trusted all the messages that had passed between her lord and her while he was in the Tower. When I perused all, I thought there was not a colour to found any prosecution on it; which she would have done with all possible zeal, if she had found any appearances of truth in the matter. Lord Essex had got into [a]an odd set of some strange principles[a], and in particular he thought a man was the master of his own life: and seemed to approve of what his wife's great grandfather, the earl of Northumberland, did, who shot himself

[a] substituted for *very strange principles, as to ridicule religion.*

[1] *Supra* 372.

[2] Essex was placed in the same room as his father, Lord Capel, executed in 1649.

in the Tower after he was arraigned[1]. He had also very black fits of the spleen, which was spread among many of his family to a very high degree. But at that time one Braddon, whom I had known for some years for an honest but enthusiastical man, hearing of these stories, resolved to carry the matter as far as it would go: and he had picked up a great variety of little circumstances, all which laid together seemed to him so convincing, that he thought he was bound to prosecute the matter. I desired him to come no more near me, since he was so positive. He talked of the matter so publicly, that he was taken up upon it for spreading false news, to alienate people's hearts from the king. He was tried upon it. Both the children owned that they had reported the matter as he had talked it; the boy saying then, that it was a lie. Braddon had desired him to set it all under his hand, though with that he charged him to write nothing but the truth. This was called a suborning: and he was fined for it in 2000*l.*[2] But I go next to a trial of more importance[3].

[1] Essex married Elizabeth Percy, daughter of Algernon, tenth Earl of Northumberland, grandson of Henry, eighth earl, who was found dead in his bed, shot through the heart, in his cell in the Tower, June 21, 1585. The coroner's verdict was suicide, but of course the Catholics maintained the theory of murder.

[2] In Hilary term, 1683. See *H. M. C. Rep.* vii. 406, 407.

[3] This [Laurence] Braddon, who was excepted from a general pardon granted by James II in 1687, prosecuted, after the revolution, an inquiry into the Earl of Essex's death before the Lords, who came to no resolution on the subject. In the year subsequent to the publication of Bishop Burnet's work, he printed a book with the following title: *Bishop Burnet's late History charged with great partiality and misrepresentation, to make the present and future ages believe, that Arthur Earl of Essex murdered himself.* London, 1725. 8vo. Lord John Russell, in his life of Lord Russell, lately published, after observing that the depositions taken before the Lords are not now to be found, says that he had been assured by the present Earl of Essex that Lord Onslow told him, when a boy, that he had seen the entry in the books of the Treasury of a grant of money to Romanney, Lord Essex's servant, who asserted that on breaking open the door of a closet he found his master dead. Page 182. Compare preface to Lord Russell's Life, p. xi. But supposing that a grant of this nature should ever be found, it is impossible to think that it was made in reward of the testimony Romanney gave respecting the cir-

CHAP. XV. MS. 293. | Howard was the only evidence against the prisoners of better rank; for they had no communication with the other witnesses. So other things were to be found out as supplements to support it. Sidney was next brought to his trial. A jury was returned, consisting for most part of very mean persons. Men's pulses were tried beforehand, how tractable they would be. One Parry, a violent man, guilty of several murders, for which he was not only pardoned but was now made a justice of peace, for his officious meddling and violence, told one of the duke's servants, thinking that such a one was certainly of their party, that he had sent in a great many names of jurors who were sure men: that person told me this himself. Sidney excepted to their not being freeholders: but Jeffreys said that had been overruled in Russell's case[1], and therefore he overruled it, and would not so much as suffer Sidney

cumstances of his lord's death, as no record would have been suffered to remain of so foul a business. Besides, as Lord Essex had been himself at the head of the Treasury, there may have been good reason for a grant of money to his servant, whether before or after the earl's death. Lord Dartmouth remarks (in his note on this place) that it appeared plainly when this matter was examined into by the House of Lords (in King William's reign), that it was impossible any other person could have set him in the posture he was found; that besides, the door was bolted on the inside, and there was no other way of getting in or out. This latter circumstance is conclusive; the former is mentioned in this way by North in his *Examen*, 400. '... his lordship was found in a little closet, so falling in the inside of the door, as he lay, it was impossible for the murderer to escape and leave him so.' [Braddon says himself, in the work mentioned above, 189, that he printed and published everything material in 1690, dedicated to the Lords' Committee, and that 2,000 copies were issued. There are two of these in the British Museum. The information of Thomas Russell, one of the wardens of the Tower, who had charge of Essex, states that the key was outside; although he later says, 'His Lordship ... locked himself in.' Others swore that the body was partly in and partly out of the closet; 26, 27, 90, 92.] But see the arguments on both sides of this case stated with impartiality by Ralph, i. 759–768, and ii. 143. R. Ralph concludes his detailed investigation thus (i. 768): 'That there were sufficient grounds to justify suspicions, and to set on foot inquiries; but no sufficient evidence to blast a government with the guilt of so horrid a murder.' See Hallam, ii. 457 *note* (sm. ed.).

[1] *Supra* 373.

to read the statute. This was one of his bold strains. CHAP. XV.
Lord Russell was tried at the Old Bailey, where the jury consisted of Londoners: and there indeed the contrary practice had prevailed, upon the reason there set down; for the merchants are supposed to be rich: but this trial was in Middlesex, where the contrary practice had not 571
prevailed; for in a county a man that is no freeholder is supposed to be poor. But Jeffreys said on another occasion, why might not they make precedents to the succeeding times, as well as those who had gone before them had made precedents for them? The witnesses of the other parts of the plot were now brought out again, only to make a show, for they knew nothing of Sidney: only they said that they had heard of a council of six, and that he was one of them. Yet even in that they contradicted one another; Rumsey swearing that he had it from West, and West that he had it from him; which was not observed till the trial came out. If it had been observed sooner, perhaps Jeffreys would have ordered it to be struck out; as he did all that Sidney had objected upon the point of the jury, because they were not freeholders. Howard gave his evidence with a preface that had become a pleader better than a witness. He observed the uniformity of truth, and that all the parts of this evidence met together as two tallies. After this a book was produced, which Sidney had been writing, and that was found in his closet, in answer to Filmer's book entitled *Patriarcha*; by which Filmer asserted the divine right of monarchy upon the eldest son's succeeding to the authority of the father [1]. It was a book of some name, but so poorly

[1] Sir Robert Filmer died 1653. The *Patriarcha*, which remained in MS. until 1680, was an attack upon Hobbes's doctrine of the social compact; it maintained the extreme doctrine of primogeniture and divine right, and was itself attacked by Locke in his two *Treatises on Government*, 1690. Hallam's verdict is that it is 'hardly possible to find a more trifling or feebler work.' Filmer was the author of many other Tory treatises. See Hallam, *Hist. Engl.* (sm. ed.), ii. 465; *Literary History*, iii. 174; iv. 201.

CHAP. XV. writ that it was somewhat strange that Sidney bestowed so much pains in answering it. In it he had asserted that princes had their power from the people, with restrictions and limitations, and that they were liable to the justice of the people, if they abused their power to the prejudice of the subjects and against established laws. This by an inuendo was said to prove that he was in a plot against the king's life, and it was insisted on that this ought to stand as a second witness. The earls of Clare and Anglesey, and some others, with my self, deposed what lord Howard had said, denying there was any plot. Blake, a draper, deposed that having asked him when he was to have his pardon, he answered, not till the drudgery of swearing was over. Howard had also gone to Sidney's house, and had assured his servants that there was nothing against him, and had desired them to bring his goods to his own house. Sidney shewed how improbable it was that Howard, who could not raise five men, and had not five shillings to pay them, should be taken into such consultations. As for the book, it was not proved to be writ by him; for it was a judged case in capital matters that a similitude of hands
572 was not a legal proof[1], though it was in civil matters: that whatever was in those papers, they were his own private thoughts and speculations of government, never communicated to any. It was also evident that the book had been writ some years ago: so that could not be pretended to be a proof of a late plot. The book was not finished: so it could not be known how it would end: a man writing against atheism, who set out the strength of it, if he does not finish his answer, could not be concluded an atheist, because there was such a chapter in his book. Jeffreys interrupted him often, very rudely,

[1] Quære, whether that was not a mistake, and so now allowed? But the hardship upon Sidney was, that the book itself, though written by him, as it was not published, nor any proof made of his design to publish it, could not be an overt act of treason. O. See Salmon's *Examination*, 947, where it is pointed out that at the trial of Lord Preston in 1690 his writing was proved by a 'similitude of hands.'

probably to put him in a passion, to which he was subject: but he maintained his temper to admiration. Finch aggravated the matter of the book as a proof of his intentions, pretending it was an overt act, since *scribere est agere*[1]. Jeffreys delivered it as law, and said that all the judges were of the same mind, that if there were two witnesses, the one to the treason, the other only to a circumstance, such as the buying a knife, these made the two witnesses which the statute required in cases of treason. In conclusion, Sidney was cast; and some days after he was brought to the court to receive sentence. He then went over his objections to the evidence against him, in which Withins[2] interrupted him, and by a strange indecency he gave him the lie in open court. But he bore it patiently[3]. He sent to lord Halifax, who was his nephew by marriage, a paper to be laid before the king, containing the main points of his defence: upon which he appealed to the king, and desired he would review the whole matter. Jeffreys upon that in his furious way said, either Sidney must die or he must die. His execution was respited for three weeks, the trial being so universally cried out on, as a piece of most enormous injustice. When he saw the warrant of his execution, he expressed no concern at it, and the change that was now in his temper amazed all that went to him. He told the sheriffs that brought it, he would not expostulate upon any thing on his own account, for the world was now nothing to him; but he desired they would consider how guilty they were of his

[1] These words, although it was his argument, were not used by Finch, but by Jeffreys. They were generally given to the first, and by way of reproach made an appellation for him: but see the *State Trials*. Yet see the *Trial of the Seven Bishops*, where he acknowledges and avows the words. The logic of these words was this: *A concealed act of writing is an open act in treason.* O. Yet this Finch was made Earl of Aylesford by King George. S.

[2] *Supra* 262, 347.

[3] 'Being told by the judge that he was in hopes to have found his temper altered, and he another man, . . . he said he was the same man, and bid my Lord Chief Justice feel his pulse to see if there were any alteration.' *H. M. C. Rep.* vii. 375.

CHAP. XV. blood, who had not returned a fair jury, but one packed, and as they were directed by the king's solicitor: he spoke this to them not for his own sake but for their sake. One of the sheriffs was struck with this, and wept. He told
MS. 294. it to | a person, from whom Tillotson had it, who told it me[1]. Sidney writ a long vindication of himself, which I read, and summed up the substance of it in a paper that
573 he gave the sheriffs: but suspecting they might suppress it, he gave a copy of it to a friend. It was a fortnight before it was printed, though we had all the speeches of those who died for the popish plot printed the very next day. But when it was understood that written copies of Sidney's speech were going about, it was also printed. In it he shewed his innocence; that lord Howard was an infamous person, and that no credit was due to him: yet he did not deny the matter he swore against him. As for his book, he shewed what reason all princes had to abhor Filmer's maxims: for if primogeniture from Noah was the ground settled by God for monarchy, then all the princes now in the world were usurpers, none claiming by that pedigree; and this primogeniture could only be in one person. He said, since God did not now by any declaration of his will, as of old by prophets, mark out such or such persons for princes, they could have no title but what was founded on law and compact: and this was that in which the difference lay between lawful princes and usurpers. If possession was a donation from God, (that Filmer had substituted to the conceit of primogeniture,) then every prosperous usurper had a good right. He concluded with a prayer that the nation might be preserved from idolatry and tyranny, and he said he rejoiced that he suffered for the good old cause in which he was so early engaged. These last words furnished much matter to the scribblers of that time. In his imprisonment he sent for some Independent preachers, and expressed to them a deep remorse for his past sins, and great confidence

[1] Admirable authority. S.

in the mercies of God: and indeed he met death with an unconcernedness that became one who had set up Marcus Brutus for his pattern[1]. He was but a very few minutes on the scaffold at Tower Hill: he spoke little, and prayed very short: and his head was cut off at one blow[2]. Dec. 7, 1683. Ch. XV.

At this time an accident happened that surprised both the court and city; and that if well managed might probably have produced great effects. The duke of Monmouth had lurked in England all this summer, and was then designing to go beyond sea, and to engage in the Spanish service. The king still loved him passionately. Lord Halifax, seeing matters run so much further than he apprehended, thought that nothing could stop that so effectually as the bringing the duke of Monmouth again into favour[3]. That duke writ to the king several letters, penned with an extraordinary force. Lord Halifax drew them all, as he himself told me, and shewed me his own Oct.–Dec. 1683. 574

[1] 'Your Lordship hears that Mr. Sidney died with the same surliness wherewith he lived.' *Hatton Correspondence*, Dec. 11, 1683. See *supra* 352. Cf. *H. M. C. Rep.* vii. 375, 401. 'Stoutly and like a true republican' are James's words. *H. M. C. Rep.* xv, App. viii. 159; Letter to Prince of Orange, Dec 7, 1683, *R. O.* 'King William's Chest.'

[2] The following fine lines are taken from Dr. Butson now Bishop of Clonfert's poem on the Love of our Country, which gained the Chancellor's prize at Oxford in 1771. They are given as they are remembered to have stood at that time:

Here let the muse withdraw the bloodstain'd steel,
And show the boldest son of public zeal.
Lo! Sidney bleeding [?] o'er the block! his air, his mien,
His voice, his hand, unshaken, firm, serene!
Yet no diffuse harangue declaim'd aloud,
To gain the plaudits of a wayward crowd:
No specious feint, death's terrors to defy,
Still death delaying, as afraid to die;
But sternly silent, down he bows to prove,
How firm, unperishing, his public love.
Unconquer'd patriot! form'd by ancient lore
The love of ancient freedom to restore;
Who nobly acted what he boldly thought,
And seal'd by death the lesson that he taught. R.

[3] See Reresby, 286, 288; Salmon's *Examination*, 950; Lingard, xiii. 352, and authorities referred to in the note at that place.

CHAP. XV. drafts of them. By these the king was mollified, and resolved to restore him again to his favour[1]. It stuck much at the confession that he was to make. The king promised that no use should be made of it, but stood on it that he must tell him the whole truth of the matter. Upon which he consented to satisfy the king; but said he would say nothing to the duke[2] more than to ask his pardon in a general compliment. Lord Halifax had pressed him earnestly upon his first appearance to be silent, and for a while to bear the censures of the town. The last day of the term was very near, in which all the prisoners were to be discharged according to the *habeas corpus* act. That would shew he had discovered nothing to their prejudice. So that all discourses concerning his confession and discoveries would vanish in a few days. And if he had followed this, probably it would have given a great turn to affairs. The king spoke nothing of this reconciliation to the duke till the day before it was to be done. He was much struck with it, but the king was positive: yet his creatures in the cabinet council moved that for form's sake he should be for some days put in the Tower. The king out that off by saying he had promised to pardon him. The duke of Monmouth, as was agreed, made a humble confession of his offences in general words to the king, and made a compliment to the duke, and begged that he would intercede with the king to pardon him. The king received him with a fondness that confounded all the duke's party. He used him more tenderly than he had done formerly. The duke put on an outward appearance of being very well pleased with it. The king said next day, that James (for so he called him) had confirmed all that Howard had sworn[3]. This was carried to

Nov. 24, 1683.

[1] See two of these letters in the Appendix to Sprat's *History of the Conspiracy*, 137–140. R. In Foxcroft's *Life of Halifax*, i. 401–404, it is argued that Halifax wrote the second letter only.

[2] *scil.* of York.

[3] The last Duke of Buckingham (Sheffield) told me, that the king assured him, that the Duke of Monmouth had confirmed every word that Lord Howard had sworn, and

the duke of Monmouth, who denied he had ever said any such thing; adding that lord Howard was a liar and a rogue. And this was set round to town by his creatures, who run with it from coffee-house to coffee-house. The next Gazette mentioned that the king had pardoned him upon his confessing the late plot. Lord Halifax pressed the duke of Monmouth to pass that over, and to impute it to the importunity of his enemies, and to the king's easiness: but he could not prevail: yet he said little till his pardon was past. But then he openly denied that he had confessed the plot. By that he engaged himself in a plain contradiction to what the king had said. Some were brought by 575
the duke to the king, who affirmed they had heard the duke of Monmouth say that he had not confessed the plot: upon which the king ordered him to give a confession of it under his hand. Lord Halifax pressed him to write a letter to the king, acknowledging he had confessed the late plot. *Plot* was a general word, that might signify as much or little as a man pleased: they had certainly dangerous consultations among them, which might be well called plots. He said the service he might do his friends by such a general

would have been a witness if the king had thought it proper. D. See Welwood's *Mem.* 142. O. The Duke of York, in an account of the Duke of Monmouth's confession, begins with the following particulars: 'Mr. Secretary Jenkins being withdrawn, and none present but the king and Duke of York, he freely owned his knowledge of the whole conspiracy, except what related to the intended assassination, with which he averred he never was acquainted. He named all the persons concerned with him in it, and did not contradict any thing my Lord Howard had said, except one particular, which was not material. He very well remembered what Rumsey had said of my Lord Russel, who, when Trenchard had failed him, said he would put on his boots, and go to Taunton himself, and make the people rise,' &c., &c. *Life of James II*, i. 742. [See also James's letter to Queensberry of Nov. 24; *H. M. C. Rep.* xv, App. viii. 199.] It is added that the king promised the Duke of Monmouth that he should not be obliged to appear as a witness against his friends. Compare the Appendix to Bishop Sprat's *Account of the Conspiracy*, 136. Compare also Ralph, i. 789, who is of opinion that the article in the *Gazette* was a surprise to the duke, and a trespass on the promises which had been made him, and had induced him to submit. R.

