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and S. E. Winbolt

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Apparent typographical errors have been corrected. The use of hyphens
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A notice of other books in the series has been moved to the end of the
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A CONSTITUTION IN MAKING

(1660-1714)

COMPILED BY

G. B. PERRETT, M.A. LOND.

EMMANUEL COLLEGE, CAMBRIDGE



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THIS series of English History Source Books is intended for use with any ordinary textbook of English History. Experience has conclusively shown that such apparatus is a valuable—nay, an indispensable—adjunct to the history lesson. It is capable of two main uses: either by way of lively illustration at the close of a lesson, or by way of inference-drawing, before the textbook is read, at the beginning of the lesson. The kind of problems and exercises that may be based on the documents are legion, and are admirably illustrated in a *History of England for Schools*, Part I., by Keatinge and Frazer, pp. 377-381. However, we have no wish to prescribe for the teacher the manner in which he shall exercise his craft, but simply to provide him and his pupils with materials hitherto not readily accessible for school purposes. The very moderate price of the books in this series should bring them within the reach of every secondary school. Source books enable the pupil to take a more active part than hitherto in the history lesson. Here is the apparatus, the raw material: its use we leave to teacher and taught.

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In regard to choice of subject-matter, while trying to satisfy the natural demand for certain "stock" documents of vital importance, we hope to introduce much fresh and novel matter. It is our intention that the majority of the extracts should be lively in style—that is, personal, or descriptive, or rhetorical, or even strongly partisan—and should not so much profess to give the truth as supply data for inference. We aim at the greatest possible variety, and lay under contribution letters, biographies, ballads and poems, diaries, debates, and newspaper accounts. Economics, London, municipal, and social life generally, and local history, are represented in these pages.

The order of the extracts is strictly chronological, each being numbered, titled, and dated, and its authority given. The text is modernised, where necessary, to the extent of leaving no difficulties in reading.

We shall be most grateful to teachers and students who may send us suggestions for improvement.

S. E. WINBOLT.
KENNETH BELL.

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A CONSTITUTION IN MAKING

(1485-1547)

{1}

DECLARATION OF BREDA (1660).

Source.—*Parliamentary History*. London, 1810. Vol. iv., pp. 16-18.

CHARLES R.

Charles, by the grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, etc. To all our loving subjects, of what degree or quality soever, greeting.

If the general distraction and confusion which is spread over the whole kingdom doth not awaken all men to a desire and longing that those wounds which have so many years together been kept bleeding, may be bound up, all we can say will be to no purpose; however, after this long silence, we have thought it our duty to declare how much we desire to contribute thereunto; and that as we can never give over the hope, in good time, to obtain the possession of that right which God and nature hath made our due, so we do make it our daily suit to the Divine Providence, that He will, in compassion to us and our subjects after so long misery and sufferings, remit and put us into a quiet and peaceable possession of that our right, with as little blood and damage to our people as is possible; nor do we desire more to enjoy what is ours, than that all our subjects may enjoy what by law is theirs, by a full and entire administration of justice throughout the land, and by extending our mercy where it is wanted and deserved.

And to the end that the fear of punishment may not engage any, conscious to themselves of what is past, to a perseverance in guilt for the future, by opposing the quiet and happiness of their country, in the restoration of King, Peers and people to their just, ancient and fundamental rights, we do, by these presents, declare, that we do grant a free and general pardon, which we are ready, upon demand, to pass under our Great Seal of England, to all our subjects, of what degree or quality soever, who, within forty days after the publishing hereof, shall lay hold upon this our grace and favour, and shall, by any public act, declare their doing so, and that they return to the loyalty and obedience of good subjects; excepting only such persons as shall hereafter be excepted by Parliament, those only to be excepted. Let all our subjects, how faulty soever, rely upon the word of a King, solemnly given by this present declaration, that no crime whatsoever, committed against us or our royal father before the publication of this, shall ever rise in judgment, or be brought in question, against any of them, to the least endamage of them, either in their lives, liberties or estates, or (as far forth as lies in our power) so much as to the prejudice of their reputations, by any reproach or term of distinction from the rest of our best subjects; we desiring and ordaining that henceforth all notes of discord, separation and difference of parties be utterly abolished among all our subjects, whom we invite and conjure to a perfect union among themselves, under our protection, for the re-settlement of our just rights and theirs in a free Parliament, by which, upon the word of a King, we will be advised.

{2}

And because the passion and uncharitableness of the times have produced several opinions in religion, by which men are engaged in parties and animosities against each other (which, when they shall hereafter unite in a freedom of conversation, will be composed or better understood), we do declare a liberty to tender consciences, and that no man shall be disquieted or called in question for differences of opinion in matter of religion, which do not disturb the peace of the kingdom; and that we shall be ready to consent to such an Act of Parliament, as, upon mature deliberation, shall be offered to us, for the full granting that indulgence.

{3}

And because in the continued distractions of so many years, and so many and great

revolutions, many grants and purchases of estates have been made to and by many officers, soldiers and others, who are now possessed of the same, and who may be liable to actions at law upon several titles, we are likewise willing that all such differences, and all things relating to such grants, sales and purchases, shall be determined in Parliament, which can best provide for the satisfaction of all men who are concerned.

And we do further declare, that we will be ready to consent to any Act or Acts of Parliament to the purposes aforesaid, and for the full satisfaction of all arrears due to the officers and soldiers in the army under the command of General Monk; and that they shall be received into our service upon as good pay and conditions as they now enjoy.

Given under our Sign Manual and Privy Signet, at our Court at Breda, this $\frac{4}{14}$ day of April, 1660, in the twelfth year of our reign.

THE RESTORATION (1660).

Source.—Clarendon's *History of the Great Rebellion*. Folio Edition, 1759. Vol. iv., pp. 1-8.

The easy and glorious Reception of the King, in the Manner that hath been mentioned, without any other Conditions than what had been frankly offered by himself in his Declaration and letters from *Breda*; the Parliament's casting themselves in a Body at his Feet, in the Minute of his Arrival at *Whitehall*, with all the Professions of Duty and Submission imaginable; and no other Man having Authority there, but They who had either eminently served the late King, or who were since grown up out of their Nonage from such Fathers, and had throughly manifested their past Fidelity to his present Majesty; the rest of those, who having more Power in the late Times had exceeded them in Mischief, than care for their own Indemnity: This Temper sufficiently evident, and the universal Joy of the People, which was equally visible, for the total Suppression of all those who had so many Years exercised Tyranny over them, made most Men believe both abroad and at home, that God had not only restored the King miraculously to his Throne, but that He had, as He did in the Time of *Hezekiah*, prepared the People, for the Thing was done suddenly, (2 Chron. xxix. 36) in such a Manner that his Authority and Greatness would have been more illustrious, than it had been in any of his Ancestors. And it is most true, and must never be denied, that the People were admirably disposed and prepared to pay all the Subjection, Duty and Obedience, that a just and prudent King could expect from them, and had a very sharp Aversion and Detestation of all those who had formerly misled and corrupted them; so that, except the General, who seemed to be possessed entirely of the Affection of the Army, and whose Fidelity was now above any Misapprehension, there appeared no Man whose Power and Interest could in any Degree shake or endanger the Peace and Security the King was in; the Congratulations for his Return being so universal, from all the Counties of *England*, as well as from the Parliament and City; from all those who had most signally disserved and disclaimed him, as well as from those of his own Party and those who were descended from them: Insomuch as the King was wont merrily to say, as hath been mentioned before, "that it could be no Bodies Fault but his own that He had stayed so long abroad, when all Mankind wished him so heartily at home." It cannot therefore but be concluded by the Standers by, and the Spectators of this wonderful Change and Exclamation of all Degrees of Men, that there must be some wonderful Miscarriages in the State, or some unheard of Defect of Understanding in those who were trusted by the King in the Administration of his Affairs; that there could in so short a Time be a new Revolution in the general Affections of the People, that they grew even weary of that Happiness They were possessed of and had so much valued, and fell into the same Discontents and Murmuring which had naturally accompanied them in the worst Times.

* * * * *

The King brought with him from beyond the Seas that Council which had always attended him, and whose Advice He had always received in his Transactions of greatest Importance; and his small Family, that consisted of Gentlemen who had for the most Part been put about him by his Father, and constantly waited upon his Person in all his Distress, with as much Submission and Patience undergoing their Part in it, as could reasonably be expected from such a People; and therefore had the keener Appetites, and the stronger Presumption to push on their Fortunes (as They called it) in the Infancy of their Master's Restoration, that other Men might not be preferred before them, who had not borne the Heat of the Day, as They had done.

Of the Council were the Chancellor, the Marquis of *Ormond*, the Lord *Colepepper*, and Secretary *Nicholas*, who lived in great Unity and Concurrence in the Communication of the most secret Counsels. There had been more of his Council abroad with him, who, according to the Motions He made and the Places He had resided in, were some Times with him, but other remained in *France*, or in some Parts of *Holland* and *Flanders*, for their Convenience, ready to repair to his Majesty when They should be called. The four nominated above were They who constantly attended, were privy to all Counsels, and waited upon him in his Return.

The Chancellor was the highest in Place, and thought to be so in Trust, because He was most in private with the King, had managed most of the secret Correspondence in England

and all Dispatches of Importance had passed through his Hands; which had hitherto been with the less Envy, because the indefatigable Pains he took were very visible, and it was as visible that He gained Nothing by it. His Wants and Necessities were as great as any Man's, nor was the Allowance assigned to him by the King in the least Degree more, or better paid, than every one of the Council received. Besides the Friendship was so entire between the Marquis of *Ormonde* and him, that no Arts that were used could dissolve it; and it was enough known, that as He had an entire and full Confidence from the King and a greater Esteem than any Man, so that the Chancellor so entirely communicated all Particulars with him, and there was not the least Resolution taken without his Privy and Approbation. The Chancellor had been employed by the last King in all the Affairs of the greatest Trust and Secrecy; had been made Privy Counsellor and Chancellor of the Exchequer in the very Beginning of the Troubles; and had been sent by that King into the *West* with his Son, when He thought their Interest would be best preserved and provided for by separating their Persons. A greater Testimony and Recommendation a Servant could not receive from his Master, than the King gave of him to the Prince, who from that Time treated him with as much Affection and Confidence as any Man, and which (notwithstanding very powerful Opposition) He continued and improved to this Time of his Restoration; and even then rejected some Intimations rather than Propositions which were secretly made to him at the *Hague*, that the Chancellor was a Man very much in the Prejudice of the Presbyterian Party, as in Truth He was, and therefore that his Majesty would do best to leave him behind, till He should be himself settled in *England*: Which the King received with that Indignation and Disdain, and answered the Person, who privately presumed to give the Advice, in such a manner, that He was troubled no more with the Importunity, nor did any Man ever own the Advice. {6}

* * * * *

The first Mortification the King met with was as soon as He arrived at *Canterbury*, which was within three Hours after He landed at *Dover*; and where He found many of those who were justly looked upon, from their own Sufferings or those of their Fathers, and their constant adhering to the same Principles, as of the King's Party, who with Joy waited to kiss His Hand, and were received by him with those open Arms and flowing Expressions of Grace, calling all those by their Names who were known to him, that They easily assured themselves of the Accomplishment of all their Desires from such a Generous Prince. And some of them, that They might not lose the first Opportunity, forced him to give them present Audience, in which They reckoned up the insupportable Losses undergone by themselves or their Fathers, and some services of their own; and thereupon demanded the present Grant or Promise of such or such an Office. Some, for the real small Value of one though of the first *Classis* pressed for two or three with such Confidence and Importunity, and with such tedious Discourses, that the King was extremely nauseated with their Suits, though his Modesty knew not how to break from them; that He no sooner got into his Chamber, which for some Hours He was not able to do, than He lamented the Condition to which He found He must be subject: And did in Truth from that Minute contract such a prejudice against the Persons of some of those, though of the greatest Quality, for the Indecency and Incongruity of their Pretences, that He never afterwards received their Addresses with his usual Grace or Patience, and rarely granted any Thing They desired, though the Matter was more reasonable, and the Manner of asking much more modest. {7}