CHAP. XV. letter, and by his gaining the king's heart upon it, would quickly balance the seeming prejudice that such a general acknowledgment would bring them under, which could do them no hurt. Upon that he got him to write a letter to that purpose, which he carried to the king; and the king was satisfied. But the duke of Monmouth, whether of himself or upon the suggestion of others, reflected on what he had done, and thought it a base and infamous thing. Though this was no evidence, yet he thought it
MS. 295. might have an influence on juries, to | make them believe every thing that might be sworn by other witnesses, when from his confession they were possessed with a general belief of the plot. So he went full of uneasiness to the king, and desired he might have his letter again, in terms full of an agony and like despair. The king gave it back, but pressed him vehemently to comply with his desire[1]: and among other things the duke of Monmouth said that the king used this expression, If you do not yield in this,
Dec. 7, 1683. you will ruin me. Yet he was firm. So the king forbid him the court, and spoke of him more severely than he had ever done formerly. He was upon this more valued and

[1] The Duke of Monmouth's letter to the king, written subsequently to his surrendering himself and his being pardoned, began in these terms: 'I have heard of some reports of me, as if I should have lessened the late plot, and gone about to discredit the evidence given against those who have died by justice. Your majesty and the duke know how ingenuously I have owned the late conspiracy, and though I was not conscious of any design against your majesty's life, yet I lament the having had so great a share in the other part of the said conspiracy,' &c., &c. But according to Echard, in his *History of England*, 1039, this letter was indited by the king, and written over again by the duke without hesitation, who subscribed it, and presented it to his majesty. The king afterwards, on the duke's application at different times, restored it to him. This is the account Echard gives, following Sprat in his authorized *History of this Conspiracy*; in the Appendix to which History the duke's letter, and, as was observed, the two others sent by him to the king, before he surrendered himself, are to be seen. A statement of the Duke of Monmouth's conduct is to be seen in Carte's *Life of the Duke of Ormond*. R. See also James's letters to the Prince of Orange on Dec. 7 and 14, 1683, in the *R. O.* 'King William's Chest.' Foxcroft's *Halifax*, i. 410.

trusted by his own party than ever. And some days he went beyond sea, where after a short concealment he appeared publicly, and was treated by the prince of Orange with a very particular respect [1]. CHAP. XV. July, 1681.

The prince had come for a few days to England after the Oxford parliament [2], and had much private discourse with the king at Windsor. The king assured him that he would keep things quiet, and not give way to the duke's eagerness, as long as he lived: and added, he was confident whenever the duke should come to reign, he would be so restless and violent that he could not hold it four years to an end. This I had from the prince's own mouth [3]. Another

[1] Welwood states, 143, that Charles continually sent Monmouth money and messages after this flight. On Jan. 12 James writes: 'We here do not know certainly where the Duke of Monmouth is . . . 'tis sayd he is out of the way for feare of being obliged to be a witness against Mr. Hamden.' *H. M. C. Rep.* xv, App. viii. 182, 200. On June 6 James wrote in great anger to his agent in Holland, and on July 15 directly to the Prince of Orange, remonstrating with him for the attention he has shown to Monmouth. *R. O.* 'King William's Chest.'

[2] *i. e.* in July, 1681 (*supra* 288, *note*), at the urgent insistence of Godolphin. Hyde and Halifax both complained of the tone of his letter as 'too high and too sharp.' He had no desire to come, and his haughty attitude prevented his visit from having any effect. Sidney's *Diary*, ii. 209, 214. For the objects and failure of the visit, see also Ranke, iv. 142.

[3] A remarkable passage confirmatory of this account occurs in the Memoirs of Sir Richard Bulstrode, a Roman Catholic, who had been the resident at the court of Brussels. 'About two years before the death of King Charles II, he gave me leave to come into England, and sent the *Katherine* yacht to Ostend for me. Some days after my arrival at Whitehall, he commanded me to walk with him to Hyde park, and as I walked with him, the rest of the company keeping at a good distance, he told me that I had served him very well at Brussels, and that his brother had given him a very good account of my carriage towards him there. . . . And after having asked me many questions about the nobility of those countries, he said that during his exile abroad he had seen many countries, of which none pleased him so much as that of the Flemings, which were the most honest and true-hearted race of people that he had met with: and then added, *But I am weary of travelling, I am resolved to go abroad no more: but when I am dead and gone, I know not what my brother will do. I am much afraid that when he comes to the crown, he will be obliged to travel again. And yet I will take care to leave my kingdoms to him in peace, wishing he may long keep them so. But this hath all of my fears, little of*

CHAP. XV. 1676 passage was told me by the earl of Portland. The king shewed the prince one of his seals, and told him that whatever he might write to him, if the letter was not sealed with that seal, he was to look on it as only drawn from him by importunity. The reason why I mention that in this place is because, though the king wrote some terrible letters to the prince against the countenance he gave to the duke of Monmouth, yet they were not sealed with that seal; from which he inferred that the king had a mind that he should keep him about him, and use him well. And the king gave orders that in all the entries that were made in the council books of this whole business, nothing should be left on record that could blemish him.

Hampden was now the only man of the six that was left. Yet there was nothing but Howard's evidence against him, without so much as any circumstance to support it. So, since two witnesses were necessary to treason, whereas one was enough for a misdemeanour, he was indicted of a misdemeanor, though the crime was either treason or nothing. Jeffreys, upon Howard's evidence, charged the jury to bring him in guilty; otherwise, he told them, they would discredit all that had been done before. So they brought him in guilty, and the court set 40,000*l.* fine on him, the most extravagant fine that had ever been set in that court. It amounted indeed to an imprisonment for life. Sometime in the spring 84 Halloway[1] was taken in the West Indies, and sent over. He was under an outlawry for treason. The attorney general offered him a trial, if he desired it; but he was prevailed on, by the hope of a pardon, to submit, and confess all he knew. He said he was drawn into some meetings, in which they consulted how to raise an insurrection, and that he and two more had undertaken to manage a design for seizing on Bristol, with the help of some that were to come to them from

my hopes, and less of my reason; and I am much afraid that when my brother comes to the crown, he will be obliged again to leave his native soil.' 424. R.

[1] *Supra* 358.

Taunton: but that they had never made any progress in it. CHAP. XV.
He said, at their meetings in London Rumsey and West were often talking of *lopping* the king and the duke: but that he had never entered into any discourse with them upon that subject, and he did not believe there were above five persons that approved of it. These were West, Rumsey, Rumbold, and his brother. The fifth person is not named in the printed relation: some said it was Ferguson: other[s] said it was Goodenough. Halloway was thought not to be sincere in his confession: and so, since what he had acknowledged made himself very guilty, he was executed, and died 577
with a firm constancy. He shewed great presence of mind: he observed the partiality that was evident in managing this plot, different from what had appeared in managing the popish plot: the same men who were called rogues when they swore against papists, were looked on as honest men when they turned their evidence against protestants. In all his answers to the sheriffs, who at the place of execution teased him with many impertinent questions, that shewed their dulness as well as their officiousness, he answered them with so much life, and yet with so much temper, that it appeared he was no ordinary man. His speech was suppressed for some days, but it broke out at last. In it he expressed a deep sense of religion: his prayer was an excellent composure. The credit of the Rye-Plot received a great blow by his confession. All that discourse about an insurrection, in which the day was said to be set, appeared now to be a fiction; since Bristol had been so little taken care of, that three persons had only undertaken to dispose people to that design, but had not yet let it out to any of them. So that it was plain that, after all the story they had made of the plot, it had gone no further than that a company of seditious and inconsiderable persons were framing among themselves some treasonable schemes, that were never likely to come to any thing; and that Rumsey and West had pushed on the execrable design of the assassination, in which, though there were few

CHAP. XV. that agreed to it, yet too many had heard it from them, who were both so foolish and so wicked as not to discover them [1].

But if the court lost much by the death of Halloway, whom they had brought from the West Indies [2], they lost much more by their proceedings against sir Thomas Armstrong; who was surprised at Leyden, by virtue of a warrant that Chudleigh the king's envoy had obtained from the States, for seizing on such as should fly out of England on the account of the plot [3]. So the scout [4] at Leyden, for 5,000 guilders, seized on him, and delivered him to Chudleigh, who sent him over in great haste. Armstrong in that confusion forgot to claim that he was a native of the States: for he was born at Nimeguen [5]: and that would have obliged the Dutch to have protected him, as one of
MS. 296. their natural born subjects. He was | [a] trusted in every thing by the duke of Monmouth [6]: and he having led a very vicious life, the court hoped that he, not being able to bear the thoughts of dying, would discover every thing. He had shewed such a dejection of mind while he was concealing himself, before he escaped out of England, that
578 Hampden, who saw him at that time, told me he believed he would certainly do any thing that would save his life. Yet all were disappointed in him: for when he was

[a] *certainly* struck out.

[1] At Hampden's trial, when this author was asked by the Recorder of London whether he still believed the plot, he made the same distinction, answering that 'he made no doubt of it as to the assassination.' See *Trial of John Hampden, Esq.*, p. 30. R.

[2] See the *Hatton Correspondence*, ii. 45, and *Ferguson the Plotter*, 139. Previous kidnappings have been referred to in vol. i. 355 *note*. On Armstrong, see *supra* 350 *note*. In the last treaty with the Dutch there was an article that they should surrender to him any rebels from his dominions, with the condition, however, that they should be at liberty to send a warning to such persons before taking action.

[3] *Ferguson the Plotter, passim.*

[4] i.e. schout—a town magistrate, or officer of police.

[5] Cf. Thurloe, *State Papers*, iii. 285. When Armstrong was arrested for plotting against Cromwell in 1655 he described himself as of Nimeguen in Gelderland.

[6] Reresby, 305, calls him the 'debaucher of the Duke.'

examined before the council, he said he knew of no plot but the popish plot. He desired he might have a fair trial for his life: that was all he asked. He was loaded with irons; though that was not ordinary for a man who had served in such posts as to be lieutenant of the first troop of guards, and gentleman of the horse to the king. There was nothing against him but what Rumsey and Shepherd had sworn, of the discourses at Shepherd's, for which lord Russell had suffered. But by this time the credit of the witnesses was so blasted, that it seems the court was afraid that juries would not now be so easy as they had been. The thing that Rumsey had sworn against him seemed not very credible: for he swore that at the first meeting Armstrong undertook to go and view the guards, in order to the seizing them; and that upon a view, he said at a second meeting that the thing was very feasible. But Armstrong, that had commanded the guards so long, knew every thing that related to them so well, that without such a transient view he could of the sudden have answered every thing relating to them. The court had a mind to proceed in a summary way with him, that he should by the hurry of it be driven to say any thing that could save him. He was now in an outlawry: but though the statute was express, that if an outlawed person came in at any time within the year he was to have a trial, notwithstanding his outlawry, it was pretended, to obviate this, that he, not coming in but being taken, had not a right to the benefit of the statute. But there were several months of the year yet to run; and since a trial was a demand founded on natural justice, he insisted on it; and when he was brought to the king's bench bar, and asked what he had to say why sentence should not be executed, he claimed the benefit of the statute. He said he had yet, when he was taken, several months to deliberate upon his coming in: and the seizing on him before his time was out, ought not to bar him a right that the law gave him. He also mentioned Halloway, to whom a trial was offered the former term;

CHAP. XV. and since it was a point of law, he desired counsel might be heard to argue it. Jeffreys rejected all this: he said the king might either offer a trial or not, as he saw cause: and he refused to hear counsel: which being demanded
579 upon a point of law, the denying it was thought a very impudent piece of injustice. And when Armstrong insisted that he asked nothing but the law, Jeffreys in his brutal way said, he should have it to the full; and so ordered his
June 20, 1684. execution within six days. And the law was executed on him with the utmost rigour: for he was carried to Tyburn in a sledge, and was quartered, and his quarters were set up. His carriage during his imprisonment and at his death was far beyond what could have been imagined. He turned himself wholly to the thoughts of God and of another state, and was praying continually. He rejoiced that he was brought to die in such a manner: he said it was scarce possible for him to have been awakened into a due sense of his sins by any other method. His pride and his resentments were then so entirely conquered, that one who saw him said to me that it was not easy to think it was the same person whom he had known formerly. He received the sacrament, and died in so good a temper, and with so much quiet in his mind, and so serene a deportment[1], that we have scarce known in our time a more eminent instance of the grace and mercy of God. Armstrong in his last paper denied that he ever knew of any design against the king's or the duke's life, or was in any plot against the government[2]. There were no remarks published on

[1] 'In this account I can contradict him myself; I saw that unhappy man go to die. As he passed along, he threw about his arms, as far as the rope that tied him would permit, turned about his head after an unusual manner, drew and shrugged up his shoulders, with such convulsions and distortions of his countenance, such visible marks of passion, as shewed so great a disorder and perturbation of mind, as I never observed in any Englishman in the same circumstances.' *Higgons's Remarks on this History*, 269. R.

[2] 'Burnet is mistaken in saying that Armstrong denied having been engaged in any design *against the government*. His words, as we see above, were, *to alter* the government.' Lord John Russell's *Life of Lord Russell*, 257 *note*. R.

his speech, which it was believed the court ordered: for they saw how much ground they had lost by this stretch of law, and how little they had gained by his death. But one passage in it was the occasion of their ordering no such reflections to be made on it, as had been made on the other speeches. The king had published a story all about the court, and had told it to the foreign ministers, as the reason of this extreme severity against Armstrong. He said that he was sent over by Cromwell to murder him beyond sea, and that he was warned of it, and challenged him on it; and that upon his confessing it, he[1] had promised never to speak of it any more as long as he lived. So the king, counting him now dead in law, thought he was free from that promise[2]. Armstrong took this heavily, and in one paper which I saw, writ in his own hand, the resentments upon it were sharper than I thought became a dying penitent. So, when that was represented to him, he changed it, and in the paper he gave the sheriffs he had softened it much; but yet he shewed the falsehood of that report: for he never went beyond sea but once, sent by the earl of Oxford and some other cavaliers, with a considerable present to the king in money, which he delivered, and brought back letters of thanks from the king to those who made the present. But Cromwell, having a hint of this, clapt him up in prison, where he was kept almost a year; and upon the merit of that service, he was made a captain of horse soon after the restoration[3]. When Jeffreys came to the king at Windsor soon after that, he took a ring of good value from his finger, and gave it him for these services: the ring upon that was called his Blood-

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[1] *scil.* the king.

[2] If the king had a mind to lie, he would have stayed till Armstrong was hanged. S.

[3] Compare Ralph, i. 797–799, who agrees in general with the bishop's account of the prosecution of Sir Thomas Armstrong, but observes, that 'if the paper he gave the sheriffs was fairly published, it does not authorize us to conclude that so horrid a charge had been laid against Cromwell or him. Sir Thomas says, I was told a very great person says, I was a spy of Cromwell's.' R.

CH. XVI. MS. 297. stone[1]. | The king gave him one advice, which was somewhat extraordinary from a king to a judge, but it was not the less necessary to him. The king said it was a hot summer, and he was going the circuit; he therefore desired he would not drink too much. With this I leave the affairs of England, to look towards Scotland.

CHAPTER XVI.

CRUELTIES OF JAMES'S GOVERNMENT OF SCOTLAND.

GREAT pains were taken there to make a further discovery of the negotiation between the English and the Scots. A gentleman that had been at Bothwell-bridge was sent over by the Cargillites to some of their friends in Holland, and he carried with him some letters writ in an odd cant[2]. He was seized at Newcastle, together with his letters; and was so frighted, that he was easily managed to pretend to discover any thing that was suggested to him. But he had never been at London: so he could speak of that negotiation upon hearsay. His story was so ill laid together, that the court was ashamed to make any use of it: but it turned heavily on himself, for he went mad upon it. Two others[3] came in, and charged sir Hugh Campbell of Cesnock, an ancient gentleman of a good estate, that he had set on the rebellion of Bothwell-bridge, and had chid them for deserting it. Upon this he was brought to a trial. In Scotland the law allows of an exculpation, by which the prisoner is suffered before his trial to prove the thing to be

[1] Luttrell confirms this. July, 1684. See also *Examen*, 525; North's *Life of Guilford*, 320.

[2] Upon the Cargillites, see *supra* 306, 307. The emissary was Alexander Gordon of Earlstown. See depositions attached to Sprat's *History of the Rye House Plot* (ed. 1696), Part i. 99; ii. 131.

[3] Thomas Ingram and David Crawford; Wodrow, iv. 88. Wodrow gives all the proceedings in detail. See Fountainhall, *Historical Notices*, 510–520.

impossible. This was prayed by that gentleman, who had full proofs of his being elsewhere, and at a great distance from that place, at that time. But that is a favour which the court may grant or not: so that was denied him. The first witness that was examined at his trial began with a general story: and when he came to that in which the prisoner was concerned, Campbell charged him to look him full in the face, and to consider well what he was to say of him; for he took God to witness he never saw his face before, as far as he could remember. Upon that the witness was struck, 581 and stopped; and said he could say nothing of him. The earl of Perth was then justice general, and offered to lead him into his story. But the jury stopped that, and said that he upon his oath had declared he knew nothing of the prisoner, and that after that they could have no regard to any thing that he might say. Upon which some sharp words passed between lord Perth and them, in which he shewed how ready he was to sacrifice justice and innocent blood to his ambition: and that was yet grosser in this case, because his brother was promised that gentleman's estate, when it should be confiscated. The second witness said nothing, but seemed confounded: so Campbell was acquitted by the jury, but was still kept in prison. These witnesses were again examined before the council, and they adhered to their first deposition against the prisoner. The law in Scotland is very severe against false witnesses, and treats them as felons: but the government there would not discourage such practices, of which, when they should be more lucky, they intended to make good use. The circuits went round the country as was directed by the proclamation of the former year. Those who were most guilty compounded the matter, and paid liberally to a creature of the lord chancellor's, that their names might be left out of the citations. Others took the test, and that freed them from all further trouble. They said openly that it was against their conscience, but they saw they could not live in Scotland unless they took it. Others

CH. XVI. observed that the severity which the presbyterians formerly had used, forcing all people to take their covenant, was now returned back on them in the test that they were thus forced to take.

In the mean while a great breach was formed, and appeared on all occasions, between the earls of Aberdeen and Queensberry[1]. The latter was very exact in his payments, both of the soldiers and of the pensions: so his party became the strongest. Lord Aberdeen's method was this: he writ up letters to the duke of all affairs, and offered expedients, which he pretended were concerted at Edinburgh; and sent with them such letters as he desired should be sent down from the king. But these expedients were not concerted, as he said they were; they were only his own conceits. Lord Queensberry, offended with this, let the duke understand how he had been deceived. So an order was sent down that all expedients should be concerted by a junto, which was named, consisting of lord
582 Queensberry's creatures. Aberdeen saw that by this he came to signify little, and, seeing he was losing ground at court, he intended to recover himself a little with the people. So he resolved for the future to keep to the law, and not to go beyond it: and such was the fury of that time that this was called Moderation and Popularity. The churches were now all well kept by the men: but their wives not being named in the act of parliament, none of them went to church. The matter was laid before the council, and a debate rose upon it; whether, man and wife making one person in law, husbands should not be fined for their wives' offence, as well as for their own. Lord Aberdeen stood upon this, that the act did not mention the wives: it did indeed make the husbands liable to a fine, if their wives went to conventicles; for they had it in their power to restrain them: and since the law provided in the one case that the husband should suffer for his wife's fault, but had made no provision in the other case, as to their

[1] Cf. *supra* 325.

going to church, he thought the fining them on that account could not be done legally. Lord Queensberry was for every thing that would bring money into the treasury: so, since in those parts the ladies had for many years withdrawn wholly from churches, he reckoned the setting fines on their husbands to the rigour would make all the estates of the country be at mercy; for the selling them outright would not have answered this demand for the offences of so many years. The earl of Perth struck in with this, and seemed to set it up for a maxim that the presbyterians could not be governed but with the extremity of rigour, and that they were irreconcilable enemies to the king and the duke, and that therefore they ought to be extirpated. The ministry in Scotland being thus divided, they referred the decision of the point to the king: and lord Perth came up to have his resolution upon it. | The king determined against the ladies: which was thought very indecent, for in dubious cases the nobleness of a prince's temper should always turn him to the merciful side. This was the less expected from the king, who had all his lifetime expressed as great a neglect of women's consciences as esteem for their persons. But to do him right, he was determined to it by the duke; who, since the breaking out of the plot, had got the whole management of affairs, English as well as Scottish, into his hands[1]. Scotland was so entirely in his dependence, that the king would seldom ask what the papers imported that the duke brought to be signed by him. In England the application and dependence was visibly on the duke. The king had scarce company about him to entertain him, when the duke's levees and couchees were so crowded that the antichambers were full. The king walked about with a small train of the necessary attendants, when the duke had a vast following: which drew a lively reflection from Waller, the celebrated wit.

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MS. 298.

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[1] In May, James was made Lord High Admiral, but without name or patent, an evasion of the Test Act; and was placed on the Council without being called upon to take the oath. See Reresby, 303.

CH. XVI. He said the house of commons had resolved that the duke should not reign after the king's death: but the king, in opposition to them, was resolved he should reign even during his life. The breach grew to that height between lord Aberdeen and lord Queensberry, that both were called
May, 1684. up to give an account of it. It ended in dismissing lord Aberdeen, and making lord Perth chancellor, to which he had been long aspiring in a most indecent manner[1]. He saw into the duke's temper, that his spirit was turned to an unrelenting severity: for this had appeared very indecently in Scotland. When any are to be struck in the boots, it is done in the presence of the council: and upon that occasion almost all offer to run away[2]. The sight is so dreadful, that without an order restraining such a number to stay, the board would be forsaken. But the duke, while he had been in Scotland, was so far from withdrawing, that he looked on all the while with an unmoved indifference, and with an attention as if it had been to look on some curious experiment. This gave a terrible idea of him to all that observed it, as of a man that had no bowels nor humanity in him[3]. Lord Perth, observing

[1] This was in May, 1684. Fountainhall's *Historical Observations*, 130-132. In the *Historical Notices*, 469, under date Dec. 13, 1683, Fountainhall speaks of the Juncto of seven great ministers of State —the Chancellor and six others of the contrary faction: and adds that this was arranged through the Duchess of Portsmouth.

[2] In Sidney's *Letters*, 121, 150, the invention of the torture of the boot is ascribed to Lauderdale.

[3] Lockhart, of Carnwarth, in his Letter written in 1724, the year of the first publication of this History, observes on the account which the bishop gives of the cruel disposition of the Duke of York, that it does not correspond with the character given by all other authors of the duke's natural temper; and is of opinion, that if he had behaved as he is here represented to have done, it was impossible but others as well as Burnet must have heard of it and reported it. 'We see,' adds Lockhart, 'what a clamour was made on the idle grounded story of his favouring his dogs, when shipwrecked (see above, f. 523); and such an extraordinary instance of his cruelty and barbarity in so public and conspicuous a manner, could not have been unknown to all the world but the bishop; and it nevertheless was, I may safely aver, seeing that no part of this calumny was ever so much as suggested or laid to the duke's charge by any one of his

this, resolved to let him see how well qualified he was to be an inquisitor general. The rule about the boots in Scotland was, that upon one witness and presumptions, both together, the question might be given: but it was never known to be twice given, or that any other species of torture besides the boots might be used at pleasure. In the courts of Inquisition they do upon suspicion, or if a man refuses to answer upon oath as he is required, give him the torture, and repeat it, or vary it, as often as they think fit; and do not give over till they have got out of their mangled prisoners all that they have a mind to know from them. CH. XVI.

This lord Perth resolved to make his pattern: and was a little too early in letting the world see, what a government we were to expect under the influence of a prince of that religion. So, upon his going to Scotland, one Spence, that was a servant of Argyll's, who was taken up 584
at London only upon suspicion, and sent down to Scotland, was required to take an oath to answer all the questions that should be put to him. This was done in a direct contradiction to an express law, against obliging men to swear that they will answer *super inquirendis*. Spence likewise said that he himself might be concerned in what he might know: and it was against a very universal law, that excused all men from swearing against themselves, to force him to take such an oath. To this it was answered that no use should be made against himself of any thing that he should swear; but he refused to take the oath.

many inveterate enemies before or since the revolution.' *Lockhart Papers*, lately published, p. 600. But that a notion existed of the severity of the Duke of York's temper, whether ill or well founded, appears from Ayloffe's answer to him. See below, f. 634. Dr. Lingard writes thus: 'The fact, that on one occasion James accompanied a committee of the council, when the leg of a prisoner (Spreul) was placed in the boot, has been frequently brought forward as a proof that the duke was naturally cruel. But certainly many other reasons might be devised for his presence, besides his wish to gratify himself with the sight of human suffering. The prisoner was to be examined respecting a supposed conspiracy to blow up the abbey, and the duke in it.' R.

CH. XVI. So he was struck in the boots, and continued firm in his refusal. Then a new species of torture was invented: he was kept from sleep eight or nine nights[1]. They grew weary of managing this. So a third species was invented: little screws of steel were made use of, that screwed the thumbs with so exquisite a torment that he sunk under this; for lord Perth told him they would screw every joint of his whole body, one after another, till he took the oath. Yet such was the firmness and fidelity of this poor man, that even in that extremity he capitulated that no new questions should be put to him, but those already agreed on; and that he should not be obliged to be a witness against any person, and that he himself should be pardoned: so all he could tell them was, who were Argyll's correspondents. The chief of them was Holmes at London, to whom lord Argyll writ in a cipher, that had a peculiar curiosity in it, that a double key was necessary: the one, to shew the way of placing the words or cipher, in an order very different from that in which they lay in the paper: the other was the key of the ciphers themselves, which was found among Holmes's papers when he absconded[2]. Spence knew only the one of these: but he putting all in its true order, then by the other key they were deciphered. In these it appeared what Argyll had demanded, and what he undertook to do upon the granting his demands: but none of his letters spoke any thing of any agreement then made. When the torture had this effect on Spence, they offered the same oath to Carstares, and upon his refusing to take it, they put his thumbs in the screws; and drew them so hard, that as they put him to extreme torture, so they could not unscrew them, till the smith that made them was brought with his tools to take them off[3]. So he confessed all he knew, which

[1] By being clothed in a hair shirt and pricked as witches were. Fountainhall, *Historical Notices*, 545–548; Wodrow, iv. 95 *et seq.*

[2] See the letters printed in the Appendix to Sprat's *History*.

[3] There seems to be no confirmation of this particular incident.

amounted to little more than some discourses of taking off the duke[1]; to which he said that he answered his principles could not come up to that: yet in this he, who was a preacher among them, was highly to blame for not revealing such black | propositions; though it cannot be denied but that [it] is a hard thing to discover any thing that is said in confidence: and therefore I had saved my self out of those difficulties by saying to all my friends that I would not be involved in any such confidence; for as long as I thought our circumstances were such that resistance was not lawful, I thought the concealing any designs in order to it was likewise unlawful: and by this means I had preserved my self. But Carstares had at this time some secrets of great consequence from Holland trusted to him by Fagel[2], of which they had no suspicion: and so they asked him no questions about them. Yet Fagel saw by that, as he himself told me, how faithful Carstares was, since he could have saved himself from torture, and merited highly, if he had discovered them. And this was the foundation of his favour with the prince of Orange, and of the great confidence he put in him to his death. Upon what was thus screwed out of these two persons, the earl of Tarras[3], that had married the duchess of Monmouth's elder sister, and six or seven gentlemen of quality, were clapt up. The ministers of state were still most earnestly set on Baillie's destruction, though he was now in so languishing a state, occasioned chiefly by the bad usage he met with in prison, that if his death would have satisfied the malice of the court, that seemed to be very near. But they knew how acceptable a sacrifice

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MS. 299.

[1] In the Deposition of Carstares preserved in the Appendix to Sprat's *Account of the Conspiracy*, 12, the design of killing the king as well as the Duke of York is mentioned.

[2] For Fagel see vol. i. 585, and *supra* 64, 258.

[3] Walter Scott of Buccleuch (1644–1693) was married in his fifteenth year to Lady Mary Scott, Countess of Buccleuch in her own right, who died shortly afterwards. He was created Earl of Tarras Sept. 4, 1660. For his trial, Jan. 168⅘, see Wodrow, iv. 224, &c.

CH. XVI. his dying in a more violent way would prove: so they continued even in that extremity to use him barbarously. They were also trying what could be drawn from those gentlemen against him; [a] Tarras had married his niece, who was his second wife[1]: so they concluded that their confidence was entire. Baillie's illness increased daily, and his wife prayed for leave to attend on him, and if they feared an escape, she was willing to be put in irons: but that was denied[2], nor would they suffer his daughter, a child not twelve year old, to attend him, even when he was so low that it was not probable he could live many weeks, his legs being much swelled. But upon these examinations a new method in proceeding against him was taken. An accusation was sent him, not in the form of an indictment, nor grounded on any law, but on a letter of the king's, in which he charged him not only for a conspiracy to raise rebellion, but for being engaged in the Rye Plot; of all which he was now required to purge himself by oath, otherwise the council would hold him guilty of it, and
586 proceed accordingly. He was not, as they said, now in a criminal court upon his life, but before the council, who did only fine and imprison. It was to no purpose for him to say that by no law, unless it was in a court of Inquisition, a man could be required to swear against himself; the temptation to perjury being so strong when self-preservation was in the case, that it seemed against all law and religion to lay such a snare in a man's way. But to answer all this, it was pretended he was not now on his life, and that whatsoever he confessed was not to be made use of against his life; as if the ruin of his family, which

[a] *and the rather because*, struck out.

[1] The second wife of Tarras (Dec. 31, 1677) was Helen, daughter of Thomas Hepburn of Humbie, in East Lothian. See Fountainhall's *Historical Notices of Scottish Affairs*, ii. 589, where Tarras is called 'the pannel's nevoy by his lady'; and Laing's *History of Scotland*, iv. 143.

[2] Baillie's wife was a sister of Archibald Johnston of Warriston.

consisted of nine children, and perpetual imprisonment, were not more terrible, especially to one so near his end as he was, than death itself. But he had to do with inexorable men: so he was required to take this oath within two days; and by that time he not being able to appear before the council, a committee of council was sent to tender him the oath, and to take his examination. He told them he was not able to speak much by reason of the low state of his health: which appeared very evidently to them, for he had almost died while they were with him. He in general protested his innocence, and his abhorrence of all designs against the king or the duke's life: for the other interrogatories, he desired they might be left with him, and he would consider them. They persisted to require him to take his oath, and he as firmly refused it. So upon their report, the council construed this refusal to be a confession, and fined him in 6000*l.* and to lie still in prison till it was paid. After this it was expected that his matter was at an end, and that this was a final sentence. But he was still kept shut up, and denied all attendance or assistance. He seemed all the while so composed, and even so cheerful, that his behaviour looked like the reviving of the spirit of the noblest of the old Greeks or Romans, or rather of the primitive Christians and first martyrs in those best days of the church. But the duke was not satisfied with all this. So the ministry applied their arts to Tarras and the other prisoners, threatening them with all the extremities of misery if they would not witness treasonable matter against Baillie. They also practised on their wives, and, frightening them, set them on their husbands. In conclusion, they gained what had been so much laboured. Tarras and one Murray of Philipshaugh did depose some discourses that Baillie had with them before he went up to London, disposing them to a rebellion. In these they swelled up the matter beyond the truth, yet all that did not amount to a full proof. So the 587
ministers being afraid that a jury might not be so easy

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CH. XVI. MS. 300.

as they expected, | they ordered Carstares' confession to be read in court, not as an evidence, for that had been promised him should not be done, but as that which would fully satisfy the jury, and dispose them to believe the witnesses[1]. So Baillie was hurried on to a trial; and upon the evidence he was found guilty, and condemned to be executed the same day: so afraid they were lest death should be too quick for them. He was very little disturbed at all this. His languishing in so solitary a manner made death a very acceptable deliverance to him. He in his last speech shewed that in several particulars the witnesses had wronged him. He still denied all knowledge of any design against the king's life or the duke's, and denied any plot against the government. He thought it was lawful for subjects, being under such pressures, to try how they might be relieved from them, and their designs never went further: but he would enter into no particulars. Thus a learned and worthy gentleman, after twenty months' hard usage, was brought to such a death, in a way so full in all the steps of it of the spirit and practice of the courts of Inquisition, that one is tempted to think that the methods taken in it were suggested by one well studied, if not practised, in them. The only excuse that was ever pretended for this infamous prosecution was, that they were sure he was guilty[2]: and that the whole secret of the negotiation between the two kingdoms was trusted to him, and that since he would not discover it, all methods might be taken to destroy such a man; not considering what a precedent they made on this occasion, by which, if men were once possessed of an ill opinion of a man, they were to spare neither

[1] Ralph, i. 806, observes that the bishop's words imply that Carstares was not of the number of the witnesses; but says that the contrary is true. Whatever authority Ralph had for his assertion, the fact of Carstares having been personally produced as a witness in Baillie's trial is implicitly denied in the Life of Carstares prefixed to his *State Papers and Letters*, 21. R.

[2] Bishop of Rochester. S. Swift alludes to Bishop Atterbury's case. R.

artifice nor violence, but to hunt him down by any means. CH. XVI.