But there was another Mortification which immediately succeeded this, that gave him much more Trouble, and in which He knew not how to comport himself. The General, after He had given all necessary Orders to his Troops, and sent a short Dispatch to the Parliament of the King's being come to *Canterbury*, and of his Purpose to stay there two Days till the next *Sunday* was past, He came to the King in his Chamber, and in a short, secret Audience, and without any Preamble or Apology, as He was not a Man of a graceful Elocution, He told him "that He could not do him better Service, than by recommending to him such Persons, who were most grateful to the People, and in Respect of their Parts and Interests were best able to serve him." And thereupon gave him a large Paper full of Names, which the King in Disorder enough received, and without reading put it into his Pocket that He might not enter into any particular Debate upon the Persons, and told him "that He would be always ready to receive his Advice, and willing to gratify him in any Thing he should desire, and which would not be prejudicial to his Service." The King, as soon as He could, took an Opportunity, when there remained no more in his Chamber, to inform the Chancellor of the first Assaults He had encountered as soon as He alighted out of his Coach, and afterwards of what the General had said to him; and thereupon took the Paper out of his Pocket and read it. It contained the Names of at least threescore and ten Persons, who were thought fittest to be made Privy Counsellors; in the whole Number whereof, there were only two, who had ever served the King or been looked upon as zealously affected to his Service, the Marquis of *Hertford*, and the Earl of *Southampton*, who were both of so universal Reputation and Interest, and so well known to have the very particular Esteem of the King, that They needed no such Recommendation. {8}

All the rest were either those Counsellors who had served the King, and deserted him by adhering to the Parliament, or of those who had most eminently disserved him in the Beginning of the Rebellion, and in the carrying it on with all Fierceness and Animosity until the new Model, and dismissing the Earl of *Essex*: Then indeed *Cromwell* had grown terrible to them, and disposed them to wish the King were again possessed of his regal Power, and which They did but wish. There were then the Names of the principal Persons of the

Presbyterian Party, to which the General was thought to be most inclined, at least to satisfy the foolish and unruly Inclinations of his Wife. There were likewise the Names of some who were most notorious in all the other Factions; and of some who in Respect of their mean Qualities and meaner Qualifications, no body could imagine how They could come to be named, except that, by the very odd Mixture, any sober and wise Resolutions and Concurrence might be prevented.

The King was in more than ordinary Confusion with the reading this Paper, and knew not well what to think of the General, in whose absolute Power He now was. However He resolved in the Entrance upon his Government not to consent to such Impositions, which might prove perpetual Fetters and Chains upon him ever after. He gave the Paper therefore to the Chancellor, and bade him "take the first Opportunity to discourse the Matter with the General" (whom He had not yet saluted) "or rather with Mr *Morrice* his most intimate Friend," whom He had newly presented to the King, and "with Both whom He presumed He would shortly be acquainted," though for the present both were equally unknown to him. Shortly after, when mutual visits had passed between them, and such Professions as naturally are made between Persons who were like to have much to do with each other; and Mr *Morrice* being in private with him, the Chancellor told him "how much the King was surprised with the Paper He had received from the General, which at least recommended (and which would have always great Authority with him) some such Persons to his Trust, in whom He could not yet, till They were better known to him, repose any Confidence." And thereupon He read many of their Names, and said, "that if such Men were made Privy Counsellors, it would either be imputed to the King's own Election, which would cause a very ill Measure to be taken of his Majesty's Nature and Judgement; or (which more probably would be the Case) to the Inclination and Power of the General, which would be attended with as ill Effects." Mr *Morrice* seemed much troubled at the Apprehension, and said, "the Paper was of his Handwriting, by the General's Order, who He was assured had no such Intention; but that He would presently speak with him and return," which He did within less than an Hour, and expressed "the Trouble the General was in upon the King's very just Exception; and that the Truth was, *He had been obliged to have much Communication with Men of all Humours and Inclinations, and so had promised to do them good Offices to the King, and could not therefore avoid inserting their Names in that Paper, without any Imaginations that the King would accept them: That he had done his Part, and all that could be expected from him, and left the King to do what He had thought best for his own Service, which He would always desire him to do, whatever Proposition he should at any Time presume to make to his Majesty, which He would not promise should be always reasonable. However, He did still heartily wish that his Majesty would make use of some of those Persons,*" whom He named, and said, "*He knew most of them were not his Friends, and that his Service would be more advanced by admitting them, than by leaving them out.*"

The King was abundantly pleased with this good Temper of the General, and less disliked those, who He discerned would be grateful to him, than any of the rest: And so the next Day, He made the General Knight of the *Garter*, and admitted him of the Council; and likewise at the same Time gave the Signet to Mr *Morrice*, who was sworn of the Council and Secretary of State; and Sir *Antony Ashley Cooper* who had been presented by the General under a special Recommendation, was then too sworn of the Council, and the rather, because having lately married the Niece of the Earl of *Southampton* (who was then likewise present, and received the *Garter* to which He had been elected some Years before) it was believed that his slippery Humour would be easily restrained and fixed by the Uncle. All this was transacted during his Majesty's Stay at *Canterbury*.

Upon the 29th of *May*, which was his Majesty's Birth-Day, and now the Day of his Restoration and Triumph, He entered *London* the Highway from *Rochester* to *Blackheath*, being on both Sides so full of Acclamations of Joy, and crowded with such a Multitude of People that it seemed one continued Street wonderfully inhabited. Upon *Blackheath* the Army was drawn up, consisting of above fifty thousand Men, Horse and Foot, in excellent Order and Equipage, where the General presented the chief Officers to kiss the King's Hands, which Grace They seemed to receive with all Humility and Chearfulness. Shortly after, the Lord Mayor of *London*, the Sheriffs, and Body of the Aldermen, with the whole Militia of the City, appeared with great Lustre; whom the King received with a most graceful and obliging Countenance, and knighted the Mayor and all the Aldermen, and Sheriffs, and the principal Officers of the Militia: an Honour the City had been without near eighteen years, and therefore abundantly welcome to the Husbands and their Wives. With this Equipage the King was attended through the City of *London*, where the Streets were railed in on Both Sides that the Livery of the Companies of the City might appear with the more Order and Decency, till he came to *Whitehall*; the Windows all the way being full of Ladies and Persons of Quality, who were impatient to fill their Eyes with a beloved Spectacle of which They had been so long deprived. The King was no sooner at *Whitehall*, but (as hath been said) the Speakers, and Both Houses of Parliament, presented themselves with all possible Professions of Duty and Obedience at his Royal Feet, and were even ravished with the cheerful Reception They had from him. The Joy was universal; and whosoever was not pleased at Heart, took the more Care to appear as if He was; and no Voice was heard but of the highest Congratulation, of extolling the Person of the King, admiring his Condescensions and Affability, raising his Praises to Heaven, and cursing and detesting the Memory of those villains who had so long excluded so meritorious a Prince, and thereby withheld that Happiness from them, which they should enjoy in the largest Measure they could desire or

wish.

THE ACT OF UNIFORMITY (1662).

Source.—*Statutes of the Realm*. Vol. v., pp. 364-370.

Whereas in the first year of the late Queen Elizabeth there was one uniform order of common service and prayer and of the administration of sacraments, rites, and ceremonies in the Church of England ... compiled by the reverend bishops and clergy, intituled, The Book of Common Prayer ... and enjoined to be used by Act of Parliament ... and yet ... a great number of people in divers parts of this realm ... do wilfully and schismatically ... refuse to come to their parish churches ... upon the Sundays and other days ... appointed to be kept as holy days; And whereas by the great and scandalous neglect of ministers in using the said order or liturgy ..., great mischiefs and inconveniences, during the times of the late unhappy troubles, have arisen ... and many people have been led into factions and schisms, to the great decay and scandal of the reformed religion of the Church of England, and to the hazard of many souls:—For the prevention of which ... in time to come, for settling the peace of the Church and for allaying the present distempers which the indisposition of the time hath contracted, the King's Majesty ... granted his commission under the Great Seal of England to several bishops and other divines to review the Book of Common Prayer and to prepare such alterations and additions as they thought fit to offer. And afterwards the convocations, ... being by his Majesty ... assembled, his Majesty hath been pleased to authorize and require the presidents of the said convocations ... to review the said Book of Common Prayer, and the book of the form and manner of the making and consecrating of bishops, priests, and deacons; And that ... they should make such additions and alterations in the said books ... as to them should seem meet and convenient. {12}

[Which things being done] his Majesty ... hath fully approved and allowed the same, and recommended to this present Parliament, That the said Books of Common Prayer and of the form of ordination and consecration of bishops, priests, and deacons, with the alterations ... made, ... be the book which shall be appointed to be used by all that officiate in all cathedral and collegiate churches and chapels, and in all chapels of colleges and halls in both the universities, and the colleges of Eton and Winchester, and in all parish churches and chapels within the kingdom of England, dominion of Wales, and town of Berwick upon Tweed, and by all that make or consecrate bishops, priests, or deacons.

Be it enacted by the King's most excellent Majesty, by the advice and with the consent of the Lords spiritual and temporal, and of the Commons, in this present parliament assembled ... that all and singular ministers in any cathedral, collegiate or parish church or chapel, or other place of public worship within this realm of England, dominion of Wales, and town of Berwick upon Tweed, shall be bound to say and use ... the Book of Common Prayer. {13}

That every parson, vicar, or other minister whatsoever, who now ... enjoyeth any ecclesiastical benefice or promotion within the ... places aforesaid, shall, in the church, chapel, or place of public worship belonging to his said benefit or promotion, upon some Lord's day before the feast of St. Bartholomew ... in the year ... one thousand six hundred and sixty and two, openly, publicly, and solemnly read the Morning and Evening Prayer ... according to the said Book of Common Prayer ... and after such reading ... shall openly and publicly, before the congregation there assembled, declare his unfeigned assent and consent to the use of all things in the said book ... in these words, and no other:—

"I [name] do hereby declare my unfeigned assent and consent to all and every thing contained and prescribed in and by the book, intituled, The Book of Common Prayer and administration of the sacraments, and other rites and ceremonies of the Church of England, together with the psalter or psalms of David, appointed as they are to be sung or said in churches; and the form or manner of making, ordaining, and consecrating of bishops, priests and deacons."

And that all ... who shall ... neglect or refuse to do the same ... shall *ipso facto* be deprived of all his spiritual promotions.

And that ... every dean, canon, and prebendary of every cathedral or collegiate church, and all masters and other heads, fellows, chaplains, and tutors of or in any college, hall, house of learning or hospital, and every public professor and reader in either of the universities, and in every college elsewhere, and every parson, vicar, curate, lecturer, and every other person in holy orders, and every schoolmaster keeping any public or private school, and every person instructing or teaching any youth in any house or private family as a tutor or schoolmaster ... shall, before the feast of St. Bartholomew [1662] subscribe to the declaration following.... {14}

"I [name] do declare that it is not lawful upon any pretence whatsoever to take up arms against the king, and that I do abhor that traitorous position of taking arms by his authority against his person; and that I will conform to the liturgy of the Church of England, as it is now by law established. And I do declare that I do hold there lies no obligation, upon me or on any other person, from the oath commonly called The solemn league and covenant, to endeavour any ... alteration of government either in church or state, and that the same was in itself an unlawful oath, and imposed upon the subjects of this realm against the known laws and liberties of this kingdom."

THE PLAGUE IN LONDON (1665).

The city itself began now to be visited too, I mean within the walls; but the number of people there were indeed extremely lessened, by so great a multitude having been gone into the country; and even all this month of July, they continued to flee, though not in such multitudes as formerly. In August, indeed, they fled in such a manner, that I began to think there would be really none but magistrates and servants left in the city.

As they fled now out of the city, so I should observe, that the court removed early, viz., in the month of June, and went to Oxford, where it pleased God to preserve them; and the distemper did not, as I heard of, as much as touch them; for which I cannot say that I ever saw they showed any great token of thankfulness, and hardly anything of reformation, though they did not want being told that their crying vices might, without breach of charity, be said to have gone far in bringing that terrible judgment upon the whole nation. {15}

The face of London was now indeed strangely altered, I mean the whole mass of buildings, city, liberties, suburbs, Westminster, Southwark, and altogether; for, as to the particular part called the city, or within the walls, that was not yet much infected; but in the whole, the face of things, I say, was much altered; sorrow and sadness sat upon every face, and though some parts were not yet overwhelmed, yet all looked deeply concerned; and as we saw it apparently coming on, so every one looked on himself, and his family, as in the utmost danger: were it possible to represent those times exactly, to those that did not see them, and give the reader due ideas of the horror that everywhere presented itself, it must make just impressions upon their minds, and fill them with surprise. London might well be said to be all in tears; the mourners did not go about the streets indeed, for nobody put on black, or made a formal dress of mourning for their nearest friends; but the voice of mourning was truly heard in the streets; the shrieks of women and children at the windows and doors of their houses, where their nearest relations were, perhaps dying, or just dead, were so frequent to be heard, as we passed the streets, that it was enough to pierce the stoutest heart in the world to hear them. Tears and lamentations were seen almost in every house, especially in the first part of the visitation; for towards the latter end, men's hearts were hardened, and death was so always before their eyes, that they did not so much concern themselves for the loss of their friends, expecting that themselves should be summoned the next hour.