I have been perhaps too long on this particular, but the case was so singular, and my relation to the person and my value of him were so great, that I hope I need make no further apology for it. In this I saw how ambition could corrupt one of the best tempered men that I had ever known: I mean lord Perth, who for above ten year together seemed to me incapable of an immoral or cruel action, and yet was now deeply engaged in the foulest and blackest of crimes. I had not now seen him for two years: but I had hoped that still some good impressions had been left in him: and therefore when he came up to court to be made lord chancellor, I had a very earnest message from him, desiring by my 588
means to see Leighton. I thought that angelical man might have awakened in him some of those good principles which he seemed once to have had, and that were now totally extinguished in him. I writ so earnestly to Leighton, that he came to London. Upon his coming to me, I was amazed to see him at above 70 look so fresh and well, that [a] age seemed as it were to stand still with him: his hair was still black, and all his motions were lively: he had the same quickness of thought and strength of memory, but above all the same heat and life of devotion, that I had ever seen in him. When I took notice to him, upon my first seeing him, how well he looked, he told me he was very near his end for all that, and his work and journey both were now almost done. This at that time made no great impression on me. He was the next day taken with an oppression, and as it seemed with a cold, with some stitches, which was indeed a pleurisy, but was not thought so by himself. So he sent for no physician, but used the common things for a cold. Lord Perth went to him: and he was almost suffocated while he was with him, but he recovered himself, and, as Dr. Fall who was there

[a] *in a long conversation I had with him, now above two and twenty years,* struck out.

CH. XVI told me, he spoke to him with a greater force that was usual even in him, recommending to him both firmness in religion and moderation in government, which struck that lord somewhat, but the impression was soon worn out.

June 28, 1684. The next day Leighton sunk so, that both speech and sense went away of a sudden: and he continued panting about twelve hours, and then died without pangs or convulsions[1]. I was by him all the while. Thus I lost him, who had been for so many years the chief guide of my whole life. He had lived ten years in Sussex, in great privacy, dividing his time wholly between study and retirement, and the doing of good: for in the parish where he lived, and in the parishes round about, he was always employed in preaching, and in reading of prayers. He distributed all he had in charities, choosing rather to have it go through other people's hands than his own: for I was his almoner in London. He had gathered a well chosen library, of curious as well as useful books, which he left to the diocese of Dumblane, for the use of the clergy there, that country being ill furnished with books. He lamented oft to me the stupidity that he observed among the commons of England: who seemed to be much more insensible in the matters of religion than the commons of Scotland were. He retained still a particular inclination to Scotland: and if he had seen any prospect of doing good there, he would have gone and lived and died among them. In the short time that the affairs of Scotland were in the duke of Monmouth's hands, he had been possessed with such an opinion of him that he moved the king to write to him to go and at least live in Scotland, if he would not engage in a bishopric there. But that fell with that duke's credit. He was in his last years turned to
589 a greater severity against popery than I had imagined a man of his temper, and of his largeness in points of
MS. 301. opinion, | was capable of. He spoke of their corruptions,

[1] Burnet killed him by bringing him to London. S. He died on June 28, 1684; he was then seventy-three years old.

of the secular spirit and of the cruelty that appeared in that church, with an extraordinary concern: and lamented the shameful advances that we seemed to be making towards popery. He did this with a tenderness, and an edge, that I did not expect from so recluse and mortified a man. He looked on the state the church of England was in with very melancholy reflections, and was very uneasy at an expression then much used, that it was the best constituted church in the world. He thought it was truly so, with relation to the doctrine, the worship, and the main parts of our government. But as to the administration, both with relation to the ecclesiastical courts and the pastoral care, he looked on it as one of the most corrupt he had ever seen. He thought we looked like a fair carcase of a body without a spirit; without that zeal, that strictness of life, and that laboriousness in the clergy, that became us.

There were two remarkable circumstances in his death. He used often to say that if he were to choose a place to die in, it should be an inn; it looking like a pilgrim's going home, to whom this world was all as an inn, and who was weary with the noise and confusion in it. He added that the officious tenderness and care of friends was an entanglement to a dying man; and that the unconcerned attendance of such as could be procured in such a place would give less disturbance. And he obtained what he desired, for he died at the Bell inn, in Warwick lane. Another circumstance was, that while he was a bishop in Scotland, he took what his tenants were pleased to pay him: so that there was a great arrear due, which was raised slowly by one whom he left in trust with his affairs there: and the last payment that he could expect from thence was returned up to him about six weeks before his death: so that his provision and journey failed both at once. And thus in the several parts of this history, I have given a very particular account of every thing relating to this apostolical man; whose life I would have writ, if I had not found proper places to bring the most material parts

CH. XVI. of it within this work. I reckon that I owed this to that perfect friendship and fatherly care with which he had always treated me.

The mentioning his death leads me to name some other clergymen of note, that died this and the former year. August 22, 1684. Burnet died in Scotland[1]; and Ross, a poor, ignorant, worthless man, but in whom obedience and fury were so eminent that these supplied all other defects, was raised to be the primate of that church: which was indeed a sad omen, as well as a step to its fall and ruin[2]. Sterne, archbishop of York[3], died in the 86th year of his age: he was a sour, ill-tempered man, that minded chiefly[a] the enriching his family[4]. He was suspected of popery, because he was more than ordinarily compliant in all things to the court, and was very zealous for the duke[5]. July 28, 1683. Dolben, bishop of Rochester[6], succeeded him, a man of more spirit than

[a] substituted for *little besides*.

[1] Fountainhall's *Historical Observations*, 136. Upon the last letter which he received from Alexander Burnet, Sancroft endorsed these lines:—

'Obiit Aug. 22, 1684, horâ 2ª matutinâ;
Multis ille bonis flebilis occidit,
Nulli flebilior quam tibi, Scotia.'

Grubb, *Letters of Burnet to Sancroft*. See *Life and Times of Archbishops Burnet and Ross*, ii 508.

[2] Upon Ross, see vol. i. 510. Arthur Ross was the writer of the Glasgow Declaration of Oct. 1669 (vol. i. 510), created Bishop of Argyll in 1675; of Galloway, 1679; and Archbishop of Glasgow in October of the same year; he was removed to St. Andrews—because of his unpopularity at Glasgow, it is stated by Fountainhall (*Historical Observations*, 137)—in Oct. 1684; died in 1704. Ross was succeeded by Cairncross of Brechin.

[3] Vol. i. 322.

[4] Yet thought author of *The Whole Duty of Man*. S. [Upon this question see Mr. Macray's article in the *Dict. Nat. Biog.* upon Dorothy, Lady Pakington, and especially three articles in the 'Academy' for Nov., 1884, by Mr. C. E. Doble, in which the authorship is practically settled upon Dr. Richard Allestree.] The archbishop had thirteen children. He founded nevertheless six scholarships in the University of Cambridge, and gave 1850*l.* towards rebuilding St. Paul's cathedral. See Le Neve's *Lives of the Protestant Bishops*. R.

[5] He was probably as much a papist as his patron Archbishop Laud, whose chaplain he had been, and who wrote that immortal book against the Jesuit Fisher, in which, not only the Protestant, but the Christian cause is defended. R.

[6] John Dolben (1625–1686) bore arms in the Civil War; was wounded at Marston Moor, and again during

discretion; an excellent preacher, but [a] of a free conversation, which laid him open to much censure in a vicious court[a]: and indeed he proved a much better archbishop than he had been a bishop. Gunning of Ely died this summer, a man of great reading, who had in him all the subtlety and the disputing humour of a schoolman: and he studied to infuse that into all those who were formed by him[1]. He was strict in the whole course of his life, but was a dry man, and much inclined to superstition. He had a great confusion of things in his head, and could bring nothing into method: so that he was a dark and perplexed preacher. His sermons were full of Greek and Hebrew, and of the opinions of the fathers. Yet many of the ladies of a high form loved to hear him preach: which the king used to say was because they did not understand him. Turner succeeded him[2]. He had been long in the duke's family, and was in high favour with him. He was a sincere and good-natured man, of too quick an imagination, and too defective a judgment. He was [b] but moderately [b] learned, having conversed more with men than with books: and so he was not able to do the duke great service; but he was so zealous for his succession, that this raised him high upon no great stock of sufficiency. Old Morley Winchester died this winter in the 87th year of his age[3]. He was in many respects a very eminent

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July 6, 1684.

Oct. 29, 1684.

[a] substituted for *of so . . .* (blotted) *a conversation that he was fitter for a country dignity than to be too near the court.* [b] substituted for *very little.*

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the siege of York. He rose to the rank of major. He was Dean of Westminster in 1662; Bishop of Rochester, 1666; was disgraced with Sheldon and Morley at the fall of Clarendon (vol. i. 464 *note*), but became Archbishop of York, July 28, 1683; died on the Sunday after Easter, 1686. See Overton, *Life in the English Church*, 33, &c., and 243. Le Neve, *Lives of the Bishops*.

[1] Vol. i. 320 *note*, and *supra* 175.

[2] Francis Turner (1636–1700), succeeded to Ely in 1685. Overton, *Life in the English Church*, 83.

[3] Not long before his death (for he then kept his chamber) my father carried me with him to Farnham Castle. I was not above twelve years old, but remember the bishop talked much of the duke, and concluded with desiring my father to tell him from him, that if ever he depended upon the doctrine of non-resistance, he would find himself deceived; for there were very few

CH. XVI. man, zealous against popery, and yet a great enemy to the dissenters. He was considerably learned, and had a great vivacity of thought, but he was soon provoked, and too little master of himself upon those occasions[1]. Mew, bishop of Bath and Wells[2], succeeded him. He had been
Nov. 1684. a captain during the wars, and had been Middleton's secretary when he was sent to command the insurrection that the Highlanders of Scotland made for the king in 53[3].
591 After that he came into orders: and, though he knew very little of divinity, or of any other learning, and was weak to a childish degree, yet obsequiousness and fury raised him through several steps to this great see[4]. Ken succeeded

of that opinion, though there were not many of the Church of England that thought proper to contradict it in terms; but was very sure they would in practice. My father told me, he had frequently put King James in mind of Morley's last message to him, though to very little purpose; for all the answer was, that the bishop was a very good man, but grown old and timorous. D. This note has been already communicated to the public by Sir John Dalrymple in the Appendix to his Memoirs. R.

[1] This bishopric had been very valuable to Morley, he coming into it early after the restoration, and having the benefit of most of the new leases: but he was a generous and charitable man, and of great public spirit. I have been told his public benefactions amounted to above 40,000*l*. He left but a small estate to his family, considering what he might have done for them: they are settled in Hampshire. O. The last of the family (Sir Charles Morley, of Droxford, in Hants), had a daughter, who was grandmother of the present Marquis of Winchester.

[2] Peter Mew, or Mews, said to have received nearly thirty wounds in the war. Was taken prisoner at Naseby. *Nicholas Papers*, ii. 19. He was President of St. John's, Oxford, in 1667; Dean of Rochester in 1670; Bishop of Bath and Wells in 1672; and of Winchester in Nov. 1684. At Sedgmoor he directed the fire of the royal troops, and received another wound there. He was James's chief opponent in his attack upon Magdalen. Died 1706. See Wood's *Athenae Oxon.*, iv. 888.

[3] See vol. i. 107, 108.

[4] This character is true. S. Lord Sunderland told me Mew always took *him* (viz. that Earl of Sunderland) for his father, who was killed at Newbury, and used to converse much with him upon that foot. He lived to a great age, which disappointed many pretenders to his succession; amongst which the reverend author was the chief, during the reign of King William. D. Whilst Bishop of Bath and Wells he held the headship of St. John's College, Oxford. R. Concerning Ken and Turner, see Kettlewell's Life, 423, 430. *Cole.* See also Plumptre's *Thomas Ken* (1888), *passim*.

him in Bath and Wells; a man of an ascetic course of life, and yet of a very lively temper, but too hot and sudden. He had a very edifying way of preaching, but it was more apt to move the passions than to instruct: so that his sermons were rather beautiful than solid: yet his way in them was very taking. The king seemed fond of him; and by him and Turner they [a] hoped [a] that great progress might be made in gaining, | or at least deluding, the clergy. It MS. 302. was observed that all the men of favour among the clergy were unmarried; from whom they hoped they might more probably promise themselves a disposition to come over to them [1]. CH. XVI.

CHAPTER XVII.

THE CLOSE OF CHARLES II'S REIGN.

THE prosecution of the dissenters was carried very high all this year: they were not only proceeded against for going to conventicles, but for not going to church, and for not receiving the sacrament; the laws made against papists with relation to those particulars being now applied to them. Many were excommunicated, and ruined by the prosecution. The earl of Danby, for all his severity against lord Shaftesbury for moving in the king's bench to be bailed, though committed by the lords only for contempt, yet had been forced to move often for his being let out upon bail. It was certainly a very great hardship that he lay under, for he had been now five years in the Tower, and three parliaments had sat; the two last had not mentioned him; and now a parliament seemed out of sight [2]. Yet, though he offered a very long and learned

[a] substituted for *seemed to hope.*

[1] 'Dr. Turner was a married man.' *Higgons's Remarks on this History*, 275. And so were Stern and Dolben. R.

[2] According to Reresby, *Memoirs*, 296, and agreeably to probability, it was the jealousy of Rochester and Sunderland lest Halifax and Danby should join in opposition, which kept the latter in the Tower. The technical ground for the refusal to admit him to bail was that, since he

CH. XVII. argument for bailing him, the judges of the king's bench, even Saunders himself, were afraid to meddle in it. But Jeffreys was bolder; so he bailed him, and upon the same grounds all the popish lords were also bailed. Oates was prosecuted at the duke's suit for scandalous words: *rogue* and *traitor* were very freely bestowed on him by him: so an 100,000*l.* damages was given, which shut him up in a perpetual imprisonment, till they saw a fit opportunity to carry matters further against him. The duke of Beaufort, lord Peterborough, and some others, brought actions of *scandalum magnatum* against those who in the time of our great heat had spoke foul things of them: and great damages were given by obsequious and zealous juries. An information of a higher nature was brought against Williams,
592 who, though he was a worthless man, yet was for his zeal chosen speaker of the house of commons in the two last parliaments. He had licensed the printing the votes that had in them matters of scandal relating to some lords[1]. So an information was brought against him, and he upon it demurred to the jurisdiction of the court. This was

had been imprisoned by Parliament, Parliament alone could set him free. See Reresby's eye-witness account, *ibid.*, of his audience with the king. Danby was bailed in February. Upon his release, consistently with his anti-French and anti-Catholic principles, he declined to court James.

[1] It was for having appointed (according to an order of the House of Commons) the printing of Dangerfield's information, for which he was fined 10,000*l.*; and paid the whole, or the greatest part of it (as his grandson, Sir Watkin, told me). After the revolution, he attempted to get an Act of Parliament to reverse the judgement, but did not obtain it. It dropped at first in the House of Commons, but in 1696 a bill for it passed the Commons, but failed with the Lords. He was very odious, on account of his behaviour in King James's reign, particularly for what he did in the case of the seven bishops. He was then Solicitor-General, and undertook that matter for the court: if he had succeeded in it, he was, as I have been informed, to have had the Great Seal; the fury of Jeffreys being then somewhat abated, and the court displeased with him upon that score. This relaxation of Jeffreys was observed to be after his son had married the heiress of the Pembroke family, with whom he had a great part of the estate. The joy which, it is said, Jeffreys shewed on the acquittal of the bishops, was because of the disappointment his rival Williams had by it. O. Cf. Irving's *Judge Jeffreys*, 345–347.

driven on purpose by the duke's party, to cut off the thoughts of another parliament; since it was not to be supposed that any house of commons could bear the punishing the speaker for obeying their orders. CH. XVII.

Jenkins had now done all the drudgery that the court had occasion for from him[1]: and being capable to serve them in nothing else, he was dismissed from being secretary of state[2]: and Godolphin, one of the commissioners of the treasury, succeeded him. Another commissioner of the treasury, Dering[3], dying at the same time, the earl of Rochester hoped to have been made lord treasurer. He had lost much ground with the king: and the whole court hated him, by reason of the stop of all payments, which was chiefly imputed to him. He was become very insolent, and gave in to drinking, and was charged with corruption in the treasury[4]. Lord Halifax and lord North joined their interest to bring in two other commissioners upon him, without so much as letting him know of it, till it was resolved on[5]. These were Thynne[6] and North[7]. This last was to be rewarded for his service during his shrievalry in London. Lord Rochester engaged both the duke and the lady Portsmouth to divert this, if it was possible[8]; but April 4, 1684. April, 1684.

[1] *Supra* 257. He resigned the Secretaryship on April 4, 1684; died Sept. 1, 1685, according to James, 'by reason of his infirmity.' Letter to the Prince of Orange, April 1, 1684. *R. O.* 'King William's Chest.'

[2] Compare the *Life of Sir Leoline Jenkins*, p. xlix, where the author, Mr. Wynne (amongst other observations on this injurious passage) says, that 'Sir Leoline's retirement was occasioned by no such motive or consideration; but that it was nature which sounded his retreat, and that he had still the same place in the esteem of his royal master.' R.

[3] *scil.* Sir Edward Dering. He had previously been Commissioner of Customs. He has left a Diary, of which a MS. copy exists, containing many entries of great interest.

[4] See *supra* 340.

[5] Ranke, iv. 197. Temple and Halifax opposed Rochester. The latter states that his own interest declined after Godolphin's appointment. Rochester showed a tendency to throw in his lot with the Moderates.

[6] Henry Frederick Thynne, third son of Sir H. F. Thynne, first Baronet, and brother of Thomas, first Viscount Weymouth.

[7] *scil.* Dudley North. Cf. *supra* 335–338.

[8] For a late instance of his insolent power, see Reresby, 303.