Business led me out sometimes to the other end of the town, even when the sickness was chiefly there; and as the thing was new to me, as well as to everybody else, it was a most surprising thing to see those streets, which were usually so thronged, now grown desolate, and so few people to be seen in them, that if I had been a stranger, and at a loss for my way, I might sometimes have gone the length of a whole street, I mean of the by-streets, and see nobody to direct me, except watchmen set at the doors of such houses as were shut up; of which I shall speak presently. {16}

One day, being at that part of the town, on some special business, curiosity led me to observe things more than usually; and indeed I walked a great way where I had no business; I went up Holborn, and there the street was full of people; but they walked in the middle of the great street, neither on one side or other, because, as I suppose, they would not mingle with anybody that came out of houses, or meet with smells and scents from houses that might be infected.

The inns of court were all shut up, nor were very many of the lawyers in the Temple, or Lincoln's-inn, or Gray's-inn, to be seen there. Everybody was at peace, there was no occasion for lawyers; besides, it being in the time of the vacation too, they were generally gone into the country. Whole rows of houses in some places were shut close up, the inhabitants all fled, and only a watchman or two left.

When I speak of rows of houses being shut up, I do not mean shut up by the magistrates; but that great numbers of persons followed the court, by the necessity of their employments, and other dependencies; and as others retired, really frightened with the distemper, it was a mere desolating of some of the streets: but the fright was not yet near so great in the city, abstractedly so called; and particularly because, though they were at first in a most inexpressible consternation, yet, as I have observed, that the distemper intermitted often at first, so they were as it were alarmed, and unalarmed again, and this several times, till it began to be familiar to them; and that even when it appeared violent, yet seeing it did not presently spread into the city, or the east or south parts, the people began to take courage, and to be, as I may say, a little hardened. It is true, a vast many people fled, as I have observed, yet they were chiefly from the west end of the town, and from that we call the heart of the city, that is to say, among the wealthiest of the people; and such persons as were unincumbered with trades and business. But of the rest, the generality stayed, and seemed to abide the worst; so that in the place we call the liberties, and in the suburbs, in Southwark, and in the east part, such as Wapping, Ratcliff, Stepney, Rotherhithe, and the like, the people generally stayed, except here and there a few wealthy families, who, as above, did not depend upon their business. {17}

It must not be forgot here, that the city and suburbs were prodigiously full of people at the time of this visitation, I mean at the time that it began; for though I have lived to see a farther increase, and mighty throngs of people settling in London, more than ever; yet we had always a notion that numbers of people, which, the wars being over, the armies disbanded, and the royal family and the monarchy being restored, had flocked to London to

settle in business, or to depend upon, and attend the court for rewards of services, preferments, and the like, was such that the town was computed to have in it above a hundred thousand people more than ever it held before; nay, some took upon them to say, it had twice as many, because all the ruined families of the royal party flocked hither; all the soldiers set up trades here and abundance of families settled here; again, the court brought with it a great flux of pride and new fashions; all people were gay and luxurious, and the joy of the restoration had brought a vast many families to London.

I went all the first part of the time freely about the streets, though not so freely as to run myself into apparent danger, except when they dug the great pit in the churchyard of our parish of Aldgate. A terrible pit it was, and I could not resist my curiosity to go and see it; as near as I may judge, it was about forty feet in length, and about fifteen or sixteen feet broad; and, at the time I first looked at it, about nine feet deep; but it was said, they dug it near twenty feet deep afterwards, in one part of it, till they could go no deeper for the water; for they had, it seems, dug several large pits before this; for, though the plague was long a coming to our parish, yet, when it did come, there was no parish in or about London where it raged with such violence as in the two parishes of Aldgate and Whitechapel. {18}

I say they had dug several pits in another ground when the distemper began to spread in our parish, and especially when the dead-carts began to go about, which was not in our parish till the beginning of August. Into these pits they had put perhaps fifty or sixty bodies each, then they made larger holes, wherein they buried all that the cart brought in a week, which, by the middle to the end of August, came to from two hundred to four hundred a week; and they could not well dig them larger, because of the order of the magistrates, confining them to leave no bodies within six feet of the surface; and the water coming on at about seventeen or eighteen feet, they could not well, I say, put more in one pit; but now, at the beginning of September, the plague raging in a dreadful manner, and the number of burials in our parish increasing to more than was ever buried in any parish about London, of no larger extent, they ordered this dreadful gulf to be dug, for such it was rather than a pit.

They had supposed this pit would have supplied them for a month or more, when they dug it, and some blamed the churchwardens for suffering such a frightful thing, telling them they were making preparations to bury the whole parish, and the like; but time made it appear the churchwardens knew the condition of the parish better than they did; for the pit being finished the 4th of September, I think they began to bury in it the 6th, and by the 20th, which was just two weeks, they had thrown into it 1,114 bodies, when they were obliged to fill it up, the bodies being then come to lie within six feet of the surface. I doubt not but there may be some ancient persons alive in the parish, who can justify the fact of this, and are able to show even in what place of the churchyard the pit lay better than I can; the mark of it also was many years to be seen in the churchyard on the surface, lying in length, parallel with the passage which goes by the west wall of the churchyard, out of Houndsditch, and turns east again, into Whitechapel, coming out near the Three-Nuns inn. {19}

It was about the 10th of September, that my curiosity led, or rather drove me to go and see this pit again, when there had been near four hundred people buried in it; and I was not content to see it in the day time, as I had done before, for then there would have been nothing to have been seen but the loose earth; for all the bodies that were thrown in were immediately covered with earth, by those they called the buriers, which at other times were called bearers; but I resolved to go in the night, and see some of them thrown in.

There was a strict order to prevent people coming to those pits, and that was only to prevent infection; but, after some time, that order was more necessary, for people that were infected, and near their end, and delirious also, would run to those pits wrapt in blankets, or rugs, and throw themselves in, and, as they said, bury themselves. I cannot say that the officers suffered any willingly to lie there; but I have heard, that in a great pit in Finsbury, in the parish of Cripplegate, it lying open then to the fields, for it was not then walled about, many came and threw themselves in, and expired there, before they threw any earth upon them; and that when they came to bury others, and found them there, they were quite dead, though not cold.

This may serve a little to describe the dreadful condition of that day, though it is impossible to say anything that is able to give a true idea of it to those who did not see it, other than this; that it was indeed, very, very, very dreadful, and such as no tongue can express.

I got admittance into the churchyard by being acquainted with the sexton who attended, who, though he did not refuse me at all, yet earnestly persuaded me not to go: telling me very seriously, for he was a good religious and sensible man, that it was, indeed, their business and duty to venture, and to run all hazards, and that in it they might hope to be preserved; but that I had no apparent call to it but my own curiosity, which, he said, he believed I would not pretend, was sufficient to justify my running that hazard. I told him I had been pressed in my mind to go, and that, perhaps, it might be an instructing sight, that might not be without its uses. Nay, says the good man, if you will venture upon that score, Name of God, go in; for, depend upon it, it will be a sermon to you, it may be, the best that ever you heard in your life. It is a speaking sight, says he, and has a voice with it, and a loud one, to call us all to repentance; and with that he opened the door, and said, Go, if you will. {20}

His discourse had shocked my resolution a little, and I stood wavering for a good while, but, just at that interval, I saw two links come over from the end of the Minories, and heard the bellman, and then appeared a dead-cart, as they called it, coming over the streets; so I

could no longer resist my desire of seeing it, and went in. There was nobody as I could perceive at first, in the churchyard, or going into it, but the buriers, and the fellow that drove the cart, or rather led the horse and cart, but when they came up to the pit, they saw a man go to and again, muffled up in a brown cloak, and making motions with his hands, under his cloak, as if he was in great agony; and the buriers immediately gathered about him, supposing he was one of those poor delirious, or desperate creatures, that used to pretend, as I have said, to bury themselves; he said nothing as he walked about, but two or three times groaned very deeply, and loud, and sighed as he would break his heart.

When the buriers came up to him, they soon found he was neither a person infected and desperate, as I have observed above, or a person distempered in mind, but one oppressed with a dreadful weight of grief indeed, having his wife and several of his children, all in the cart, that was just come in with him, and he followed in an agony and excess of sorrow. He mourned heartily, as it was easy to see, but with a kind of masculine grief, that could not give itself vent by tears; and, calmly desiring the buriers to let him alone, said he would only see the bodies thrown in, and go away, so they left importuning him; but no sooner was the cart turned round, and the bodies shot into the pit, promiscuously, which was a surprise to him, for he at least expected they would have been decently laid in, though indeed, he was afterwards convinced that was impracticable; I say, no sooner did he see the sight, but he cried out aloud, unable to contain himself. I could not hear what he said, but he went backwards two or three steps, and fell down in a swoon; the buriers ran to him and took him up, and in a little while he came to himself, and they led him away. He looked into the pit again, as he went away, but the buriers had covered the bodies so immediately with throwing in earth, that nothing could be seen. {21}

This was a mournful scene indeed, and affected me almost as much as the rest; but the other was awful, and full of terror; the cart had in it sixteen or seventeen bodies, some were wrapt up in linen sheets, some in rugs, some little other than naked, or so loose, that what covering they had fell from them, in the shooting out of the cart, and they fell quite naked among the rest; but the matter was not much to them, or the indecency much to anyone else, seeing they were all dead, and were to be huddled together into the common grave of mankind, as we may call it, for here was no difference made, but poor and rich went together; there was no other way of burials, neither was it possible there should be, for coffins were not to be had for the prodigious numbers that fell in such a calamity as this.

It was reported, by way of scandal upon the buriers, that if any corpse was delivered to them, decently wound up, as we called it then, in a winding sheet tied over the head and feet, which some did, and which was generally of good linen; I say, it was reported, that the buriers were so wicked as to strip them in the cart, and carry them quite naked to the ground: but, as I cannot credit anything so vile among Christians, and at a time so filled with terrors, as that was, I can only relate it, and leave it undetermined. {22}

THE GREAT FIRE OF LONDON (1666).

Source.—*Pepys's Diary* (Wheatley's edition, 5s.). Vol. v., pp. 392-403.

September 2, 1666.—Some of our mayds sitting up late last night to get things ready against our feast to-day, Jane called us up about three in the morning, to tell us of a great fire they saw in the City. So I rose and slipped on my night-gowne, and went to her window, and thought it to be on the backside of Marke-lane at the farthest; but, being unused to such fires as followed, I thought it to be far enough off; and so went to bed again and to sleep. About seven rose again to dress myself, and there looked out at the window, and saw the fire not so much as it was and further off. So to my closett to set things to rights after yesterday's cleaning. By and by Jane comes and tells me that she hears that above 300 houses have been burned down to-night by the fire we saw, and that it is now burning down all Fish-street by London Bridge. So I made myself ready presently, and walked to the Tower ...; and there I did see the houses at that end of the bridge all on fire, and an infinite great fire on this and the other side the end of the bridge; which, among other people, did trouble me for poor little Michell and our Sarah on the bridge. So down, with my heart full of trouble, to the Lieutenant of the Tower, who tells me it begun this morning in the King's baker's house in Pudding Lane, and that it hath burned St. Magnus's Church and most part of Fish-street already. So I down to the water-side, and there got a boat and through bridge, and there saw a lamentable fire. Poor Michell's house, as far as the Old Swan, already burned that way, and the fire running further, that in a very little time it got as far as the Steele-yard, while I was there. Everybody endeavouring to remove their goods, and flinging into the river or bringing them into lighters that lay off; poor people staying in their houses as long as till the very fire touched them, and then running into boats, or clambering from one pair of stairs by the water-side to another. And among other things, the poor pigeons, I perceive, were loth to leave their houses, but hovered about the windows and balconys till they burned their wings, and fell down. {23}

Having staid, and in an hour's time seen the fire rage every way, and nobody, to my sight, endeavouring to quench it, but to remove their goods, and leave all to the fire, and having seen it get as far as the Steele-yard, and the wind mighty high and driving it into the City; and everything, after so long a drought, proving combustible, even the very stones of the

churches, and among other things, the poor steeple by which pretty Mrs. — lives, and whereof my old schoolfellow Elborough is parson, taken fire in the very top, and there burned till it fell down: to White Hall ... and there up to the King's closett in the Chappell, where people come about me, and I did give them an account dismayed them all, and word was carried in to the King. So I was called for, and did tell the King and the Duke of York what I saw, and that unless his Majesty did command houses to be pulled down nothing could stop the fire. They seemed much troubled, and the King commanded me to go to my Lord Mayor from him, and command him to spare no houses, but to pull down before the fire every way. The Duke of York bid me tell him that if he would have any more soldiers he shall; and so did my Lord Arlington afterwards, as a great secret. Here meeting with Captain Cocke, I in his coach, which he lent me, and Creed with me to Paul's, and there walked along Watling-street as well as I could, every creature coming away loaden with goods to save, and here and there sicke people carried away in beds. Extraordinary good goods carried in carts or on backs. At last met my Lord Mayor in Canning-street, like a man spent, with a handkercher about his neck. To the King's message he cried, like a fainting woman, "Lord, what can I do? I am spent: people will not obey me. I have been pulling down houses; but the fire overtakes us faster than we can do it." That he needed no more soldiers; and that, for himself, he must go and refresh himself, having been up all the night. So he left me, and I him, and walked home, seeing people all almost distracted, and no manner of means used to quench the fire. The houses, too, so very thick thereabouts, and full of matter for burning, as pitch and tar, in Thames-street; and warehouses of oyle, and wines, and brandy, and other things. Here I saw Mr. Isaake Houblon, the handsome man, prettily dressed and dirty, at his door at Dow-gate, receiving some of his brother's things, whose houses were on fire; and, as he says, have been removed twice already; and he doubts (as it soon proved) that they must be in a little time removed from his house also, which was a sad consideration. And to see the churches all filling with goods by people who themselves should have been quietly there at this time. By this time it was about twelve o'clock; and so home....

{24}

While at dinner Mrs. Batelier come to enquire after Mr. Woolfe and Stanes ... whose houses in Fish-street are all burned, and they in a sad condition. She would not stay in the fright. Soon as dined, I and Moone away, and walked through the City, the streets full of nothing but people and horses and carts loaden with goods, ready to run over one another, and removing goods from one burned house to another. They now removing out of Canning-street (which received goods in the morning) into Lumbard-street, and further; and among others I now saw my little goldsmith, Stokes, receiving some friend's goods, whose house itself was burned the day after.

We parted at Paul's; he home, and I to Paul's Wharf, where I had appointed a boat to attend me, and took in Mr. Carcasse and his brother, whom I met in the streete, and carried them below and above bridge to ... see the fire, which was now got further, both below and above, and no likelihood of stopping it. Met with the King and Duke of York in their barge, and with them to Queenhithe, and there called Sir Richard Browne to them. Their order was only to pull down houses apace, and so below bridge at the water-side; but little was or could be done, the fire coming upon them so fast. Good hopes there were of stopping it at the Three Cranes above, and at Buttolph's Wharf below bridge, if care be used; but the wind carries it into the City, so as we know not by the water-side what it do there. River full of lighters and boats taking in goods, and good goods swimming in the water, and only I observed that hardly one lighter or boat in three that had the goods of a house in, but there was a pair of Virginalls in it.

{25}

Having seen as much as I could now, I away to White Hall by appointment, and there walked to St. James's Parke, and there met my wife and Creed and Wood and his wife and walked to my boat; and there upon the water again, and to the fire up and down, it still increasing, and the wind great. So near the fire as we could for smoke; and all over the Thames, with one's face in the wind, you were almost burned with a shower of fire drops. This is very true; so as houses were burned by these drops and flakes of fire, three or four, nay, five or six houses, one from another. When we could endure no more upon the water, we to a little ale-house on the Bankside, over against the Three Cranes, and there staid till it was dark almost, and saw the fire grow; and, as it grew darker, appeared more and more, and in corners and upon steeples, and between churches and houses, as far as we could see up the hill of the City, in a most horrid malicious bloody flame, not like the fine flame of an ordinary fire.... We staid till, it being darkish, we saw the fire as only one entire arch of fire from this to the other side the bridge, and in a bow up the hill for an arch of above a mile long: it made me weep to see it. The churches, houses, and all on fire and flaming at once; and a horrid noise the flames made, and the cracking of houses at their ruine. So home with a sad heart, and there find every body discoursing and lamenting the fire; and poor Tom Hater come with some few of his goods saved out of his house, which is burned upon Fish-streete Hill. I invited him to lie at my house, and did receive his goods, but was deceived in his lying there; so as we were forced to begin to pack up our owne goods, and prepare for their removal; and did by moonshine (it being brave dry, and moonshine, and warm weather) carry much of my goods into the garden, and Mr. Hater and I did remove my money and iron chests into my cellar, as thinking that the safest place. And got ready my bags of gold into my office, ready to carry away, and my chief papers of accounts also there, and my tallys into a box by themselves. So great was our fear, as Sir W. Batten hath carts come out of the country to fetch away his goods this night. We did put Mr. Hater, poor man, to bed a little; but he got but very little rest, so much noise being in my house, taking down of goods.

{26}

September 3.—About four o'clock in the morning, my Lady Batten sent me a cart to carry away all my money, and plate, and best things, to Sir W. Rider's at Bednall Green. Which I did, riding myself in my night-gowne in the cart; and, Lord! to see how the streets and highways are crowded with people running and riding, and getting of carts at any rate to fetch away things. I find Sir W. Rider tired with being called up all night, and receiving things from several friends. His house full of goods, and much of Sir W. Batten's and Sir W. Pen's. I am eased at my heart to have my treasure so well secured. Then home, with much ado to find a way, nor any sleep at all this night to me nor my poor wife. But then and all this day she and I, and all my people labouring to get away the rest of our things, and did get Mr. Tooker to get me a lighter to take them in, and we did carry them (myself some) over Tower Hill, which was by this time full of people's goods, bringing their goods thither; and down to the lighter, which lay at the next quay, above the Tower Docke. And here was my neighbour's wife, Mrs. —, with her pretty child, and some few of her things, which I did willingly give way to be saved with mine; but there was no passing with anything through the postern, the crowd was so great.

The Duke of York come this day by the office, and spoke to us, and did ride with his guard up and down the City to keep all quiet (he being now Generall, and having the care of all).

September 4.— ... Now begins the practice of blowing up of houses in Tower-streete, those next the Tower, which at first did frighten people more than anything; but it stopped the fire where it was done, it bringing down the houses to the ground in the same places they stood, and then it was easy to quench what little fire was in it, though it kindled nothing almost. W. Hewer ... comes home late, telling us ... that the fire is got so far that way (*i.e.* to Islington), and all the Old Bayly, and was running down to Fleete-streete; and Paul's is burned, and all Cheap-side. I wrote to my father this night, but the post-house being burned, the letter could not go. {27}

September 6.—Up at five o'clock, and there met Mr. Gawden at the gate of the office (I intending to go out, as I used, every now and then to-day, to see how the fire is) to call our men to Bishop's-gate, where no fire had yet been near, and there is now one broke out: which did give great grounds to people, and to me, too, to think that there is some kind of plot in this (on which many by this time have been taken, and it hath been dangerous for any stranger to walk in the streets), but I went with the men, and we did put it out in a little time; so that that was well again.

September 7.—Up by five o'clock; and, blessed be God! find all well; and by water to Paul's wharfe. Walked thence, and saw all the towne burned, and a miserable sight of Paul's Church, with all the roofs fallen, and the body of the quire fallen into St. Fayth's; Paul's school also, Ludgate, and Fleet-street, my father's house, and the church, and a good part of the Temple the like.

[1] Virginnall: a musical instrument.

THE TRIPLE ALLIANCE (1668).

Source.—*The Works of Sir William Temple: Letters.* Vol. ii., p. 70.

I.

That if any Prince, State, or other Person whatever, without Exception, shall under any Pretext, invade or attempt to invade the Territories, Countries, or any Places that lie within the Dominions of the said King of *Great Britain*, or shall exercise any Acts of Hostility by Sea or by Land, against the said King or His Subjects, the said *States General* shall be obliged, as by Virtue of these Presents they are obliged, to send forty Ships of War, well furnish'd with all things necessary, to assist the said King, to oppose, suppress and repel, all such Insults and Acts of Hostility, and to procure him due Reparation for any Damages sustained: That is to say, fourteen of the said Ships shall carry from sixty to eighty great Guns, and four hundred Men, a just Allowance and Computation being made, as well with respect to those Ships that carry a greater, as those that carry a lesser Number of Men: Fourteen other Ships shall carry from forty to sixty Guns, and one with another, three hundred Men at the least, Allowance to be made as before; and none of the rest to carry less than six and thirty Guns, and a hundred and fifty Men. Besides which, they shall assist him with six thousand Foot Soldiers, and four hundred Horse, or shall pay a Sum of Money with due regard to the just Value of such an Assistance, either for the whole or part, at the Choice of the said King. All these Aids shall be furnish'd within six Weeks after they shall be demanded; and the said King shall reimburse the whole Charge to said States within three Years after the Conclusion of the War. {28}

II.

That if any Prince, State, or other Person whatever, without Exception, shall under any Pretext, invade or attempt to invade the *United Provinces*, or any Places situated within the Jurisdiction of the said *States General*, or garrison'd by their Soldiers; or shall exercise any Act of Hostility by Land or by Sea, against the said *States General* or their Subjects; the said King shall be obliged, as by Virtue of these Presents he is obliged, to send forty Ships of War

well furnished with all things necessary, to assist the said *States General*, to oppose, suppress and repel, all such Insults and Acts of Hostility, and to procure due Reparation for any Damages sustained by them: That is to say, fourteen of the said Ships shall carry from sixty to eighty great Guns, and four hundred Men; a just Allowance and Computation being made, as well with regard to those Ships that carry a greater, as those that carry a lesser Number of Men: Fourteen other Ships shall carry from forty to sixty Guns, and one with another three hundred Men at the least; Allowance to be made as before; and none of the rest to carry less than six and thirty Guns, and a hundred and fifty Men. Besides which, he shall assist them with six thousand Foot Soldiers, and four hundred Horse; or shall pay a Sum of Money, with due regard to the just Value of such an Assistance, either for the whole or a part, at the Choice of the said States. All these Aids shall be furnished within six Weeks after they shall be demanded: And the said States shall reimburse the whole Charge to the said King, within three Years after the Conclusion of the War. {29}

III.

The said Ships of War, and the said auxiliary Forces of Horse and Foot, together with the Commanders of the Ships and Forces, and all the subaltern officers of both, that shall be sent to the Assistance of the Party injured and attack'd, shall be obliged to submit to his Pleasure, and be obedient to the Orders of him or them, who shall be appointed to command the Armies in chief either by Sea or Land.

IV.

Now that an exact Computation may be made of the Charges that are to be reimburs'd within the space of three Years after the Conclusion of the War; and that the Value of such Assistance may be adjusted in ready Money, which possibly the Party attack'd may chuse, either for the whole or a part of the said Ships, Horse and Foot; 'tis thought expedient, that the fourteen Ships carrying from sixty to eighty Pieces of Cannon, should be valued at the Sum of eighteen thousand six hundred and sixty six Pounds Sterling, or of *English Money*; the other fourteen which carry from forty to sixty Guns, at fourteen thousand Pounds Sterling; and the remaining twelve, at six thousand Pounds of the same Money: Six thousand Foot, at seven thousand five hundred Pounds Sterling; and four hundred Horse, at one thousand and forty Pounds, for one Month: The Money to be paid by the said King of *Great Britain* at *London*, and by the *States General* at *Amsterdam*, according as the Course of the Exchange shall be at the time when Payment is to be made. But in Consideration of the six thousand Foot Soldiers, the Sum of six thousand Pounds Sterling shall be paid within the first Month, to defray the Expence of listing and providing the Men. {30}

V.

This League, with all and every thing therein contained, shall be confirmed and ratified by the said King of *Great Britain*, and the said *States General* of the *United Provinces*, by Letters Patents of both Parties, sealed with their Great Seal in due and authentick Form, within four Weeks next ensuing, or sooner, if it may be; and the mutual Instruments of Ratification shall be exchanged on each part within the said time.