CH. XVII. the king was not to be shaken: so he resolved to quit the treasury. The earl of Radnor[1] was discharged of being lord president of the council, where he had for some years acted a very mean part, in which he had lost the character of a steady, cynical Englishman, which he had maintained in the former course of his life: and lord Rochester was made president; which being a post superior in rank, but much inferior both in advantage and credit to that he held formerly, drew a jest from lord Halifax that may be worth remembering: he said he had heard of many kicked down stairs, but never of any that was kicked up stairs before[2]. Godolphin was weary of the drudgery that lay on a secretary of state: he chose rather to be the first commissioner of the treasury[3], and he was made a baron[4]. The earl of Middleton, son to him that had governed Scotland, was made secretary of state, a man of a generous temper, but without much religion, well learned, and of good judgment, and a lively apprehension[5].

If foreign affairs could have awakened the king, the French did enough this summer in order to it; for besides
593 their possessing themselves of Luxemburg, they sent a fleet against Genoa, upon no sort of provocation; but because Genoa would not comply with some demands that were both unjust and unreasonable, the king of France ordered

[1] Cf. 248, and vol. i. 175, 480.

[2] Halifax, writing to Reresby, says, 'You may believe I am not displeased to see such an adversary removed from the only place that could give him power and advantage; and he beareth it with so little philosophy, that if I had ill-nature enough for it, there is occasion given me to triumph.' Reresby, *Memoirs*, 308. See Ralph, i. 827. James, however, states, more in confirmation of Burnet, that 'Lord Rochester had long desired to be out of the Treasury, and prest me and his friends in it very much.' Letter to the Prince of Orange, Aug. 26, 1684. *R. O.* 'King William's Chest.'

[3] August, 1684. See Elliot's *Life of Godolphin*, 92-99; and North's *Life of the Lord Keeper Guilford*, 350, 352.

[4] Lord Godolphin of Rialton. Sunderland, Godolphin, and the Duchess of Portsmouth were now the ruling triumvirate.

[5] Middleton attached himself unconditionally to James. His promotion was apparently due to the Duchess of Portsmouth.

it to be bombarded[1], hoping that in that confusion he might by landing a few men have made himself easily master of that state. This would very probably have succeeded, if the attempt had been made upon the first consternation they were in, when the bombardment began. But the thing was delayed a day or two, and by that time the Genoese not only recovered themselves out of their first fright, but putting themselves in order, they were animated with that indignation and fury, that they beat off the French, with a courage that was not expected from them. Such an infamous assault, that looked liker the violence of a robber than the attack of one that would observe forms in his conquests, ought to have provoked all princes, especially such as were powerful at sea, to have joined against a prince who by such practices was become the common enemy of mankind. But we were now pursuing other designs, from which [it was resolved] that nothing from beyond sea might divert us. CH. XVII. MS. 303.

After the king had kept Tangier above twenty years, and had been at a vast charge in making a mole before it, in which several sets of undertakers had failed indeed in the main design, but had succeeded well in the enriching themselves, and the work was now brought near perfection, which seemed to give us the key of the Mediterranean, he now, to deliver himself from that charge, sent lord Dartmouth with a fleet to destroy all the works, and to bring home all our men[2]. [a]The king, when he communicated this to the cabinet council, charged them to be secret.

[a] *Inserted on the opposite page in the MS.*

[1] 'With which the court was well pleased, but others not, as it was the key to Germany, Holland, and Flanders.' Reresby, 304. Louis XIV gave no more money to Charles after winning Luxemburg and Strasburg, and allowed the Treaty of Dover to become known. Charles and English opinion were now of no further importance to him.

[2] The original instructions for the abandonment, which was almost a necessity, were dated July 2, 1683. As early as 167$\frac{8}{9}$ there had been numerous rumours of selling it. Luttrell, 12. See the authorities quoted in vol. i. 306 *note*; and Temple's *Memoirs*.

CH. XVII. But it was believed, that he himself spoke of it to the lord Arlington, and that he told it to the Portugal ambassador: for he took fire upon it, and desired that if the king was weary of keeping it, he would restore it to his master: and he undertook to pay a great sum for the charge the king had been at. But the king believed that, as the money would never be paid, so the king of Portugal would not be able to maintain the place against the Moors, so that it would fall into their hands, and by that means prove too important to command the straits. The thing was boldly denied by the ministers when pressed by the ambassador upon the subject. Lord Dartmouth executed the design as he was ordered[1]:
594 so an end was put to our possessing that place[a]. This was done only to save charge, that the court might hold out the longer without a parliament. So the republic of Genoa, seeing that we would not, and that without us the Dutch could not, undertake their protection, were forced to make a very abject compliment to the king of France; if any thing could be abject that was necessary to save their country. The doge and some of the senators were sent to Versailles to ask the king's pardon, though it was not easy to tell for what, unless it was because they presumed to resist his invasion[2]. I happened to be at Paris when the doge was there. One saying of his was much repeated. When all the glory of Versailles was set open to him, and the flatterers of the court were admiring every thing, he seemed to look at them with the coldness that became a person that was at the head of a free commonwealth[3]: and when he was asked if the things he saw were not very extraordinary? he said, the most extraordinary thing that he saw was that he saw himself there[4].

[1] Upon his return Dartmouth tried to form a third faction, a 'national' party, in opposition to those of Rochester and Halifax. The principles were the old ones of Clarendon and Danby: opposition to Nonconformity and Popery, and to France. Reresby, 302.

[2] See 'L'Ambassade du Doge de Gênes, Imperiale Lescaro, à Versailles en 1685,' by M. E. Rodocanachi, *Revue Diplomatique* (1892), 161.

[3] Not a free commonwealth. O.

[4] By the laws of Genoa, the Doge ceases to be Doge whenever he goes

The affairs of Holland were much broken. The prince of Orange and the town of Amsterdam were in very ill terms by the French management, into which Chudleigh [1], the English envoy, joined his strength, to such a degree of insolence, that he offered personal affronts to the prince; who upon that would see him no more: yet the prince was not considered enough at our court to get Chudleigh to be recalled upon it. The town of Amsterdam went so far, that a motion was made of setting up the prince of Friesland as their stadtholder, and he was invited to come to their town in order to it. But the prince of Orange prevented this, by coming to a full agreement with that town. So he and his princess were invited thither, and that misunderstanding was removed, or at least laid asleep for that time. The war of Hungary went on with slow success on the emperor's side. He was poor, and his revenue was exhausted, so that he could not press so hard upon the Turks as he might have done with advantage; for they were in great confusion. The king of Poland had married a French wife [2], and she had a great ascendant over him: and not being able to get her family raised as she expected in France, she had turned that king to the emperor's interests. So that he had the glory of raising the siege of Vienna. The French saw their error, and were now ready to purchase her at any rate: so that all the rest of that poor king's inglorious life, after that great action at Vienna, was a perpetual going backwards and 595
forwards between the interests of France and Vienna; which depended entirely upon the secret negotiations of the court of France with his queen, as they came to her terms, or as they did not quite comply with them [3].

out of the town; but the King of France obliged them to suspend that law upon this occasion. D.

[1] For Chudleigh, cf. *supra* 412.

[2] John Sobieski married Marie Casemire, fourth daughter of Henri de la Grange, Marquis d'Arquien, July 6, 1665. She was widow of Jacob Radziwill, Prince de Zamosk. See, upon her, Waliszewski, *Marysienka, Marie de la Grange d'Arquien, reine de Pologne*, Paris, 1898.

[3] John Sobieski's character will never suffer from Burnet's abuse of him. *Cole MS., note.*

CH. XVII. The misunderstanding between the court of Rome and France went on still. The pope declared openly for the house of Austria against the Turk, and made great returns of money into Germany. He engaged the Venetians into the alliance. He found also fault with many of the proceedings in France, with relation to the regale; and now the tables were turned. The Jesuits, who were wont to value themselves on their dependance on the court of Rome, were now wholly in the interests of France: for they resolved to be on the stronger side: and the Jansenists, whom Rome had treated very ill, and who were looked on as the most zealous assertors of the liberties of the Gallican church, were now the men that admired the pope, and declared for him. The persecution [of the protestants] went on still in France: and no other care was had of them here, but that we sheltered them, and so had great numbers of them coming over to us. A quarrel was in debate between the English and Dutch East India company. The Dutch had a mind to drive us out of Bantam; for they did not love to see the English settle so near Batavia. So they engaged the old king of Bantam into a war with his son, who was in possession of Bantam, and the son was supported by the English; but the old king drove out his son by the help that the Dutch gave him, and he drove out
MS. 304. the English likewise, | as having espoused his son's rebellion against him; though we understood it, that he had resigned the kingdoms to his son, but that by the instigation of the Dutch he had now invaded him[a]. It is certain, our court laid up this in their heart, as that upon which they would lay the foundation of a new war with the States, as soon as we should be in condition to undertake it. The East India company saw this, and that the court pressed them to make public remonstrances upon it, which gave them a jealousy of an ill design under it: so they resolved to proceed rather in a slow negotiation, than in any thing that might give a handle for a rupture.

[a] altered from *them*.

I must now mix in somewhat with relation to myself, Ch. XVII.
though that may seem too inconsiderable to be put into
a series of matters of such importance. But it is necessary
to give some account of that which set me at liberty to go 596
round some parts of Europe, and to stay for some years out
of England. I preached a lecture at St. Clement's on the
Thursdays: but after the lord Russell's death the king sent
an order to Dr. Hascard, then rector of the parish, to dis-
charge me of it. I continued still at the Rolls, avoiding
very cautiously every thing that related to the public, for
I abhorred the making the pulpit a stage for venting of
passion, or for the serving of interests. There was a parish
in London vacant, where the election lay in the inhabitants:
and it was probable it would have fallen on me; though
London was in so divided a state, that every thing was
managed by the strength of parties. Yet the king, appre-
hending the choice might have fallen on me, sent a message
to them to let them know he would take it amiss if they
chose me. Old sir Harbottle Grimston lived still[1], to the
great indignation of the court. When the fifth of November,
being Gunpowder Treason day, came, in which we had
always sermons at the chapel of the Rolls, I begged the
Master of the Rolls to excuse me then from preaching;
for that day led one so to preach against popery that it
was indecent not to do it. He said he would end his life
as he had led it all along, in an open detestation of popery.
So, since I saw this could not be avoided, though I had
not meddled with any point of popery for above a year
together, I resolved, since I did it so seldom, to do it to
purpose. I chose for my text these words: *Save me from
the lion's mouth; thou hast heard me from the horns of the
unicorns.* I made no reflection in my thoughts on the lion
and unicorn as being the two supporters of the king's
scutcheon, for I ever hated all points of that sort, as a
profanation of Scriptures: but I shewed how well popery
might be compared to the lion's mouth, then open to

[1] He died Jan. 168$\frac{4}{5}$, *infra* 443.

CH. XVII. devour us: and I compared our former deliverances to the extremities of danger as being on the horn of a rhinoceros. And this leading me to the subject of the day, I mentioned that wish of king James against any of his posterity that should endeavour to bring that religion in among us[1]. This was immediately carried to the court, but it only raised more anger against me; yet nothing could be made of it. They talked most of the choice of text, as levelled against the king's coat of arms; that had never been once in my thoughts. Lord Keeper North diverted the king from doing any thing on the account of my sermon. And so the matter slept till the end of the term; and then North writ to the Master of the Rolls
597 that the king considered the chapel of the rolls as one of his own chapels, and since he looked on me as a person disaffected to his service, and had for that reason dismissed
Dec. 1684. me from his own service, he therefore required him not to suffer me to serve any longer in that chapel. And thus all my service in the church was now stopped: for upon such a public declaration made against me, it was not fit for any clergyman to make use of my assistance any more: and by these means I was set at liberty by the procurement of my enemies. So that I did not abandon my post, neither out of fear nor out of any giddiness to ramble about Europe. But being now under such public marks of jealousy, and put out of a capacity of serving God and

[1] Sir J. Jekyl told me, that he was present at this sermon: I think it was this: and that when the author had preached out the hour-glass, he took it up and held it aloft in his hand, and then turned it up for another hour, upon which the audience (a very large one for the place) set up almost a shout for joy. I once heard him preach at the Temple church, on the subject of popery, it was on the fast-day for the negotiations of peace at Utrecht. He set forth all the horrors of that religion with such force of speech and action, (for he had much of that in his preaching at all times,) that I have never seen an audience any where so much affected, as we all were who were present at this discourse. He preached then, as he generally did, without notes. He was in his exterior too the finest figure I ever saw in a pulpit. O. Burnet quoted James I's exclamation from the Reports of Judge Crook. See *supra*, 33. Fountainhall, *Hist. Obs.* 143.

the church in the way of my function, it seemed a prudent and a decent thing for me to withdraw my self from that [a] fury that I saw was working so strongly, and in so many repeated instances, against me [1]. CH. XVII.

These disgraces from the court were the occasion of my going out of England; which both preserved me from what I had reason to apprehend, when the duke by the change that happened soon after might have had it in his power to make me feel all that displeasure which had been growing upon him in a course of so many years, and it also put me in a way to do the greatest services I was capable of, both to the interests of religion and of these nations. So that what was intended as a mischief to me proved my preservation. So gracious has God been to me in a course of many providences, which seemed both to watch over me, and to order every thing relating to me to be attended with so many favourable circumstances, that what was designed should be my ruin, put me in a way both to do and to come to things that in no other part of my life I could ever have | imagined or proposed to my self. My employment MS. 305. at the Rolls would have fallen in course within a month, if the court had delayed the putting me from it in such an open manner; for that worthy man sir Harbottle Grimston died about Christmas. Nature sunk all at once, he being then eighty-two. He died as he had lived, with great piety and resignation to the will of God.

There were two famous trials in Michaelmas term. Three women came and deposed against Roswell, a presbyterian preacher, treasonable words that he had delivered at a conventicle. They swore to two or three periods, in which they agreed so exactly together, that there was not the smallest variation in their depositions. Roswell, on the other hand, made a strong defence. He proved that the witnesses were lewd and infamous persons. Oct. 23, 1684.

[a] *jealousy and* struck out.

[1] He did not leave England until after the death of Charles II.

CH. XVII. He proved that he had always been a loyal man, even in Cromwell's days; that he prayed constantly for the king in his family, and that in his sermons he often insisted on the obligations to loyalty. And as for that sermon in which the witnesses swore he delivered those words, he
598 shewed what his text was, which the witnesses could not remember, as they remembered nothing else in his sermon besides the words they had deposed. That text, and his sermon upon it, had no relation to any such matter. Several witnesses who heard the sermon, and some who writ it in short-hand, declared he said no such words, nor any thing to that purpose. He offered his own notes to prove this further: but no regard was had to them. The women could not prove by any circumstance that they were at his meeting, or that any person saw them there on that day. The words they swore against him were so gross, that it was not to be imagined any man in his wits could express himself so, were he ever so wickedly set, before a mixed assembly. It was also urged that it was highly improbable that three women could remember so long a period upon one single hearing, and that they should all remember it so exactly as to agree in the same deposition. He offered to put the whole upon this issue: he would pronounce a period, as long as that which they had sworn, with his usual tone of voice in which he preached, and then leave it to them to repeat it, if they could. I set down all this defence more particularly, that it may appear what a spirit was in that time, when a verdict could be brought in upon such an evidence, and against such a defence. Jeffreys urged the matter with his ordinary vehemence. He laid it for a foundation that all preaching at conventicles was treasonable, and that this ought to dispose the jury to believe any evidence whatsoever upon that head, and that here were three positive concurring witnesses: so the jury brought him in guilty. And there was a shameful rejoicing upon this. It was thought now conventicles would be all suppressed by it, since any persons that would witness that

treasonable words were delivered at them would be believed, how improbable soever it might be. But when the importance of the words came to be examined, by men learned in the law, they were found not to be treason by any statute. So Roswell moved for an arrest of judgment, till counsel should be heard to that point, whether the words were treason or not. In Sidney's case they refused to grant that, unless he would first confess the fact: and though that was much censured, yet it was more doubtful whether counsel ought to be heard after the jury had brought in the verdict. But the king was so out of countenance with the many stories that were brought him of his witnesses, that the attorney general had order to consent to the arrest of judgment; though it had been more for the king's honour to have put an end to the business by a pardon[1]. It was thought a good point gained, considering that time, which might turn to the advantage of the subject, to allow that a point of law might be argued after conviction. The impudence of this verdict was the more shameful, since, though we had a popish successor in view, here was a precedent made, by which positive witnesses swearing to any thing as said in a sermon were to be believed against so many probabilities, and so much proof to the contrary; which might have been at another time very fatal to the clergy. CH. XVII. 599

The other trial was of more importance to the court. In Armstrong's pocket, when he was taken, a letter was found writ by Hayes, a linen draper[a] in London, directed to another person, which was believed a feigned name: in it credit was given him upon Hayes' correspondent in Holland for money: he was desired not to be too lavish, and it was

[a] *banquier* [*banker*] struck out.

[1] He was pardoned: see Howell's *State Trials*, vol. iii. p. 1064. O. An adverse verdict was returned, but judgement deferred; and at the next session, he pleaded the King's pardon and was discharged. Howell's *State Trials*, x. 147.