CHARLES II.'S DECLARATION OF INDULGENCE AND THE TEST ACT (1672-73).

Source.—*Journals of the House of Commons.*

THE DECLARATION OF INDULGENCE.

Our care and endeavours for the preservation of the rights and interests of the Church have been sufficiently manifested to the world by the whole course of our government since our happy restoration, and by the many and frequent ways of coercion that we have used for reducing all erring or dissenting persons, and for composing the unhappy differences in matters of religion which we found among our subjects upon our return.

But, it being evident by the sad experience of twelve years that there is very little fruit of all those forcible courses, we think ourselves obliged to make use of that supreme power in ecclesiastical matters, which is not only inherent in us but hath been declared and recognized to be so by several statutes and acts of parliament. And therefore we do now accordingly issue out this our royal declaration, as well for the quieting the minds of our good subjects in these points, for inviting strangers in this conjunction to come and live under us, and for the better encouragement of all to a cheerful following of their trades and callings, from whence we hope, by the blessing of God, to have many good and happy advantages to our government; as also for preventing for the future the danger that might otherwise arise from private meetings and seditious conventicles. And in the first place, we declare our express resolution, meaning, and intention to be that the Church of England be preserved and remain entire in its doctrine, discipline, and government, as it now stands established by law; and that this be taken to be, as it is, the basis, rule, and standard of the general and public worship of God, and the orthodox conformable clergy do receive and {31}

enjoy the revenues belonging thereunto; and that no person, though of different opinion and persuasion, shall be exempt from paying his tithes, or other dues whatsoever. And further we declare that no person shall be capable of holding any benefice, living, or ecclesiastical dignity or preferment of any kind in this Kingdom of England, who is not exactly conformable.

We do in the next place declare our will and pleasure to be that the execution of all and all manner of penal laws in matters ecclesiastical, against whatsoever sort of nonconformists or recusants, be immediately suspended, and they are hereby suspended. And all judges of assize and gaol-delivery sheriffs, justices of the peace, mayors, bailiffs, and other officers whatsoever, whether ecclesiastical or civil, are to take notice of it, and pay due obedience thereunto, and that there may be no pretence for any of our subjects to continue their illegal meetings and conventicles, we do declare that we shall from time to time allow a sufficient number of places, as shall be desired, in all parts of this our kingdom, for the use of such as do not conform to the Church of England, to meet and assemble in, in order to their public worship and devotion; which places shall be open and free to all persons. {32}

But to prevent such disorders and inconveniences as may happen by this our indulgence, if not duly regulated, and that they may be better protected by the civil magistrate, our express will and pleasure is that none of our subjects do presume to meet in any place, until such place be allowed, and the teacher of that congregation be approved by us. And lest any should apprehend that this our restriction should make our said allowance and approbation difficult to be obtained, we do further declare, that this our indulgence as to the allowance of public places of worship and approbation of teachers shall extend to all sorts of nonconformists and recusants, except the recusants of the Roman Catholic religion, to whom we shall no ways allow public places of worship, but only indulge them in their share in the common exemption from the executing the penal laws and the exercise of their worship in their private houses only. And if after this our clemency and indulgence any of our subjects shall presume to abuse this liberty and shall preach seditiously, or to the derogation of the doctrine, discipline or government of the established church, or shall meet in places not allowed by us, we do hereby give them warning and declare we will let them see we can be as severe to punish such offenders, when so justly provoked, as we are indulgent to truly tender consciences.

PROTEST OF THE COMMONS AGAINST THE INDULGENCE.

We your Majesty's most loyal and faithful subjects, the Commons assembled in Parliament do, in the first place, as in all duty bound, return your Majesty our most humble and hearty thanks for the many gracious promises and assurances which Your Majesty hath several times, during this present Parliament, given to us, that Your Majesty would secure and maintain unto us the true Reformed Protestant Religion, our Liberties, and Properties: Which most gracious assurances Your Majesty hath, out of your great Goodness, been pleased to renew unto us more particularly at the opening of this present session of Parliament. {33}

And further we crave leave humbly to represent: That we have, with all duty and expedition, taken into our consideration several parts of your Your Majesty's last speech to us, and withal the Declaration therein mentioned, for Indulgence to Dissenters, dated the Fifteenth of March last, and we find ourselves bound in duty to inform Your Majesty that penal statutes in matters ecclesiastical cannot be suspended but by Act of Parliament.

We therefore, the ... House of Commons do most humbly beseech your Majesty that the said laws may have their free course until it shall be otherwise provided for by Act of Parliament.

THE TEST ACT (1673).

For preventing dangers which may happen from popish recusants and quieting the minds of his Majesty's good subjects:—Be it enacted That all and every person or persons, as well peers as commoners, that shall bear any office or offices military or civil, or shall receive any pay, salary, fee, or wages, by reason of any patent or grant from his Majesty, or shall have command or place of trust from or under his Majesty ... shall ... in public and open court ... take the several Oaths of Supremacy and Allegiance ... and shall also receive the Sacrament of the Lord's Supper according to the usage of the Church of England at or before the first day of August in the year of our Lord one thousand six hundred and seventy-three, in some parish church, upon some ... Sunday, immediately after divine service.

And ... all persons ... that ... refuse to take the said oaths and sacrament ... shall be *ipso facto* adjudged ... disabled in law to ... enjoy the said office or offices or any profit or advantage pertaining to them; and every such office ... is hereby adjudged void. {34}

And ... all persons ... that ... refuse to take the said oaths or ... sacrament ... and yet after such neglect or refusal shall execute any of the said offices ..., every such person ... shall forfeit the sum of five hundred pounds.

And ... at the same time when the persons concerned in this act shall take the aforesaid Oaths of Supremacy and Allegiance, they shall likewise ... subscribe this declaration ... "I [name] do declare that I do believe that there is not any transubstantiation in the sacrament of the Lord's Supper, or in the elements of Bread and Wine, at or after the consecration thereof by any person whatsoever."

COFFEE HOUSES (1673).

Source.—Pamphlet: *The Character of a Coffee-House, with the Symptoms of a Town Wit*. Printed in the *Harleian Miscellany*. Vol. vi., pp. 465-468.

A Coffee-House is a lay-conventicle, good-fellowship turned puritan, ill-husbandry in masquerade; whither people come after toping all day, to purchase, at the expense of their last penny, the repute of sober companions: a rota-room, that, like Noah's ark, receives animals of every sort, from the precise diminutive band, to the hectoring cravat and cuffs in folio; a nursery for training up the smaller fry of virtuosi in confident tattling, or a cabal of kittling criticks that have only learned to spit and mew; a mint of intelligence, that, to make each man his pennyworth, draws out into petty parcels, what the merchant receives in bullion. He, that comes often, saves two-pence a week in Gazettes, and has his news and his coffee for the same charge, as at a three-penny ordinary they give in broth to your chop of mutton; it is an exchange where haberdashers of political small-wares meet, and mutually abuse each other, and the publick, with bottomless stories, and headless notions; the rendezvous of idle pamphlets, and persons more idly employed to read them; a high court of justice, where every little fellow in a camlet^[2] cloke takes upon him to transpose affairs both in church and state, to shew reasons against acts of parliament, and condemn the decrees of general councils. {35}

The room stinks of tobacco worse than hell of brimstone, and is as full of smoke as their heads that frequent it, whose humours are as various as those of Bedlam, and their discourse often times as heathenish and dull as their liquor; that liquor which, by its looks and taste, you may reasonably guess to be Pluto's diet-drink, that witches tipple out of dead-men's skulls, when they ratify to Belzebub their sacramental vows.

This Stygian puddle-seller was formerly notorious for his ill-favoured cap, that aped a turbant; and, in conjunction with his antichristian face, made him appear perfect Turk. But of late his wife being grown acquainted with gallants, and the provocative virtue of chocolate, he finds a broad-brimmed hat more necessary. When he comes to fill you a dish, you may take him for Guy Faux with a dark lanthorn in his hand, for no sooner can you taste it, but it scalds your throat, as if you had swallowed the gunpowder-treason. Though he seem never so demure, you cannot properly call him pharisee, for he never washes either out or inside of his pots or dishes, till they be as black as an usurer's conscience; and then only scraping off the contracted soot, makes use of it, in the way of his trade, instead of coffee-powder: their taste and virtue being so near of kin, he dares defy the veriest coffee-critic to distinguish them. Though he be no great traveller, yet he is in continual motion, but it is only from the fire-side to the table; and his tongue goes infinitely faster than his feet, his grand study being readily to echo an answer to that threadbare question, "What news have you, Master?" Then with a grave whisper, yet such as all the room may hear it, he discovers some mysterious intrigue of state, told him last night by one that is barber to the taylor of a mighty great courtier's man: relating this with no less formality than a young preacher delivers his first sermon, a sudden hick-up surprises him, and he is forced twenty times to break the thread of his tale with such necessary parentheses, "Wife, sweep up those loose corns of tobacco, and see the liquor boil not over." He holds it as part of his creed, that the great Turk is a very good christian, and of the reformed church, because he drinks coffee; and swears that Pointings, for celebrating its virtues in doggerel, deserves to be poet-laureat: yet is it not only this hot hell-broth that he sells, for never was mountebank furnished with more variety of poisonous drugs, than he of liquors; tea and aromack for the sweet-toothed gentleman, betony^[3] and rosade^[4] for the addle-headed customer, back-recruiting chocolate for the consumptive gallant, Herefordshire redstreak made of rotten apples at the Three Cranes, true Brunswick mum brewed at St. Catharine's, and ale in penny mugs, not so big as a taylor's thimble. {36}

As you have a hodge-podge of drinks, such too is your company; for each man seems a leveller, and ranks and files himself as he lists, without regard to degrees or order; so that often you may see a silly fop and a worshipful justice, a griping rook and a grave citizen, a worthy lawyer and an errant pickpocket, a reverend nonconformist and a canting mountebank, all blended together to compose an oglio^[5] of impertinence.

If any pragmatic, to shew himself witty or eloquent, begin to talk high, presently the further tables are abandoned; and all the rest flock round, like smaller birds, to admire the gravity of the madge-howlet. They listen to him awhile with their mouths, and let their pipes go out, and coffee grow cold, for pure zeal of attention; but, on the sudden, fall all a yelping at once with more noise, but not half so much harmony, as a pack of beagles on the full cry. To still this bawling, up starts Capt. All-man-sir, the man of mouth, with a face as blustering as that of Æolus and his four sons, in painting; and in a voice louder than the speaking trumpet, he begins you the story of a sea-fight: and though he never were further, by water, than the Bear-garden, or Cuckold's-haven, yet, having pirated the names of ships and captains, he persuades you himself was present, and performed miracles; that he waded knee-deep in blood on the upper deck, and never thought to serenade his mistress so pleasant as the bullets whistling; how he stopped a vice-admiral of the enemy's under full sail, till she was boarded, with his single arm, instead of grappling-irons; and puffed out, with his breath, a fire-ship that fell foul on them. All this he relates, sitting in a cloud of smoke, and belching so many common oaths to vouch it, you can scarcely guess whether the real engagement, or his romancing account of it, be the more dreadful. However, he concludes {37}

with railing at the conduct of some eminent officers (that, perhaps, he never saw,) and protests, had they taken his advice at the council of war, not a sail had escaped us.

* * * * *

Next, signior Poll takes up the cudgels, that speaks nothing but designs, projects, intrigues, and experiments.... All the councils of the German diet, the Romish conclave, and Turkish divan, are well known to him. He kens all the cabals of the court to a hair's breadth, and (more than a hundred of us do) which lady is not painted: you would take his mouth for a lembeck,^[6] it distils words so niggardly, as if he was loth to enrich you with lies, of which he has yet more plenty than Fox, Stowe, and Hollingshed bound up together. He tells you of a plot to let the lions loose in the Tower, and then blow it up with white powder; of five hundred and fifty Jesuits all mounted on dromedaries, seen by moonshine on Hampstead-heath; and a terrible design hatched by the College of Doway,^[7] to drain the narrow seas, and bring popery over dry shod: besides, he had a thousand inventions dancing in his brain-pan; an advice-boat on the stocks, that shall go to the East Indies and come back again in a fortnight; a trick to march under water, and bore holes through the Dutch ships' keels with augres, and sink them, as they ride at anchor; and a most excellent pursuit to catch sun-beams, for making the ladies new-fashioned towers, that poets may no more be damned for telling lies about their curls and tresses. {38}

[2] Camlet: a stuff originally made of silk and camel's hair, but later made of wool and silk.

[3] Betony: a plant noted for its medicinal properties.

[4] Rosade: a drink concocted from roses.

[5] Oglio: a spiced hotch-potch.

[6] Lembeck: apparatus for distilling.

[7] Douai.

A PARLIAMENTARY ELECTION, KING'S LYNN, NORFOLK, (1673).

Source.—*The Lives of the Norths*. Vol. i., pp. 111-113. Bohn edition.

When it was made known that his lordship [*i.e.*, Francis North, who became Lord Keeper of the Great Seal] intended to stand for burgess, the magistrates intimated that they would serve him with their interest; and other encouragements he had: and before the writ came down he made the town a visit, and regaled the body with a very handsome treat which cost him above one hundred pounds; and they complimented him highly with assurances of all their interests, which they doubted not would be successful against any opposition, but they believed there would be none. He was made free, and had the thanks of the body for his favourable assistance in procuring them convoys, etc. So far was well: and when the writ was sent to the Sheriff of Norfolk, his lordship's engagements were such that he could not go down to the election himself but sent a young gentleman, his brother, to ride for him (as they call it), and Mr. Matthew Johnson, since clerk of the Parliament, for an economist of which there was need enough. The rule they observed was to take but one house and there to allow scope for all taps to run. Nor was there need of more, for, as had been foretold, there was no opposition, which was a disgust to the common people for they wanted a competition to make the money fly; and they said Hobson's choice was no choice. But all passed well, and the plenipos returned with their purchase, the return of the election, back to London. {39}

The Parliament met and at the very first the new members were attacked; for one stood up and recommended it to their modesty to withdraw while the state of their election was under debate; as they did and were soon dismembered by the vote of the house; as is more fully related in the Examen.^[8] But thereupon the speaker's warrants went to the great seal and new writs issued. This caused his lordship to dispatch his plenipos once more on the like errand to his majesty's ancient borough of Lynn Regis. At first all things seemed fair; but the night before the election there was notice given that Sir Simon Taylor, a wealthy merchant of wine in that town, stood and had produced a butt of sherry, which butt of sherry was a potent adversary. All that night and next morning were spent in making dispositions for conduct of the interest and such matters as belong to a contested election. But the greatest difficulty was to put off the numerous suitors for houses to draw drink, of which every one made friends to insinuate in their favour as if the whole interest of the town depended upon it. But these gentlemen plenipos determined to take no other house but where they were, to let the quill as well as the tap run freely, which made an account of above three hundred pounds. After the election and poll closed, all the chiefs on both sides met to view the poll-books; and Sir Simon Taylor, being on his own knowledge of the people's names satisfied that the election was against him, called for the indenture and signed it with the rest. This was an act of generous integrity scarce ever heard of before or since, and is what I have on all occasions mentioned for his just honour, and it would be strange if I should leave it out here. And it is material also, for, when his lordship came into the house, being a very good advocate and generally well thought of, the party there styled of the country thought his sitting in the house might be an accession to the court interest of too much consequence to be let pass if it might be hindered; and accordingly they expected a petition (as almost of course) to come in against him, and an opportunity thereupon to try the experiment of heaving him out of the house: for at that time who would not prove a petition against a declared courtier? His lordship was generally acquainted and passed well with the {40}

gentlemen of all sides. But, in the house, none of the country party came near him or cared that he should speak with them. So it passed till the fourteenth day; and there was but fifteen days of liberty to petition. Then one of them ventured to welcome him into the house but asked if his election was not like to be questioned. "No," said he, "it cannot be for my adversary signed the return for me." Within an hour or two after, at least twenty more of the same interest came and saluted him as very well pleased with his company; as much as to say, "Since thou art chose, who would not have it so?"

[8] North's Examen: a reply to Kennett's History.

A BOGUS "KING'S SPEECH"^[9] (1675).

Source.—Airy's *Charles II.* P. 301. (Longmans Green & Co.)

April ye 13, 1675.

MY LORDS AND GENTLEMEN,

I told you at our last meeting that the winter was the fittest time for business, and in truth I thought it so till my Lord Treasurer assured me that ye Spring is ye fittest time for salads and subsidies. I hope therefore this April will not prove so unnatural as not to afford plenty of both; some of you may perhaps think it dangerous to make me too rich, but do not fear it, I promise you faithfully (whatever you give) I will take care to want; and yet in that you may rely on me, I will never break it although in other things my word may be thought a slender authority. My Lords and Gentlemen, I can bear my own straights with patience, but My Lord Treasurer doth protest that the revenue as it now stands is too little for us both; one of us must pinch for it, if you do not help us out. I must speak freely to you, I am under incumbrances.... I have a pretty good estate, I must confess, but, Odd's fish, I have a charge on't. Here is my Lord Treasurer can tell you that all the moneys designed for the Summer's Guards must of necessity be applied for the next year's cradles and swaddling clothes; what then shall we do for ships? I only hint that to you, that's your business, not mine. I know by experience I can live without them. I lived twenty years abroad without ships and was never in better health in my life, but how well you can live without them you had best try. I leave it to yourselves to judge, and therefore only mention it; I do not intend to insist upon that. {41}

There is another thing which I must press more earnestly, which is this; it seems a good part of my revenue will fail in two or three years except you will please to continue it: now I have this to say for it, why did you give me so much except you resolved to give on as fast as I call for it? The nation hates you already for giving so much, I will hate you now if you do not give me more. So that your interest obliges you to stick to me or you will not have a friend left in England. On the other hand, if you continue the revenue as desired, I shall be able to perform those great things for your religion and liberty which I have long had in my thoughts but cannot effect it without this establishment: wherefore look to it, if you do not make me rich enough to undo you, it shall be at your doors; for my part I can with a clear conscience say I have done my best and shall leave the rest to my successors. But if I may gain your good opinion, the best way is to acquaint you what I have done to deserve it out of my royal care for your religion and property. For the first my late proclamation is the true picture of my mind. He that cannot (as in a glass) see my zeal for the Church of England doth not deserve any other satisfaction, for I declare him wilful, abominable and not good. You may perhaps cry, how comes this sudden change? To that I reply in a word, I am a changeling; that I think a full answer, but to convince men yet further that I mean as I say, there are these arguments—1st I tell you so and you know I never break my word. 2nd My Lord Treasurer says so and he never told lies in his life. 3rd My Lord Lauderdale will undertake for me, and I should be loth by any act of mine to forfeit the credit he has with you. If you desire more instances of my zeal, I have them for you; for example, I have converted all my natural sons from popery, (and I may say without vanity) it was more my work and much more peculiar to me than the getting of them. It would do your hearts good to hear how prettily little George can read already the Psalter; they are all fine children, God bless 'em, and so like me in their understandings. But (as I was saying) I have, to please you, given a pension to your favourite my Lord Lauderdale; not so much that I thought he wanted it, as I knew you would take it kindly. I have made Carwell a Duchess and married her sister to my Lord Pembroke. I have made Crewe Bishop of Durham. I have at my brother's request sent my Lord Inchiquin to settle the protestant religion at Tangier; and at the first word of my Lady Portsmouth I preferred Prideaux to be Bishop of Chichester. I do not know what factions men would have; but this I am sure of, that none of my predecessors did ever anything like this to gain the goodwill of their subjects. So much for religion. {42}

I must now acquaint you that by my Lord Treasurer's advice I have made a considerable retrenchment on my expenses in candles and charcoal, and do not intend to stick there, but, with your help, to look into the like embezelments of my dripping pans and kitching stuff, of which (by ye way) on my conscience neither my Lord Treasurer nor my Lord Lauderdale are guilty; but if you should find them dabbling in that business I tell you plainly I leave them to you, for I would not have the world think I am a man to be cheated.

* * * * *

I would have you believe of me as you always found me; and I do solemnly profess that, whatever you give me, it shall be managed with the same thrift, conduct, and prudence and sincerity, that I have ever practised since my happy restoration.

[9] Reprinted by kind permission of the publishers.

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HABEAS CORPUS ACT (1679).

Source.—*Statutes of the Realm*. Vol. v., pp. 935-938.

I. Whereas great delays have been used by sheriffs, gaolers, and other officers, to whose custody any of the King's subjects have been committed for criminal or supposed criminal matters, in making returns of writs of *Habeas Corpus* to them directed, by standing out an *Alias* and *Pluries Habeas Corpus*, and sometimes more, and by other shifts to avoid their yielding obedience to such writs, contrary to their duty and the known laws of the land, whereby many of the King's subjects have been, and hereafter may be long detained in prison, in such cases where by law they areailable, to their great charges and vexation:—

II. For the prevention whereof, and for the more speedy relief of all persons imprisoned for any such criminal or supposed criminal matters, Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present Parliament assembled, and by the authority thereof, that whensoever any person or persons shall bring any *Habeas Corpus* directed unto any sheriff or sheriffs, gaoler, minister, or other person whatsoever, for any person in his or their custody, and the said writ shall be served upon the said officer, or left at the gaol or prison, with any of the officers, ... then the said officers ... shall within three days after the service thereof as aforesaid (unless the commitment aforesaid were for treason or felony, plainly or specially expressed in the warrant of commitment) upon payment or tender of the charges of bringing the said prisoner, to be ascertained by the judge or court that awarded the same, and indorsed upon the said writ, not exceeding tweldepence per mile, and upon security given by his own bond to pay the charges of carrying back the prisoner, if he shall be remanded by the court or judge to which he shall be brought according to the true intent of his present act, and that he will not make any escape by the way, make return of such writ; and bring or cause to be brought, the body of the person so committed or restrained, unto or before the Lord Chancellor, or Lord Keeper of the Great Seal of England for the time being, or the judges or barons of the said court from whence the said writ shall issue, or unto or before such other person or persons before whom the said writ is made returnable according to the command thereof; and shall then likewise certify the true causes of his detainer or imprisonment, unless the commitment of the said party be in any place beyond the distance of twenty miles from the place or places where such court or person is, or shall be, residing: and if beyond the distance of twenty miles, and not above one hundred miles, then within the space of ten days; and if beyond the distance of one hundred miles, then within the space of twenty days, after such delivery and not longer.

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III. And to the intent that no sheriff, gaoler, or other officer, may pretend ignorance of the import of any such writ, Be it enacted ... that all such writs shall be marked in this manner, *per statutum tricesimo primo Caroli secundi regis*, and shall be signed by the person that awards the same; and if any person or persons shall be or stand committed or detained as aforesaid, for any crime (except for felony or treason plainly expressed in the warrant of commitment), in the vacation time, and out of term, it shall ... be lawful ... for the person or persons so committed ... or any one on his or their behalf to appeal or complain to the Lord Chancellor, or Lord Keeper, or any one of his Majesty's justices, either of the one bench or of the other, or the barons of the Exchequer of the degree of the coif and the said Lord Chancellor, Lord Keeper, justices, or barons, or any of them ... are hereby ... required, upon request made in writing by such person or persons, or any or his, her or their behalf, attested and subscribed by two witnesses who were present at the delivery of the same, to ... grant a *Habeas Corpus* ... to be directed to the officer ... in whose custody the party ... detained shall be; returnable immediate before the said Lord Chancellor, Lord Keeper [&c.].

IV. And upon service thereof ..., the officer ... in whose custody the party is so ... detained, shall, within the times respectively before limited, bring such prisoner or prisoners before the said Lord Chancellor, or Lord Keeper, or such justices and barons, or one of them ... with ... the true cause of the commitment or detainer. And thereupon, within two days after the party shall be brought before them, the said Lord Chancellor, Lord Keeper [&c.] ... shall discharge the said prisoner from his imprisonment, taking his or their recognizance, with one or more surety or sureties, in any sum according to their discretions, having regard to the quality of the prisoner and nature of the offence, for his or their appearance in the Court of King's Bench the term following, or at the next assizes, sessions, or general gaol-delivery of and for such county, city, or place where the commitment was, or where the offence was committed ... unless it shall appear to the said Lord Chancellor, or Lord Keeper [&c.] ... that the party is detained upon a legal process, order, or warrant, out of some court that hath jurisdiction of criminal matters, or by some warrant signed and sealed with the hand and seal of any of the said justices or barons, or some justices or justices of the peace, for such matters or offences for the which by the law the prisoner is notailable.