CH. XVII. promised that he should be supplied as he needed it. Here was an abetting of a man outlawed for treason. Much pains was taken on Hayes, both by persuasion and threatening, to induce him to discover that whole cabal of men, that, it seemed, joined in a common purse to supply those who had fled beyond sea on the account of the plot: and they hoped to know all Monmouth's friends, and either to have attainted or at least to have fined them severely for it. But Hayes shewed a fidelity and courage far beyond what could have been expected from a dealer in trade. So he was brought to a trial. He made a strong defence: the letter was not exactly like his hand; it was not addressed
MS. 306. to Armstrong, | but to another person, from whom he perhaps had it; no entry was made of it in his books, nor of any sum paid in upon it. But his main defence was that a merchant [a] examined into no person's concerns; and therefore when money or good security was brought him, he gave bills of exchange, or letters of credit, as they were desired. Jeffreys pressed the jury, in his impetuous way, to find Hayes guilty of [b] high treason [b]; because though there was not a witness against Hayes, and nothing but presumptions appeared upon the proof, yet Jeffreys said it was proved by two witnesses that the letter was found in Armstrong's pocket; and that was sufficient, the rest appearing by circumstances. The little difference between the writing in the letter and his ordinary hand, was said to be only a feint to hide it, which made him the more guilty.
600 He required the jury to bring him in guilty, and said that the king's life and safety depended upon this trial: so that if they did it not, they exposed the king to a new Rye-plot: with other extravagancies with which his fury prompted him. But a jury of merchants could not be wrought up to this pitch: so he was acquitted, which mortified the court not a little: for they had reckoned that now juries were to be only a point of form in a trial, and that they were

[a] *banquier* struck out. [b] substituted for *misdemeanour, for they could not use it as high treason.*

always to find bills or bring in verdicts as they were directed. CH. XVII.

A trial in a matter of blood came on after this. A gentleman of a noble family[1] being at a public supper with much company, some hot words passed between him and another gentleman, which raised a sudden quarrel, none but three persons being engaged in it. Swords were drawn, and one was killed outright, but it was not certain by whose hand he was killed: so the other two were both indicted upon it. The proof did not seem to carry it beyond manslaughter, no marks of any precedent malice appearing. Yet the young gentleman was prevailed on to confess the indictment, and to let sentence pass on him for murder; a pardon being promised him if he should do so, and he was threatened with the utmost rigour of the law if he stood upon his defence. After the sentence had passed, it appeared on what design he had been practised on. It was a rich family, and not well affected to the court. So he was told that he must pay well for his pardon: and it cost him 16,000*l.*, of which the king had the one half, the other half being divided between two ladies that were in great favour. It is a very ill thing for princes to suffer themselves to be prevailed on by importunities to pardon blood, which cries for vengeance. Yet Oct. 14, 1684.

[1] Sir H. St. John of Battersea, now Lord Viscount St. John. O. Mr. Henry St. Johns, son to Sir Walter St. Johns, of Battersea, and father to Henry St. Johns, Viscount Bolingbroke, Secretary of State to Queen Ann. He was created Viscount St. Johns by King George the first, upon his son's being attainted by Act of Parliament; whose title of Bolingbroke had been entailed upon his father, which was the first instance of a title granted to ascend. D. [Henry St. Johns, Esq., and Colonel Edmund Webb were tried at the Old Bailey, Dec. 11, 1684, for murdering Sir William Hascot (or Estcourt), Knight, on Oct. 14, 1684, at the Globe Tavern, Fleet Street, and found guilty of murder. It does not appear from the record of the trial that they pleaded guilty; but when brought up again on June 16 (or 17) following, and asked what they could say in stay of execution upon their late sentence, they pleaded the king's pardon and were discharged with a reprimand. (This note is communicated by Mr. C. H. Firth, from *Sessions Papers* in his possession.)]

CH. XVII. an easiness to[a] importunity is a feebleness of good-nature, and so is in itself less criminal. But it is a monstrous perverting of justice, and a destroying[b] the chief end of government, which is the preservation of the people, when their blood is set to sale: and that not as a compensation to the family of the person murdered, but to the prince himself, and to some who are in favour with him upon unworthy accounts.

Another thing of a strange nature happened about the same time. The earl of Clancarty in Ireland, when he died, had left his lady the guardian of his children. It was one of the noblest and richest families of the Irish nation, which had been always popish. But the lady was a protestant: and she, being afraid to trust the education of her son to Ireland, though in protestant hands, con-
1601 sidering the danger he might be in from his kindred of that religion, brought him over to Oxford, and put him in Fell's hands, who was both bishop of Oxford and dean of Christ's Church; where she reckoned he would be safe. Lord Clancarty had an uncle, col. Maccarty[1], who was in most things, where his religion was not concerned, a man of honour. So he, both to pervert his nephew and to make his own court, got the king to write to the bishop of Oxford to let the young lord come up, and see the diversions of the town in the Christmas time; to which the bishop did too easily consent[2]. When he came to town, he, being then of the age of consent, was married to one of lord Sunderland's daughters: and so he broke through all his education, and soon after he turned papist. Thus the king suffered himself to be made an instrument in one of the greatest of crimes, the taking an infant out of the hands of a guardian, and marrying him secretly; against which the laws of all nations have

[a] *much* struck out. [b] *one of* struck out.

[1] *scil.* Col. Justin MacCarthy, often mentioned in Clarendon's correspondence (ed. Singer), who was later titular Viscount Mountcashel.

[2] See *Hatton Correspondence*, ii. 42, and *infra*, f. 695.

taken care to provide very effectually. But this leads me into a further view [a] of the designs at court.[a] CH. XVII.

The earl of Rochester grew weary of the insignificant place of a president, which procured him neither confidence nor dependance: and, since the government of Ireland was the greatest post next to the treasury, he obtained by the duke's favour to be named lord lieutenant of Ireland. The king seemed to be so uneasy with him, that he was glad to send him away from the court[1]. And the king intended to begin in his person a new method in the government of Ireland. Formerly the lords lieutenants were generals of the army, as well as the chief governors of the kingdom. Their interest in recommending to posts in the army, and their giving the commissions for them, brought the army into their dependance, and increased the profits of their secretaries. It was now suggested by lord Sunderland that this was too much in one person: and therefore he proposed that there should be a general of the army, independent on the lord | lieutenant, and who should be MS. 307. a check upon him. When there were but a few troops kept up there, it might be more reasonable to leave them in the lord lieutenant's hands: but now that an army was kept there, it seemed too much to put that, as well as the civil administration of the kingdom, into the power of one man. In this the earl of Sunderland's design was, to keep that kingdom in a dependance upon himself. And he told the king that if he thought that was a good maxim 602 for the government of Ireland, he ought to begin it when a creature of his own was sent thither, who had not such a right to dispute points of that kind with him, as ancient noblemen might pretend to. Lord Rochester was much

[a] *since Maccarty intended by this piece of treachery to be meritorious* struck out, and *of the designs at court* substituted.

[1] Rochester was named Lord Lieutenant, without however any military command, in October 1684, but did not go to Ireland; the death of his daughter Lady Ossory on Jan. 25, 1685, was sufficient ground for his remaining in England.

CH XVII. mortified with this. He said, the chief governor of Ireland could not be[a] answerable for the peace of that kingdom, if the army was not in a dependance on him. Yet little regard was had to all that he could object to this new method; for the king seemed to be the more pleased with it, because it afflicted him so much. The first instance in which the king intended to begin the immediate dependance of the Irish army on himself, was not so well chosen as to make it generally acceptable: for it was that col. Maccarty was to have a regiment there. He had a regiment in the French service for several years, and was called home upon that appearance that we had put on of engaging with the allies in a war with France in the year 1678. The popish plot had kept the king from employing him for some years, in which the court was in some management with the nation: but now that being at an end, the king intended to employ him, upon this acceptable service he had done with relation to his nephew. The king spoke of it to lord Halifax: and he, as he told me, asked the king if he thought that was to govern according to law. The king answered, he was not tied up by the laws of Ireland, as he was by the laws of England. Lord Halifax offered to argue that point with any person that asserted it before him: he said, that army was raised by a protestant parliament, to secure the protestant interest: and would the king give occasion to any to say, that where his hands were not bound up, he would shew all the favour he could to the papists? The king answered, he did [not] trouble himself with what people said, or would say. Lord Halifax replied to this, that it was a just piece of greatness[b] in the king not to mind what his enemies said, but he hoped he would never despise what his friends said, especially when they seemed to have reason on their side; and he wished the king would choose rather to make up Maccarty's losses for his service in pensions and other favours, than in a way that would raise so much clamour

[a] *made* struck out. [b] *of mind* struck out.

and jealousy. In all this[a], lord Halifax only offered his advice to the king, upon the king's beginning the discourse with him. Yet the king told it all to Maccarty: who came and expostulated the matter with that lord. So he saw by that how little safe a man was who spoke freely to the king, when he crossed the king's own inclinations. CH. XVII. 603

There was a great expectation in the court of France that at this time the king would declare himself a papist. They did not keep the secret very carefully there: for the archbishop of Rheims[1] had said to myself, that the king was as much theirs as his brother was, only he had not so much conscience. This I had reported to lord Halifax, to tell the king. Whether he did it or not, I know not. But it was written over at this time from Paris, that the king of France had said at his levee, or at table, that a great thing would quickly break out in England, with relation to religion. The occasion of that was afterwards better known. One of our East-India ships had brought over one of the missionaries of Siam, who was a man of a warm imagination, and who talked of his having converted and baptized many thousands in that kingdom[2]. He was well received at court, and the king diverted himself with hearing him relate the adventures and other passages of his travels. Upon this encouragement he desired a private audience, in which, in a very inflamed speech, and with great vehemence, he pressed the king to return into the bosom of the church. The king enter-

[a] *discourse* struck out.

[1] Charles Maurice Le Tellier; cf. *supra* 390.

[2] *Relation du Voyage de Mons. l'Evêque de Beryte*, 1685, British Museum. He returned from Siam in an English ship, and he describes interviews with Charles and James. Unfortunately the licence to print is dated 1665, so that if the incidents related by Burnet are true for the date at which he places them, they cannot be referred to this work. It is, however, quite possible that the whole story is founded on this relation.

CH. XVII. tained this civilly, and gave him those answers that he, not knowing the king's way, took them for such steps and indications, as made him conclude the thing was very near done: and upon that he writ to P. de la Chaise that they would hear the news of the king's conversion very quickly. The confessor carried the news to the king, who, not doubting it, gave the general hint of that great turn, of which he was then in full hopes.

That priest was directed by some to apply himself to lord Halifax, to try if he could convert him. Lord Halifax told me, he was so vain and so weak a man, that none could be converted by him but such as were weary of their religion, and wanted only a pretence to throw it off. Lord Halifax put many questions to him, to which he made such simple answers as furnished that lord with many very lively sallies upon the conversions so much
MS. 308. boasted of, made by such men. | Lord Halifax asked him, how it came that since the king of Siam was so favourable to their religion, they had not converted him? The missionary upon that told him, that the king had said he could not examine into the truth of all that they had told him concerning Jesus Christ: he thought it was not
604 reasonable to forsake the religion of his fathers, unless he saw good grounds to justify the change: and, since they pretended that the author of their religion had left a power of working miracles with his followers, he desired they would apply that to himself. He had a palsy both in his arm and in his leg: and if they could deliver him from that, he promised to them he would change immediately. Upon which the missionary said, the bishop that was the head of that mission, was bold enough (*assez hardi* were the priest's own words) to undertake it. A day was set for it, and the bishop, with this priest and some others, came to the king; and after some prayers, the king told them he felt some heat and motion in his arm; but the palsy was more rooted in his thigh: so he desired the bishop would go on, and finish that which was so happily begun.

The bishop thought he had ventured enough, and would engage no further; but told the king that since their God had made one step towards him, he must make the next to God, and at least meet him half way. But the king was obstinate, and would have the miracle finished before he would change. On the other hand the bishop stood his ground. And so the matter went no further. Upon which lord Halifax said, since the king was such an infidel, they ought to have prayed the palsy into his arm again, as well as they prayed it out: otherwise, here was a miracle lost on an obstinate infidel: but if the palsy had immediately returned into his arm, that would perhaps have given him a full conviction. This put the missionary into some confusion: and lord Halifax repeated it both to the king and to the duke, with that air of contempt that the duke was highly provoked by it: and the priest appeared at court no more. CH. XVII.

There was at this time a new scheme formed that very probably would have for ever broke the king and the duke[1]. But how it was laid was so great a secret that I could never penetrate into it. It was laid at lady Portsmouth's. Barillon and lord Sunderland were the chief managers of it. Lord Godolphin was also in it. Dec. 1685.

[1] See Welwood's *Memoirs*, 144. (168.) O. 'Some short time before the king's last sickness and death, there was certainly a scheme forming by him to make himself easy for the rest of his life, which he was overheard to say by a gentleman, who told it me (Mr. Crowne). The king had given him two Spanish plays, called *No puede ser*, or, *It cannot be*, for him to give them an English cast in one. Three acts and more were finished, before the king was taken ill; and His Majesty obliged the author to bring it to him, scene by scene, as he wrote it. The courtiers, knowing what his errand was at Whitehall, made his way easy to the king's cabinet, to which he once approached so near, that he could hear the king say distinctly, *Brother, you may travel, if you will, I am resolved to make myself easy for the rest of my life:* at which words the door opening, the author made off, and the Duke of York passed hastily by him as in a passion. This play is the famous Sir Courtly Nice.' Oldmixon's *History of the Stuarts*, 690. Respecting the intrigue, consult Hume's *History* at the end of this reign. R.

CH. XVII. The duke of Monmouth came over secretly[1], and though he did not see the king, yet he went back very well pleased with his journey: but he never told his reason to any that I know of. Mr. May, of the privy purse[2], told me that he was told there was a design to break out, with which he would be well pleased[3]: and when it was ripe, he was to be called on to come and manage the king's
605 temper, which no man understood better than he did, for he had been bred about the king ever since he was a child, and by his post he was in the secret of all his amours; but was contrary to his notions in every thing else, both with relation to popery, to France, and to arbitrary government. Yet he was so true to the king in that lewd confidence in which he employed him, that the king had charged him never to press him in any thing so as to provoke him. By this means he kept all this while much at a distance; for he would not enter into any discourse with the king on matters of state, till he began with him. And he told me he knew by the king's way things were not yet quite ripe, nor he throughly fixed in the design. That with which they were to begin was the sending the duke to Scotland; and it was generally believed that if

[1] On Dec. 2, 1684, James wrote to the Prince of Orange, 'What is most talked on is, about the Duke of Monmouth, to know where he is; 'tis believed he is here for several reasons, besides that he was neither in Holland nor Flanders when the last letters came from thence.' Dalrymple, i. 119. Barillon, on December 14 and 18, mentions that Monmouth was secretly in London; and in his account of Charles's death, says that the king had seen him. *Id.* 131, 157. On December 18, James writes that it is certain that he came over with Henrietta Monmouth and returned with her. *H. M. C. Rep.* xv, App. viii. 212. See also the extract in Welwood, 319–322, from Monmouth's pocket book taken at Sedgemoor, which shows that Monmouth was in London on Nov. 27, and that in January all was being arranged by Charles for his return, unknown to James. On Feb 3, he writes from abroad, 'A letter from L. that my business was almost as well as done, but must be so sudden as not to leave room for 39's (James's) party to counterplot.' Miss Foxcroft identifies 'L.' with Halifax, *Life of Halifax*, i. 433.

[2] Cf. vol. i. 472.

[3] The bishop told me this, with many more particulars. S. Cf. Clarke's *Life of James II*, 736.

the two brothers should be once parted, they would never meet again. The king spoke to the duke concerning his going to Scotland, and he answered that there was no occasion for it: upon which the king replied, that either the duke must go, or that he himself would go thither. CH. XVII.

The king was observed to be more than ordinarily pensive, and his fondness to lady Portsmouth increased much, and broke out in very indecent instances. The grand prior of France, the duke of Vendome's brother, had made some applications to that lady, with which the king was highly offended. It was said the king came in on the sudden, and saw that which provoked him: so he commanded him immediately to go out of England[1]. Yet after that, the king caressed and kissed her in the view of all people; which he had never done on any occasion, or to any person formerly. The king was observed to be colder and more reserved to the duke than ordinary. But what was under all this was still a deep secret. Lord Halifax was let in to no part of it. He still went on against | lord Rochester. He complained in council that MS. 309. there were many razures in the books of the treasury, and that several leaves were cut out of those books: and he moved the king to go to the treasury chamber, that the books might be laid before him, and that he might judge of the matter upon sight. So the king named the next Monday, and it was then expected that the earl of Rochester would have been turned out of all, if not sent to the Tower: and a message was sent to Mr. May, then at Windsor, to desire him to come to court that day, which it was expected 606 would prove a critical day. And it proved to be so indeed, though in a different way.

All this winter the king looked better than he had done for many years. He had a humour in his leg, which looked

[1] Reresby mentions this intrigue, and gives an account of the following dispute between Lords Halifax and Rochester respecting the misapplication of forty thousand pounds of the hearth-money, and other mismanagements of the revenue. R.