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V. And ... if any officer ... shall neglect or refuse ... to bring the body ... of the prisoner according to the command of the said writ, within the respective times aforesaid, or upon demand made by the prisoner or person in his behalf, shall refuse to deliver ... a true copy of the warrant ... of commitment ... of such prisoner, ... such person ... shall for the first offence forfeit to the prisoner ... the sum of one hundred pounds, and for the second offence the sum of two hundred pounds, and shall ... be made incapable to hold or execute his said office.

VI. And ... no person or persons which shall be delivered or set at large upon any *Habeas Corpus* shall at any time hereafter be again imprisoned or committed for the same offence ... other than by the legal order and process of such court wherein he or they shall be bound by recognizance to appear, or other court having jurisdiction of the cause. And if any other person or persons shall knowingly, contrary to this Act, recommit or imprison, for the same offence ... any person or persons delivered or set at large as aforesaid, ... then he or they shall forfeit to the prisoner ... the sum of five hundred pounds. {46}

VII. Provided always ... That if any person or persons shall be committed for high treason or felony, plainly and specially expressed in the warrant of commitment, upon his ... petition in open court the first week of term, or the first day of the sessions of *Oyer and Terminer*,^[10] or general gaol-delivery, to be brought to his trial, shall not be indicted some time in the next term, sessions of *Oyer and Terminer*, or general gaol-delivery, after such commitment; it shall be lawful to and for the judges of the Court of King's Bench, and justices of *Oyer and Terminer*, or general gaol-delivery ... to set at liberty the prisoner upon bail, unless it appear to the judges and justices ... that the witnesses for the King could not be produced.... And if such person ... shall not be indicted and tried the second term, sessions of *Oyer and Terminer*, or general gaol-delivery, after his commitment, or upon his trial shall be acquitted, he shall be discharged from his imprisonment.

VIII. Provided always That nothing in this act shall extend to discharge out of prison any person charged in debt, or other action, or with process in any civil cause, but that after he shall be discharged of his imprisonment for such his criminal offence, he shall be kept in custody according to the law, for such other suit.

X. Provided always ... That it shall and may be lawful to and for any prisoner or prisoners as aforesaid to move and obtain his or their *Habeas Corpus* as well out of the high court of chancery or court of exchequer, as out of the courts of king's bench or common pleas, or either of them; and if the said Lord Chancellor, or Lord Keeper, or any judge ... of any of the courts aforesaid, in the vacation time, upon view of the copy or copies of the warrant or warrants of commitment or detainer, or upon oath made that such copy or copies were denied as aforesaid, shall deny any writ of *Habeas Corpus* by this act required to be granted, being moved for as aforesaid, they shall severally forfeit to the prisoner or party grieved the sum of five hundred pounds. {47}

XI. And be it ... enacted ... That an *Habeas Corpus* ... may be directed and run into any county palatine, the cinque ports, or other privileged places within the kingdom of England, dominion of Wales, or town of Berwick-upon-Tweed, and the islands of Jersey or Guernsey, any law or usage to the contrary notwithstanding.

XII. And for preventing illegal imprisonments ... beyond the seas, be it ... enacted ... That no subject of this realm that now is, or hereafter shall be an inhabitant or resident of this kingdom ... shall or may be sent prisoner into Scotland, Ireland, Jersey, Guernsey, Tangier, or into parts, garrisons, islands, or places beyond the sea; and That every such imprisonment is hereby ... adjudged to be illegal.

[10] A judicial commission to hear and determine cases of treason, felony, and misdemeanours.

THE POPISH TERROR (1678-1681).

Source.—Burnet's *History of His Own Times*. Pp. 156-164. Abridged edition, 1841.

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, and 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 into Scotland, and held field conventicles there to distract the Government; that he was sent to St. Omer's, thence to Paris, and from thence to Spain; that there was a great meeting at St. Clement's; and that the result of their consultation was a resolution to kill the King by shooting, stabbing or poisoning him, and that Coleman was privy to the whole design. This was the substance of what he declared the first day; whereupon many Jesuits were seized that night and next day, and their papers sealed up. {48}

There were many things in this declaration that made it look like an imposture. Oates did not know Coleman at first, but when he heard him speak in his own defence, he named him; he named Wakeman, the Queen's physician, though he did not know him at all; Langhorne who was the great manager for the Jesuits, he did not name; and when the King asked him what sort of man Don John (with whom he pretended to be intimate) was, he answered he was a tall, lean man, when the King knew him to be the very reverse. These were strong indications of a forgery. But what took away that suspicion was the contents of Coleman's

letters, since by them it appeared that so many years ago the design of converting the nation and rooting out the northern heresy, as they called it, was so near its execution, since in them the Duke's great zeal was often mentioned with honour and many indecent reflections made on the King for his inconstancy and disposition to be brought to anything for money: and since by them their dependence was expressed to lie in the French King's assistance, and his expeditious conclusion of a general peace, as the only means that could finish their design.

A few days after this, a very extraordinary thing happened, that contributed more and more to confirm the belief of this evidence. Sir Edmund Berry Godfrey was an eminent justice of peace who lived near Whitehall. He had stayed in London and had kept things in order in the time of the plague, which gained him great reputation and for which he was afterwards knighted. A zealous Protestant he was, and a true lover of the Church of England, but had kind thoughts of the nonconformists, was not forward to execute the laws against them, and to avoid doing that, was not apt to search for priests or mass-houses, so that few men of the like zeal lived on better terms with the Papists than he. Oates went to him the day before he appeared at the Council-board, and declared upon oath the narrative he intended to make, which Godfrey afterwards published a little imprudently, and was thereupon severely chid for seeming to distrust the Privy Council, and presuming to intermeddle in so tender a matter. {49}

On Saturday, October 12th, he went abroad in the morning, was seen about one o'clock near St. Clement's Church, but was seen no more till his body was found, on the Thursday night following, in a ditch about a mile out of town near St. Pancras Church. His sword was thrust through him, but no blood was on his clothes or about him; his shoes were clean, his money was in his pocket; a mark was all round his neck, which showed he was strangled; his breast was bruised; his neck was broken, and there were many drops of white wax-lights on his breeches, which being only used by priests and persons of quality, made people imagine in whose hands he had been.

Oates's evidence was, by means of this murder, so far believed that it was not safe to seem to doubt of it; and when the Parliament met, he was called before the bar of the House of Commons, where he made a fresh discovery. He said that the Pope had declared England to be his kingdom, and accordingly had sent over commissions to make Lord Arundel of Wardour, Chancellor; Lord Powys, Treasurer; Sir William Godolphin, then in Spain, Privy Seal; Coleman, Secretary of State; Belasyse, General of the Army; Petre, Lieutenant-General; Ratcliffe, Major-General; Stafford, Paymaster-General; and Langhorne, Advocate-General; besides many other commissions for subaltern officers. 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 to murder the King at Windsor; and that Wakeman had undertaken to poison him for £15,000; and he excused his not knowing them before by the fatigue and want of rest he had been under for two nights before, which made him not master of himself.

There were great inconsistencies in all this. That one man should not know another that was a principal in a plot wherein he himself was concerned; that one man should have £15,000 for a safe way of dispatching, and four but twenty guineas apiece for doing it openly; that he should love the King so well as he then pretended, and yet suffer these ruffians to go down to kill him, without giving notice of the danger—these and some other incongruities in the pretended commissions (for Belasyse was perpetually gouty, Petre was no military man, and Ratcliffe lived chiefly in the north), were characters sufficient of a fictitious discovery, had not some other incidents concurred to give it a further confirmation. {50}

Bedloe, a man of a very vicious life, delivered himself to the magistrates of Bristol, pretending he knew the secret of Godfrey's murder, and accordingly was brought to London and examined by the Secretary. He said he had seen Godfrey's body at Somerset House, and was offered by Lord Belasyse's servant £4,000 to assist in carrying it away, whereupon he had gone out of town as far as Bristol, but was so pursued with horror that he could not forbear discovering it, but at the same time denied that he knew anything of the plot, till, on the next day, when he was brought to the bar of the House of Lords, he made a full discovery of it, confirming the chief points of Oates's evidence.

While things were in this ferment at London, Carstairs came from Scotland to complain of Duke Lauderdale. He had brought up such witnesses as he always had by him to prove the thing, [\[11\]](#) and as he was looking about for a lucky piece of villainy, he chanced to go into an eating-house in Covent Garden, where one Staley, a Popish banker, was in the next room, and pretended that 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. With these words he and one of his witnesses went to him next day, and threatened to swear them against him unless he would give them a sum of money. The poor man foresaw his danger, but he chose rather to leave himself to their malice than become their prey; so he was apprehended, and in five days brought to his trial. The witnesses gave full evidence against him to the purpose above mentioned, nor could he offer anything to invalidate their credit. All that he urged was, the improbability of his saying such dangerous words in a quarter of the town where almost everybody understood French; so he was cast, and prepared himself seriously for death, all along protesting that he knew of no plot, nor had ever said the words sworn against him, nor anything to that purpose. {51}

There was one accident now fell in that tended not a little to impair Oates's credit. He had declared before the House of Lords that he had then informed concerning all persons of any distinction that he knew to be engaged in the plot, and yet after that he deposed that the Queen had a great share in it, and was, in his hearing, consenting to the King's death. But his pretence for not accusing her before was so lame and frivolous that it would not satisfy people, though Bedloe, to support his evidence, swore things of the like nature.

When Coleman was brought to his trial, Oates and Bedloe swore flatly against him what was mentioned before; and he, to invalidate their evidence, insisted on Oates's not knowing him when they were confronted; on his being in Warwickshire at the same time that Oates swore he was in town; and on the improbability of his transacting such dangerous matters with two such men as he had never seen before. His letters to Père la Chaise were the heaviest part of the evidence, and to these he did not deny but that he had intentions to bring in the Catholic religion, but only by a toleration, not by rebellion or blood, and that the aid he had requested from France for that purpose was meant only of the advance of some money and the interposition of that Court. After a long trial he was found guilty and sentence passed upon him to die as a traitor. He suffered with much composedness and devotion, and died much better than he lived, denying with his last breath every tittle of what the witnesses had sworn against him, though many were sent from both Houses, offering to interpose for his pardon if he would confess.

The nation was now so much alarmed that all people were furnishing themselves with arms, and a bill passed both Houses for raising the militia, and for keeping it together for six weeks, but the King rejected it, though he gave his consent to the disbanding the army; wherein the Commons were so diffident of him that they ordered the money to be brought, not into the Exchequer, but into the Chamber of London, and appointed a committee of their own members for paying it off and disbanding it. {52}

The courts of justice in the meanwhile were not idle, for in December, Ireland the Jesuit, and Grove and Pickering, two 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 for killing the King; but he, in his defence, by many witnesses endeavoured to prove that on the 2nd of August he went into Staffordshire, and did not return till the 12th of September. Yet, in opposition to that a woman swore that she saw him in London about the middle of August; and so, because he might have come up post in one day and gone down in another, this did not satisfy. Against Grove and Pickering they swore that they undertook to kill the King at Windsor; that Grove was to have £1,500 for doing it, and Pickering thirty thousand masses, which at twelvecence a mass, amounts to the same money; that they attempted it three several times, but that once the flint was loose, at another time there was no powder in the pan, and at a third the pistol was only charged with bullets. This was strange stuff, but all was imputed to a Divine Providence. So the evidences were credited, and the prisoners condemned and executed, but they denied to the last every particular that was sworn against them.