CH. XVII. like the beginning of the gout[1]: so that for some weeks he could not walk as he used to do, generally three or four hours a day in the park; which he did commonly so fast, that as it was really an exercise to himself, so it was a trouble to all about him to hold up with him. In the state the king was in, he, not being able to walk, spent much of his time in his laboratory, and was running a process for the fixing of mercury. On the first of February, being a Sunday, he eat little all day, and came to lady Portsmouth's at night, and called for a porringer of spoon meat. It was made too strong for his stomach. So he eat little of it, and he had an unquiet night. In the morning, one Feb. 2, $168\frac{4}{5}$. Dr. King[2], a physician and a chymist, came, as he had been ordered, to wait on him. All the king's discourse to him was so broken, that he could not understand what he meant; and the doctor concluded he was [a] under some great disorder, either in his mind or in his body. The doctor amazed at this, went out, and meeting with lord Peterborough, he said the king was in a strange humour, for he did not speak one word of sense, and he looked staring. Lord Peterborough desired he would go in again to the bedchamber, which he did: and he was scarce come in, when the king, who seemed all the while to be in a great confusion, fell down all of a sudden in a fit like an apoplexy: he looked black, and his eyes turned in his head. The physician, who had been formerly an eminent surgeon, said it was impossible to save the king's life if one minute was lost: he would rather venture on the rigour of the law, than leave the king to perish: and so he let him blood. The king came out of that fit, and the

[a] *rather* struck out.

[1] Lord Lansdowne, *Works*, ii. 260, speaks of a running sore in the leg, and says that the king hastened his death by himself treating it with quack medicines.

[2] Edmund King (1629-1706), was noted for his microscopical investigations. In 1676 he was knighted, and sworn physician to the king. He was Honorary Fellow of the College of Physicians in 1677, and full Fellow on April 12, 1687.

physicians approved what Dr. King had done: upon which the privy council ordered him a thousand pound, which yet was never paid him. Though the king came out of that fit, yet the ill-effects of it hung still upon him, so that he was much oppressed; and the physicians did very much apprehend the return of another fit, and that it would carry him off: so they looked on him as a dead man. The bishop of London spoke a little to him to dispose him to prepare for whatever might be before him: to which the king answered not a word. But that was imputed partly to the bishop's cold way of speaking, and partly to the ill opinion they had of him at court, as too busy in opposition 607
to popery. Sancroft made a very weighty exhortation to him; in which he used a good degree of freedom, which he said was necessary, since he was going to be judged by one that was no respecter of persons. To him the king made no answer neither, nor yet to Ken, though the most in favour with him of all the bishops. Some imputed this to an insensibility, of which too visible an instance appeared, since lady Portsmouth sat in the bed, taking care of him as a wife of a husband[1]: others guessed truer, that it would

[1] This ill agrees with Lady Portsmouth's words to the French Ambassador, when she pressed him to devise means for the reconciliation of the dying king to the Romish Church: 'I cannot with decency' (she says) 'enter the room, besides that the queen is almost constantly there.' See Barillon's letter to the King of France, in the Appendix to Dalrymple's *Memoirs*. There exists also the testimony of Bruce, Earl of Aylesbury, who was in attendance on the king at that time, opposed to the correctness of this assertion of Bishop Burnet, that Lady Portsmouth was generally with the king. It is contained in an extract from the earl's letter to Mr. Leigh of Adlestrop (published in the 27th volume of the European Magazine, p. 22), where his lordship says, 'My good king and master falling upon me in his fit, I ordered him to be blooded, and then I went to fetch the Duke of York; and when we came to the bedside, we found the queen there, and the impostor says it was the Duchess of Portsmouth.' Compare with Aylesbury's letter his *Memoirs*, ed. by the Rev. W. E. Buckley for the Roxburgh Club, 85–91. See also note below, at f. 608. From King James's account of his brother's death, it appears that he spoke most tenderly to the queen in his last moments. See Clarke's *Life of James II*, i. 749, and Ellis's *Letters*. 'The queen, whom he (the king) had asked for the first thing he said on Munday,

CH. XVII. appear he was of another religion. On Thursday a second fit returned; and then the physicians told the duke, that the king was not like to live a day to an end.

The duke immediately ordered Hudleston, the priest, that had a great hand in saving the king at Worcester fight, for which he was excepted out of all severe acts that were made against priests, to be brought to the lodgings under the bedchamber; and when he was told what was to be done, he was in great confusion, for he had no hostie about him. But he went to another priest that lived in the court, who gave him the pix with an hostie in it; but that poor priest was so frighted, that he run out of Whitehall in such haste that he struck against a post, and seemed to be in a fit of madness with fear[1]. As soon as Hudleston had prepared every thing that was necessary, the duke whispered the king in the ear. Upon that the king ordered that all who were in the bedchamber should withdraw[2], except the earls of Bath[3] and Feversham[4]. The door was double locked, and the company was kept out half an hour: only lord Feversham opened the door once, and called for

when he came out of his fit (she having been present with him as long as her extraordinary passion would give her leave, which at length threw her into fits, not being able to speak, while with him), sent a message to him to excuse her absence, and to beg his pardon, if ever she had offended him in all her life. He replied, "Alas! poor woman! She beg *my* pardon! I beg hers with all my heart."' Letter cccIxxxii. p. 337, vol. iii. of Ellis's *Original Letters*. R.

[1] Higgons, in his *Remarks on this History*, 280, relates that the host, which was given to the king at this time, was fetched from the chapel at Somerset House. R.

[2] 'The king commanded all to retire out of the room, telling them that he had something to communicate to his brother.' Aprice a Romish priest's letter, published in Harris's *Life of Charles II*, ii. 391. Macpherson says from a MS. in his possession, that the persons present besides the duke were the Earl of Bath, and Trevannion, a captain in the Guards. History of Great Britain, vol. i. 421. R.

[3] John Grenville, created Earl of Bath at the Restoration; see vol. i. 178 *note*.

[4] *scil.* Louis de Duras, brother of the Duc de Duras; naturalized and created Lord Duras in 1673. He married Mary, daughter of George Sondes, Earl of Feversham; and succeeded to the title according to entail, in right of his wife.

a glass of water. Cardinal Howard told me at Rome, that Hudleston, according to the relation that he sent thither, made the king go through some acts of contrition, and, after such a confession as he could then make, he gave him absolution and the other sacraments. The hostie stuck in his throat: and that was the occasion of calling for a glass of water. He also gave him extreme unction. All must have been performed very superficially, since it was so soon ended, but the king seemed to be at great ease upon it. It was given out that the king said to Hudleston, that he had saved him twice, first his body, and now his soul; and that he asked him, if he would have him declare himself to be of their church. But it seems he was prepared for this, and so diverted the king from it; and said he took it upon him to satisfy the world in that particular. But though by the principles of all religions whatsoever, he ought to have | obliged him to make open profession of 608
his religion, yet, it seems the consequences of that were MS. 310.
apprehended; for without doubt that poor priest acted by the directions that were given him. The company was suffered to come in, and the king went through the agonies of death with a calm and a constancy that amazed all who were about him and knew how he had lived. This made some conclude that he had made a will, and that his quiet was the effect of that. Ken applied himself much to the awakening the king's conscience. He spoke with a great elevation, both of thought and expression, like a man inspired, as those who were present told me. He resumed the matter often, and pronounced many short ejaculations and prayers, which affected all that were present, except him that was the most concerned, who seemed to take no notice of it, and made no answers to it. Ken pressed the king six or seven times to receive the sacrament: but the king always declined it, saying he was very weak. A table with the elements upon it ready to be consecrated was brought into the room; which occasioned a report to be then spread about, that he had received it. Ken pressed

CH. XVII. him to declare that he desired it, and that he died in the communion of the church of England; to that he answered nothing. Ken asked him if he desired absolution of his sins. It seems the king, if he then thought any thing at all, thought that would do him no hurt. So Ken pronounced it over him: for which he was blamed, since the king expressed no sense or sorrow for his past life, nor any purpose of amendment. It was thought to be a prostitution of the peace of the church, to give it to one, who, after a life led as his had been, seemed to harden himself against every thing that could be said to him[1]. Ken was also censured for another piece of indecency: he presented the duke of Richmond, lady Portsmouth's son, to be blessed by the king[2]. Upon this, some that were in the room cried out, the king was their common father; and upon that all kneeled down for his blessing, which he gave them. The king suffered much inwardly, and said he was burnt up within; of which he complained often, but with great

[1] The account given by King James is this: 'On the fourth day he grew so much worse, that all those hopes vanished, and the doctors declared they absolutely despaired of his life, which made it high time to think of preparing for the other world; accordingly two bishops came to do their function, who, reading the prayers appointed in the Common Prayer book on that occasion, when they came to the place where usually they exhort the sick person to make a confession of his sins, the Bishop of Bath and Wells, who was one of them, advertised him, it was not of obligation; so, after a short exhortation, asked him if he was sorry for his sins? which the king saying he was, the bishop pronounced absolution; and then asked him if he pleased to receive the sacrament? To which he made no reply; and being pressed by the bishop several times, gave no other answer than that it was time enough, or that he would think of it.' He goes on to say, that Charles after this consented that a priest should be sent for. See Clarke's *Life of King James II*, i. 746.

[2] 'When the Duchess of Portsmouth herself came into the room, the bishop prevailed with His Majesty to have her removed, and took that occasion of representing the injury and injustice done to his queen so effectually, that the king was induced to send for her, and asking pardon, had the satisfaction of her forgiveness before he died.' Account of Bishop Ken's life by a relation [*scil.* William Hawkins, great nephew of Ken], p. 12. R. See Plumptre's *Thomas Ken*, i. 183, &c. He was much attached to the son here mentioned, Lord Burford. *H. M. C. Rep.* vii. 373.

decency. He said once, he hoped he should climb up to heaven's gates; which was the only word savouring of religion that he was heard speak [1]. Ch. XVII.

He gathered all his strength to speak his last words to the duke, to which every one hearkened with great attention. He expressed his kindness to him, and that he now delivered all over to him with great joy. He recommended lady Portsmouth over and over again to him. He said, he 609
had always loved her, and he loved her now to the last; and besought the duke, in as melting words as he could fetch out, to be very kind to her and to her son. He recommended his other children to him: and concluded, Let not poor Nelly starve; that was Mrs. Gwyn. But he said nothing of the queen, nor any one word of his people, or of his servants: nor did he speak one word of religion, or concerning the payment of his debts, though he left behind him about 90,000 guineas, which he had gathered either out of the privy purse, or out of that which was sent him from France, or by other methods; all which he had kept so secretly, that no person whatsoever knew any thing of it [2].

He continued in the agony till Friday at 11 o'clock, being the 6th of February $168\frac{4}{5}$; and then died in the fifty-fourth year of his age, after he had reigned, if we reckon from his father's death, thirty-six years, and eight days, or if we reckon from his restoration, twenty-four years, eight months, and nine days [3]. There were many very apparent suspicions Feb. 6, $168\frac{4}{5}$.

[1] From King James's account before cited, it appears that he showed great contrition 'for the sins of his past life, and *particularly for having differred his conversion so long*,' before he received the sacrament from Huddleston's hands, after which the company was called in. *Particularly for that he had deferred his reconciliation so long*, are Father Huddleston's words, in his *Account* published in the year 1688, and inserted in Ralph's *History of England*, i. 834. R.

[2] I heard Will. Chiffinch, who was his closet keeper, say that it was kept for his buildings at Winchester, which he was very fond of at that time. D.

[3] See the minute account of Charles' last moments in Barillon's dispatch of Feb. $\frac{8}{18}$, $168\frac{4}{5}$, and the 'True Relation of the King's Death,' *Somers Tracts*, viii. 429.

CH. XVII. of his being poisoned: for though the first access looked like an apoplexy, yet it was plain in the progress of it that it was no apoplexy. When his body was opened, the physicians who viewed it were, as it were, led by those who might suspect the truth to look upon the parts that were certainly sound. But both Lower and Needham, two famous physicians, told me they plainly discerned two or three blue spots on the outside of the stomach. Needham called twice to have it opened, but the surgeons seemed not to hear him; and when he moved it the second time, he, as he told me, heard Lower say to one that stood next him, Needham will undo us, calling thus to have the stomach opened, for he may see they will not do it. And they were diverted to look to somewhat else: and when they returned to look upon the stomach, it was carried away: so that it was never viewed. Le Fevre, a French physician, told me he saw a blackness in the shoulder: upon which he made an incision, and saw it was all mortified. Short, another physician, that was a papist, but after a form of his own, did very much suspect foul dealing[1]: and he had talked more freely of it than any of the protestants durst do at that time. But he was not long after taken suddenly ill, upon [a] a large draught of wine he had drunk in the house of a popish patient that lived near the Tower, who had sent for him[a], of which he died; and, as he said to Lower, Millington, and some other physicians, he
610 believed that he himself was poisoned for his having spoke
MS. 311. so freely | of the king's death[2]. The king's body was very

[a] substituted for *an entertainment he had been at with some papists.*

[1] One physician told me this from Short himself. S. See, in refutation, Lansdowne's *Works*, ii. 178, and North's *Examen*, 648.

[2] This account is confirmed by Sheffield, Duke of Buckinghamshire, in his *Character of Charles II*, where he observes, that the most knowing and most deserving of all his physicians did not only believe him poisoned, but thought himself so too not long after, for having declared his opinion a little too boldly. Duke of Buckingham's *Works*, ii. 65. See also Welwood's *Memoirs*, 145. R.

indecently neglected. Some parts of his inwards, and some pieces of the fat, were left in the water in which they were washed: all which were so carelessly looked after, that the water being poured out at a scullery hole that went to a drain in the mouth of which a grate lay, these were seen lying on the grate many days after. His funeral was [a] very mean [a]. He did not lie in state: no mournings were given: and the expence of it was not equal to what an ordinary nobleman's [b] funeral will rise to [1]. Many upon this said that he deserved better from his brother, than to be thus ungratefully treated in ceremonies that are public, and that make an impression on those who see them, and who will make severe observations and inferences upon such omissions. But since I have mentioned the suspicions of poison as the cause of his death, I must add, that I never heard any lay those suspicions on his brother [2]. But his dying so critically, as it were in the minute in which he seemed to begin a turn of affairs, made it to be generally the more believed, and that the papists had done it, either by the means of some of Portsmouth's servants, or, as some fancied, by poisoned snuff, for so many of the small veins of the brain

[a] substituted for *indecently private and mean.* [b] substituted for *gentleman's.*

[1] In North's *Autobiography* there is a striking passage as to the reality of the grief caused by Charles' death: 'We walked about like ghosts, generally to and from Whitehall. We met few persons without passion in their eyes, as we also had. We thought of no concerns, public or private, but were contented to live and breathe as if we had naught else to do but to expect the issue of this grand crisis.'

[2] Braddon, however, 186 &c., declares circumstantially that Charles was poisoned by James to prevent him from investigating the death of Essex. On p. 190, he mentions the following curious story: that a pamphlet was published at Amsterdam, in 1684 (British Museum), 'An inquiry into and detection of the barbarous murder of the late Earl of Essex,' proving the Duke of York the principal author; that these were distributed twenty days before the king's death; that one was given to the king, who sent for Lord Allington; that they both promised to make strict inquiry, but that both were seized with illness, and died almost at the same time. See the story in Welwood's *Memoirs*, 173.

CH. XVII. were burst, that the brain was in great disorder: and no judgment could be made concerning it[a]. To this I shall add a very surprising story, that I had in November 1709, from Mr. Henley of Hampshire. He told me that when the duchess of Portsmouth came over to England in the year 1699, he heard that she had talked as if king Charles had been poisoned; which he desiring to have from her own mouth, she gave him this account of it. She was always pressing that king to make both himself and his people easy, and to come to a full agreement with his parliament: and he was come to a final resolution of sending away his brother, and of calling a parliament; which was to be executed the next day after he fell into that fit of which he died. She was put upon the secret, and spoke of it to no person alive but to her confessor: but he told it to some who, seeing what was to follow, took that wicked course to prevent it. Having this from so worthy[1] a

[a] Two lines are here struck out, as follows:—*This some imputed to poisoned snuff. But I must leave dark things to God, and to the great day in which every secret thing will be discovered, and turn to that which is better known and most certain.* And then the subsequent story is added on the opposite page.

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[1] This worthy person was a professed atheist, a zealous Republican, and a most obsequious follower of the Earl of Sunderland in all his notions as well as vices. The character of the lady was well known, who might think it proper to publish something she thought would be agreeable in order to obtain the ends she came over for, which at that time was understood not to be much for the advantage of the nation: therefore was soon dispatched (sent away) by the procurement of her old friend the Earl of Sunderland. D. I wonder Mr. Henley never told me this story. S. Father of the present (1759) Lord Keeper; he was a person of considerable fashion and fortune, of great parts and genius, and lived much with the best men of that sort. He was deemed a man of honour, and very firm to his principles and party. Garth dedicated his famous poem called the 'Dispensary' to him, and it was he who moved in the House of Commons for the address to the queen to promote Hoadly (now Bishop of Winton) to some dignity in the Church, on account of his writings in defence of liberty and the Protestant religion. It was done at the time of the impeachment of Sacheverel. O. I have heard the late Duke of Richmond say, that his grandmother the Duchess of Portsmouth has said the same thing to him, but there seem (either *seems*

person as I have set it down without adding the least circumstance to it, I thought it too important not to be mentioned in this history. It discovers both the knavery of confessors and the practices of papists so evidently, CH. XVII.

or *seemed*) no foundation for it. H. (Earl of Hardwicke.) Mr. Fox, in his *History of the Reign of James the Second*, has the following passage: 'His death was by many supposed to have been the effect of poison; but although there is reason to believe that this suspicion was harboured by persons very near to him, and among others by the Duchess of Portsmouth, it appears upon the whole to rest upon very slender foundations.' Page 67, where this note is subjoined by Lord Holland, his nephew: 'Mr. Fox had this report from the family of his mother, great-granddaughter to the Duchess of Portsmouth.' That a suspicion therefore was actually expressed by this lady, is confirmed by the testimony of Mr. Fox, and now by the Earl of Hardwicke, in his note on the bishop's work; and the contrary notion of her not having done so, is by no means established by the following extract from Lord Lansdowne's *Works*, brought forward by Mr. Rose in the Appendix to his *Observations* on Mr. Fox's historical work, p. lviii: 'His lordship (Bishop Burnet) had it from Mr. Henley, who had it from the Duchess of Portsmouth, that King Charles the Second was poisoned. It was my fortune to be residing in Paris when this history was published. Such a particular was too remarkable not to raise my curiosity: the duchess was then at Paris: I employed a person who had the honour to be intimate with her grace, to inquire from her own mouth into the truth of this passage: her reply was this: "That she recollected no acquaintance with Mr. Henley, but she remembered well Doctor Burnet and his character":' viz. that the king and the duke, and the whole court, had no opinion of his veracity: where it is to be remarked, that the duchess does not declare her own opinion on the subject in her answer to the inquiry. Besides, as it is well observed by Serjeant Heywood, in his *Vindication* of Mr. Fox, Appendix, p. 1, the temper of mind in which the duchess received this inquiry, naturally leads to a suspicion that she was displeased at Mr. Henley for having betrayed her confidence, especially as it is probable that she was satisfied in her own mind of the truth of the fact she had been represented to have related. See also Harris's *Life of Charles II*, ii. 380. Mr. Ellis, in the fourth volume of his *Second Series of Original Letters*, 74, has inserted a report, drawn up in Latin, of the king's last illness, which he introduces with this preface: 'Of the illness which immediately preceded the death of Charles the Second, a very full and curious detail in Latin is preserved in the Library of the Society of Antiquaries, together with copies of the prescriptions administered (two of them signed by no fewer than fourteen physicians), and an account of the appearance of his majesty's body when opened; the whole completely removing the suspicion that the king was taken off by poison.' R.

CH. XVII. that there is no need of making any further reflections on it.

611 Thus lived and died king Charles the second. He was the greatest instance in history of the various revolutions of which any one man seemed capable. He was bred up the first twelve years of his life with the splendour that became the heir of so great a crown. After that he passed through eighteen years in great inequalities, unhappy in the war, in the loss of his father, and of the crown of England. Scotland did not only receive him, though upon terms hard of digestion, but made an attempt upon England for him, though a feeble one. He lost the battle of Worcester with too much indifference: and then he shewed more care of his person than became one who had so much at stake[1]. He wandered about England for ten weeks after that, hid from place to place: but, under all the apprehensions he[a] had then upon him, he shewed a temper so careless, and so much turned to levity, that he was then diverting himself with little household sports in as unconcerned a

[a] *and all about him*, struck out.

[1] 'If he means too much care of his person in the action, the reflection is false, and if in the flight, stupid. The behaviour of the young king, on this occasion, was so distinguished, as to extort the praise of an enemy not over generous. He led on his foot in person, and made no small impression on Cromwell's firmest battalions. On this occasion he had no less than two, if not three horses killed under him.' Higgons's *Remarks on this History*, 285. So generally known was the king's courageous conduct at the battle of Worcester, that Bishop Fell, in a tract published by him before the Restoration, calls him 'a prince of eminent personal valour, which several of the army itself are witnesses of, especially at Worcester and Mardike.' *The Interest of England stated*, reprinted among Maseres's *Select Tracts*, 688. R. [There certainly seems nothing to justify Burnet's suggestion of want of personal courage in any available source of information on the battle; he is somewhat fond of making such suggestions, e. g. about Montrose, *supra* i. 71. The only support for the charge is in Bisset's *Commonwealth of England*, ii. 195. Against it see Bates's *Elenchus*; the evidence of royalist prisoners after the battle, *Clarendon State Papers*, ii. 107, 108—the account of the second having however been 'reviewed and perfected by some on this side of the water, which renders it open to suspicion'; and Blount in the *Boscobel Tracts*, ed. J. Hughes, 1857, 144, 206.]

manner as if he had made no loss, and had been in no danger at all[1]. He got at last out of England: but he had been obliged to so many, who had been faithful to him, and careful of him, that he seemed afterwards to resolve to make an equal return to them all, and finding it not so easy to reward them as they deserved, he forgot them all alike. Most[a] princes seem to have this pretty deep in them, and think that they ought never to remember past services, but that their acceptance of them is a full reward. He, of all in our age, exerted this piece of prerogative in the amplest manner: for he never seemed to charge his memory, or to trouble his thoughts, with the sense of any of the services that had been done him. While he was abroad, at Paris, Cologne, or Brussels, he never seemed to lay any thing to heart. He pursued all his diversions and irregular pleasures in a free career; and seemed to be as serene under the loss of a crown, as the greatest philosopher could have been. Nor did he willingly hearken to any of those projects, with which he often complained that his chancellor persecuted him. That in which he seemed most concerned was to find money for supporting his expense. So that it was often said that if Cromwell would have compounded the matter, and had given him a

[a] substituted for *All.*

[1] Where does this appear? O. How showing more care of his person than became him is to be reconciled to a thoughtless unconcernedness in the utmost danger, I am at a loss to find out; but there are so many contradictions and inconsistencies in this elaborate malicious character of King Charles the Second, that whoever reads it will soon find there is more of a disappointed churchman's revenge than truth in the whole composition. That the king had many faults and infirmities, is true; and who is without? But that he had many great perfections and good qualities, is as true. D. Compare a note of Lord Dartmouth's, vol. i. 80, mentioning the unconcern shown by the king's father and brother on signal events in their lives. And see a good sketch of this king's personal character by Evelyn in his *Memoirs*, i. 545. Sir Patrick Hume, one of the shrewdest and most determined of the Scottish malcontents, speaks of the king's 'policy and cunning, wherein he exceeded all about him admitted to his service and counsels.' *Narrative of the Earl of Argyle's Expedition*, 4. R.

CH. XVII. good round pension, that he might have been induced to resign his title to him. During his exile he delivered himself so entirely to his pleasures, that he became incapable of application. He spent little[a] of his time in reading or study, and yet less in thinking: and in the state his affairs were then in, he accustomed himself to say to every person,
612 and upon all occasions, that which he thought would please them. So that words or promises went very easily from him, and he had so ill an opinion of mankind, that he thought the great art of living and of governing was to manage all things and all persons with a depth of craft and dissimulation. And in that few men in the world could put on the appearances of sincerity better than he could, under which so much artifice[b] was usually hid, that in conclusion he could deceive none, for all were become mistrustful of him. He had great vices, but scarce any[c] virtues to correct them. He had in him some vices that were less hurtful, which corrected his more hurtful ones. He was during the active part of life given up to sloth and lewdness, to such a degree that he hated business, and could not bear the engaging in any thing that gave him much trouble, or put him under any constraint; and though he desired to become absolute, and to overturn both our religion and our laws, yet he would neither run the risk, nor give himself the trouble, which so great a design required. He had an appearance of gentleness in
MS. 312. his outward | deportment: but he seemed to have no bowels nor tenderness in his nature: and in the end of his life he became cruel[1]. He was apt to forgive all crimes, even blood itself, yet he never forgave any thing that was done against himself, after his first and general act of indemnity, which was to be reckoned as done rather upon maxims of state than inclinations of mercy. He delivered

[a] substituted for *no part.* [b] *and fraud* struck out. [c] substituted for *no.*

[1] See Roger North on this passage, *Life of Lord Keeper Guilford*, sect. 372.

himself up to a most enormous course of vice[a], without any sort of restraint, even from the consideration of the nearest relations[1]: and the most studied extravagancies that way seemed to the very last to be much delighted in and pursued by him. He had the art of making all people grow fond of him at first, by a softness in his whole way of conversation, as he was certainly the best bred man of the age; but when it appeared how little could be built on his promises, they were cured of the fondness that he was apt to raise in them. When he saw young men of quality that had more than ordinary in them, he drew them about him and set himself to corrupt them both in religion and morality; in which he proved so unhappily successful, that he left England much changed at his death from what he had found it at his restoration[b]. [c] He loved to talk over all the stories of his life to every new man that came about him. His stay in Scotland, and the share he had in the war of Paris, in carrying messages from the one side to the other, were his common topics. He went over these in a very graceful manner, but so often, and so copiously, that 613 all those who had been long accustomed to them grew very weary of them, and when he entered on those stories they usually withdrew: so that he often began them in a full audience, and before he had done there were not above four or five left about him: which drew a severe censure from Wilmot, earl of Rochester. He said he wondered to see a man have so good a memory as to repeat the same story without losing the least circumstance, and yet not remember that he had told it to the same persons the very day before. This made him fond of strangers, for they hearkened to all his often repeated stories, and went away as in a rapture at such an uncommon condescension in a king[c].

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[a] substituted for *lewdness. his soft manner, and* struck out.

[b] *He charmed all that came about him by*

[c] added on the opposite page.

[1] Alluding to what was said of some gallantries, when he met his sister, the Duchess of Orleans, at Dover. O. [Upon this abominable and groundless scandal, see vol. i. 539 note.]

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His person and temper, his vices as well as his fortunes, did resemble the character that we have given us of Tiberius[1] so much, that it were easy to draw the parallel between them. Tiberius his banishment, and his coming afterwards to reign, makes the comparison in that respect come pretty near. His hating of business, and his love of pleasures, his raising of favourites and trusting them entirely, and his pulling them down and hating them excessively, his art of covering deep designs, particularly of revenge, with an appearance of softness, brings them so near a likeness, that I did not wonder much to observe the resemblance of their face and person. At Rome I saw one of the last statues made for Tiberius, after he had lost his teeth; but bating the alteration which that made, it was so like king Charles, that prince Borghese, and signior Dominico to whom it belonged, did agree with me in thinking that it looked like a statue made for him[2]. Few things ever went near his heart. The duke of Gloucester's death seemed to touch him much: but those who knew him best thought it was because he had lost that by which only he could have balanced the surviving brother, whom he hated, and yet he embroiled all his affairs to preserve the succession to him.

[1] Cf. Welwood's *Memoirs*, 128, &c. It seems probable that Welwood derived his account from Burnet, not vice versa. On 131 he writes: 'One of the most learned men of the age told me that walking in the Farnesian Gardens at Rome with a noble Italian that had been at the court of England, &c.' Burnet's work was published in 1724 (and Welwood's considerably earlier [1710]), but it was composed before 1700; and from the Preface it is clear that extracts were in people's hands long before 1724.

[2] Sheffield, Duke of Bucks, who was brought up in his court, says of the king, that he was an illustrious exception to all the common rules of physiognomy; for with a most saturnine harsh sort of countenance, he was both of a merry and merciful disposition. *Works*, ii. 64. See also Welwood's *Memoirs*, 149. And although Mr. Fox thinks the bishop perfectly justifiable in refusing to Charles the praise of clemency and forgiveness, yet he supposes that the propriety of Burnet's comparison between him and Tiberius was never felt by any one but its author. *History of the early part of the Reign of James II*, 68, 69. See also Hume, at the conclusion of the 'Reign of Charles II.' R.

His ill conduct in the first Dutch war, and those terrible calamities of the plague and fire of London, with that loss and reproach he suffered by the insult at Chatham, made all people conclude there was a curse upon his government. His throwing the public hatred at that time upon lord Clarendon was both unjust and ingrateful. And when his people had brought him out of all his difficulties upon his entering into the triple alliance, his selling that to France, and his entering on the second Dutch war with as little colour as he had for the first, his beginning it with the attempt on the Dutch Smyrna fleet, the shutting up the exchequer, and his declaration for toleration, which was a step for the introduction of popery, was such a chain of black actions, flowing from blacker designs, that it 614 amazed those who had [a] known all this, to see with what impudent strains of flattery addresses were penned during his life, and yet more grossly after his death. His contributing so much to the raising the greatness of France, chiefly at sea, was such [b] an error, that it could not flow from want of thought or of true sense. Ruvigny told me, he desired that all the methods the French took in the increase and conduct of their naval force might be sent him; and he said he seemed to study them with concern and zeal. He shewed what errors they committed, and how they ought to be corrected, as if he had been a viceroy to France, rather than a king that ought to have watched over and prevented that progress they made, as the greatest of all the mischiefs that could happen to him or to his people. They that judged the most favourably of this, thought it was done out of revenge to the Dutch, that with the assistance of so great a fleet as France could join to his own, he might be able to destroy them. But others put a worse construction on it, and thought that, seeing he could not quite master or deceive his subjects by his own strength and management, he was willing to help forward the greatness of the French at sea, that by their assistance

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[a] *seen and* struck out. [b] substituted for *so great.*

CH. XVII. he might more certainly subdue his own people; according to what was generally believed to have fallen from lord Clifford, that if the king must be in a dependance, it was better to pay it to a great and generous king than to five hundred of his own insolent subjects.

No part of his character looked wickeder[a] as well as meaner than that he was, all the while that he was professing to be of the church of England, expressing both
MS. 313. zeal and affection | to it, yet secretly reconciled to the church of Rome: thus mocking God, and deceiving the world with so gross a prevarication. And his not having the honesty or courage to own it at the last, and not shewing any sign of the least remorse for his ill led life, or any tenderness either for his subjects in general or for the queen and his servants, and his recommending only his whores and bastards to his brother's care, would have been a strange conclusion to any other life, but was well enough suited to all the other parts of his.

The two papers found in his strong box concerning religion, and afterwards published by his brother, looked like study and reasoning. [b]Tenison told me he saw the originals in Pepys's hand, to whom king James trusted them
615 for some time[1]. They were interlined in several places: and the interlinings seemed to be writ in a hand different from that in which the papers were writ. But he was not so well acquainted with the king's hand as to make any judgment in the matter, whether they were writ by him or not[b]. All that knew himself, when they read them, did without any sort of doubting conclude that he never composed them: for he never read the Scriptures, nor laid things together further than to turn them to a jest or some lively expression. These papers were probably writ either

[a] substituted for *odder*.

[b] added on the opposite page.

[1] 'When his majesty had shown Mr. Pepys these originals, he was pleased to lend him the *copies* of those two papers, attested at the bottom in four or five lines, under his own hand.' Evelyn's *Memoirs*, i. 575. R.

by lord Bristol or lord Aubigny, who knew that secret, and might give him those papers as abstracts of some discourses they had with him on those heads, to keep him fixed to them. And it is very probable that they, apprehending their danger if any such papers had been found about him writ in their hand, might prevail with him to copy them out himself, though his laziness that way made it certainly no easy thing to bring him to give himself so much trouble. He talked over a great part of them to myself: so that as soon as I saw them I remembered his expressions, and perceived that he had made himself the master of that argument, as far as those papers could carry him. But the publishing them shewed either a want of judgment or of regard to his memory in those who did it: for the greatest kindness could be shewed to his memory was to let both his papers and himself be forgotten [1]. CH. XVII.

Which I should certainly have done, if I had not thought that the laying open of what I knew concerning him and his affairs might be of some use to posterity. And therefore, how ingrateful soever this labour has proved to myself, and how unacceptable soever it may be to some, who are either obliged to remember him gratefully or that by the engagement of parties and interests are under other biasses,

[1] 'The papers found by his brother in his strong box, and which that misguided prince published soon after, furnish no evidence of a change in his faith. They were not of his handwriting. They were known to have been delivered to him at the instance of some Roman Catholics by a Lord Blessington, who, as an object of ridicule, had access to his person from his being the author of a foolish play. He had produced the papers frequently to some of his courtiers to excite laughter, by exposing with poignant satire and wit the absurd positions which they contained. The Duke of York was no stranger to this circumstance, yet he conveyed to the world the papers, as containing the sentiments of the king upon the subject of religion. He had certainly expressed frequently to the duke his predilection for the Romish faith.' Macpherson in his *History of Great Britain*, i. 422, citing MS. Anecdotes in his possession. The fact that Charles had declared to his brother not long before his decease his preference of the Roman Catholic religion, grounded on political reasons, is confirmed by Evelyn in his *Memoirs*, i. 574, where, however, it appears that the papers, blotted and interlined, were written in the king's own hand. R.

CH. XVII. yet I have gone through all that I knew relating to his life and reign with that regard to truth, and of what I think may be instructive to mankind, that became an impartial writer of history, and one who believes that he must give an account to God of what he writes as well as of what he says and does [1].

[a] This I begun to write in the year 1683. I continued in the year 84, and ended it in the year 1686, and have now writ it all over again and ended it in August 1703, and revised it in March 1711 [a].

[a] These last words are added by a hand apparently a little feebler.

[1] He was certainly a very bad prince, but not to the degree described in this character, which is poorly drawn, and mingled with malice very unworthy an historian, and the style abominable, as in the whole history, and the observations trite and vulgar. S. The picture undoubtedly needs great modification by the light of Sheffield's terse and trenchant account. The *Examen* should also be studied.

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