This began to shake the credit of the evidence, when a more composed and credible person came in to support it. One Dugdale, who had been bailiff to Lord Aston, and lived in a fair reputation in the country, when he was put in prison for refusing to take the oaths of allegiance and supremacy, denied absolutely that he knew anything of the plot, but made afterwards great discoveries. He said that the Jesuits in London had acquainted Evers, Lord Aston's Jesuit, with the design of killing the King, and desired him to find out proper men to execute it; that Evers and Gavan, another Jesuit, had pressed him to undertake it; that they had promised to canonise him for it, and Lord Aston offered him £500 if he would set about it. And one instance to confirm the truth of what he asserted was his speaking in a public company (as several testified) of Godfrey's death, the Tuesday after he was missing, which he swore he saw in a letter written by Harcourt to Evers, which letter must have been sent on the very night that Godfrey was killed. {53}

At the same time, a particular discovery was made of Godfrey's murder. Prance, a goldsmith that wrought for the Queen's Chapel, was seized upon suspicion; and as Bedloe was accidentally going by, knowing nothing of the matter, was challenged by him to be one of those whom he saw about Godfrey's body. Prance denied everything at first, but made afterwards this confession; that Gerald and Kelly, two priests, engaged him and three others in this wicked deed—Green, who belonged to the Queen's Chapel; Hill, who had served Godden, one of their famous writers; and Berry, the Porter of Somerset House; that they had several meetings wherein the priests persuaded them that it was a meritorious action to dispatch Godfrey, in order to deter others from being so busy against them; that the morning before they killed him Hill went to his house to see if he was yet gone out, and spoke to his maid; that they waited his coming out, and dogged him all day, till he came to a place near St. Clement's, where he stayed till night; that as Godfrey passed by Somerset House water-gate two of them pretending to quarrel, another ran out to call a justice, and with much importunity prevailed with him to come and pacify them; that as he was coming along Green got behind him and threw a twisted cravat about his neck, and so pulled him down and strangled him; and that Gerald would have run his sword through him, but was hindered by the rest lest the blood might discover them; that when the murder was done, they carried the body into Godden's room (for he was in France) and Hill had the key of it; that two days after they removed it into a room across the upper court, but that being thought not so convenient, they carried it back to Godden's lodging; that on Wednesday night they carried it {54}

out in a sedan, and when they had got clear of the town Green carried it on horseback to the place where it was found.

This was a consistent story, which was supported in some circumstances by collateral proofs; and yet when he came before the King and Council he denied all he had sworn, and said it was a mere fiction; but when he was carried back to prison, he said all was true again, and that the horror and confusion he was in made him deny it. Thus he continued saying and unsaying for several times; but at last he persisted in his first attestation, and by this and what Bedloe brought in evidence against them, Green, Hill, and Berry were found guilty and condemned. Green and Hill died, as they had lived, Papists, and with solemn protestations denied the whole thing; but Berry declared himself a Protestant, though he had personated a Papist for bread, for which dissimulation he thought this judgment had befallen him. But he denied what was charged against him, and to the last minute declared himself altogether innocent; and his dying a Protestant and yet denying all that was sworn against him, was a triumph to the Papists, and gave them an opportunity to say that it was not the doctrine of equivocation, nor the power of absolution, but merely the force of conviction that made those of their religion do the same.

The Lord Chief Justice at this time was Sir William Scroggs, a man more valued for a good readiness in speaking well than either learning in his profession or any moral virtue. His life had been indecently scandalous, and his fortune very low; and it was a melancholy thing to see so bad, so ignorant and so poor a man raised up to that high post. Yet now, seeing how the stream ran, he went into it with so much zeal and heartiness that he became the people's favourite and strove in all trials even with an indecent earnestness to get the prisoners convicted.

But their resolute manner of dying and protestations of innocence to the last began to make impression on people's minds, and impair the credit both of the judge and witnesses, till one Jennison, the younger brother of a Jesuit, and a gentleman of family and estate, but now turned Protestant, came in, as it were, to their relief; for in contradiction to what Ireland died affirming, *i.e.* that he was in Staffordshire at the time that Oates swore he was in London, he wrote a letter to a friend attesting that he was in company with Ireland on the 19th of August, and had much familiar talk with him, so that his dying affirmations were false. The letter was printed, and this use was made of it to vacate the truth of those denials wherewith so many ended their lives. But what afterwards destroyed the credit of the letter was the solemn protestation that the author made, as he desired forgiveness of his sins and hoped for the salvation of his soul, that he knew nothing of the plot; and yet the summer after he published a long narrative, wherein he said that himself was invited to assist in the murder of the King, and named the four ruffians who went to Windsor to do it. {55}

While the witnesses were thus weakening their own credit, some practices were discovered that did very much support it. Reading, a lawyer of some subtlety, but no virtue, who was employed by the lords in the Tower to solicit their affairs, had offered Bedloe some money of his own accord (as it afterwards appeared) to mollify his evidence against the lords, and had drawn up a paper to show him by how small a variation in his depositions he might bring them off. But Bedloe was too cunning for him. He had acquainted Prince Rupert and the Earl of Essex with the whole negotiation, and placed two witnesses in his room, when he drew Reading into a renewal of the proposal so commodiously that the attempt of corruption was plainly proved upon him, and he was set in the pillory for it. Some that belonged to the Earl of Danby conversed much with Oates's servants, who told him that their master was daily speaking odious things against the King; and one of them affirmed that he had once made an abominable attempt upon him. But when Oates smelt this out, he soon turned the tables upon them; for he prevailed with his servants to deny all, and had the others set in the pillory as defamers of the King's evidence. And to bring things of the same sort all together, one Tashborough, who belonged to the Duke's Court, proposed to Dugdale, in the Duke's name, but without his authority, that he should sign a retraction of what he had sworn, and go beyond seas, and have a considerable reward for so doing. But the other outwitted him likewise, and proving such practices upon him, had him both fined and set in the pillory. {56}

[11] *I.e.*, his case against Lauderdale.

STAFFORD'S TRIAL (1680).

Source.—Evelyn's *Diary*. Vol. ii., pp. 158-163. Bohn edition.

November 30. The signal day begun the trial (at which I was present) of my Lord Vicount Stafford, for conspiring the death of the King; second son to my Lord Thomas Howard Earl of Arundel and Surrey, Earl Marshall of England, and grandfather to the present Duke of Norfolk, whom I so well knew, and from which excellent person I received so many favours. It was likewise his birthday. The trial was in Westminster-Hall, before the King, Lords, and Commons; just in the same manner as, forty years past, the great and wise Earl of Strafford (there being but one letter differing their names) received his trial for pretended ill government in Ireland, in the very same place, this Lord Stafford's father being then High-Steward. The place of sitting was now exalted some considerable height from the paved floor of the Hall, with a stage of boards. The throne, woolpacks for the Judges, long forms for the Peers, chair for the Lord Steward, exactly ranged, as in the House of Lords. The sides on

both hands scaffolded to the very roof for the members of the House of Commons. At the upper end, and on the right side of the King's state, was a box for his Majesty, and on the left, others for the great ladies, and over head a gallery for ambassadors and public ministers. At the lower end, or entrance, was a bar, and place for the prisoner, the Lieutenant of the Tower of London, the axe-bearer and guards, my Lord Stafford's two daughters, the Marchioness of Winchester being one; there was likewise a box for my Lord to retire into. At the right hand, in another box, somewhat higher, stood the witnesses; at the left, the managers, in the name of the Commons of England, namely, Serjeant Maynard (the great lawyer, the same who prosecuted the cause against the Earl of Strafford forty years before, being now near eighty years of age), Sir William Jones, late Attorney-General, Sir Francis Winnington, a famous pleader, and Mr. Treby, now Recorder of London, not appearing in their gowns as lawyers, but in their cloaks and swords, as representing the Commons of England: to these were joined Mr. Hampden, Dr. Sacheverell, Mr. Poule, Colonel Titus, Sir Thomas Lee, all gentlemen of quality, and noted parliamentary men. The two first days, in which were read the commission and impeachment, were but a tedious entrance into matter of fact, at which I was but little present. But, on Thursday, I was commodiously seated amongst the Commons, when the witnesses were sworn and examined. The principal witnesses were Mr. Oates (who called himself Dr.), Mr. Dugdale, and Turberville. Oates swore that he delivered a commission to Viscount Stafford from the Pope, to be Paymaster-General to an army intended to be raised;—Dugdale [swore] that being at Lord Aston's, the prisoner dealt with him plainly to murder his Majesty; and Turberville, that at Paris he also proposed the same to him. {57}

3rd December. The depositions of my Lord's witnesses were taken, to invalidate the King's witnesses; they were very slight persons, but, being fifteen or sixteen, they took up all that day, and in truth they rather did my Lord injury than service.

4th. Came other witnesses of the Commons to corroborate the King's, some being Peers, some Commons, with others of good quality, who took off all the former day's objections, and set the King's witnesses *recti in Curiâ*.

6th. Sir William Jones summoned up the evidence; to him succeeded all the rest of the managers, and then Mr. Henry Poule made a vehement oration. After this my Lord, as on all occasions, and often during the trial, spoke in his own defence, denying the charge altogether, and that he had never seen Oates, or Turberville, at the time and manner affirmed; in truth, their testimony did little weigh with me; Dugdale's only seemed to press hardest, to which my Lord spake a great while, but confusedly, without any method. {58}

One thing my Lord said as to Oates, which I confess did exceedingly affect me: That a person who during his depositions should so vauntingly brag that though he went over to the church of Rome, yet he was never a Papist, nor of their religion, all the time that he seemed to apostatise from the Protestant, but only as a spy; though he confessed he took their sacrament, worshipped images, went through all their oaths, and discipline of their proselites, swearing secrecy and to be faithful, but with intent to come over again and betray them;—that such an hypocrite, that had so deeply prevaricated as even to turn idolator (for so we of the Church of England termed it), attesting God so solemnly that he was entirely theirs and devoted to their interest, and consequently (as he pretended) trusted;—I say, that the witness of such a profligate wretch should be admitted against the life of a peer,—this my Lord looked upon as a monstrous thing, and such as must needs redound to the dishonour of our religion and nation. And verily I am of his Lordship's opinion: such a man's testimony should not be taken against the life of a dog. But the merit of something material which he discovered against Coleman, put him in such esteem with the Parliament, that now, I fancy he stuck at nothing, and thought everybody was to take what he said for gospel. The consideration of this, and some other circumstances, began to stagger me; particularly how it was possible that one who went among the Papists on such a design, and pretended to be intrusted with so many letters and commissions from the Pope and the party, nay and delivered them to so many great persons, should not reserve one of them to show, nor so much as one copy of any commission, which he who had such dexterity in opening letters might certainly have done, to the undeniable conviction of those whom he accused; but, as I said, he gained credit on Coleman. But, as to others whom he so madly flew upon, I am little inclined to believe his testimony, he being so slight a person, so passionate, so ill-bred, and of such impudent behaviour; nor is it likely that such piercing politicians as the Jesuits should trust him with so high and so dangerous secrets. {59}

7th December. On Tuesday I was again at the trial, when judgment was demanded; and, after my Lord had spoken what he could in denying the fact, the managers answering the objections, the Peers adjourned to their House, and within two hours returned again. There was, in the meantime, this question put to the judges, "whether there being but one witness to any single crime, or act, it could amount to convict a man of treason." They gave an unanimous opinion that in case of treason they all were overt acts, for though no man should be condemned by one witness for any one act, yet for several acts to the same intent it was valid; which was my Lord's case. This being past, and the Peers in their seats again, the Lord Chancellor Finch (this day the Lord High-Steward) removing to the woosack next his Majesty's state, after summoning the lieutenant of the tower to bring forth his prisoner, and proclamation made for silence, demanded of every peer (who were in all eighty-six) whether William, Lord Viscount Stafford, were guilty of the treason laid to his charge, or not guilty.

Then the Peer spoken to, standing up, and laying his right hand upon his breast, said

Guilty, or Not Guilty, upon my honour, and then sat down, the Lord Steward noting their suffrages as they answered upon a paper: when all had done, the number of Not guilty being but 31, the Guilty 55: and then, after proclamation for silence again, the Lord Steward directing his speech to the prisoner, against whom the axe was turned edgeways and not before, in aggravation of his crime, he being ennobled by the King's father, and since received many favours from his present Majesty: after enlarging on his offence, deploring first his own unhappiness that he who had never condemned any man before should now be necessitated to begin with him, he then pronounced sentence of death by hanging, drawing, and quartering, according to form, with great solemnity and dreadful gravity; and after a short pause, told the prisoner that he believed the Lords would intercede for the omission of some circumstances of his sentence, beheading only excepted; and then breaking his white staff, the Court was dissolved. My Lord Stafford during all this latter part spake but little, and only gave their Lordships thanks after the sentence was pronounced; and indeed behaved himself modestly, and as became him. {60}

It was observed that all his own relations of his name and family condemned him, except his nephew, the Earl of Arundel, son to the Duke of Norfolk. And it must be acknowledged that the whole trial was carried on with exceeding gravity: so stately and august appearance I had never seen before; for besides the innumerable spectators of gentlemen and foreign ministers, who saw and heard all the proceedings, the prisoner had the consciences of all the Commons of England for his accusers, and all the Peers to be his Judges and Jury. He had likewise the assistance of what counsel he would, to direct him in his plea, who stood by him. And yet I can hardly think that a person of his age and experience should engage men whom he never saw before (and one of them that came to visit him as a stranger at Paris) *point blank* to murder the King: God only who searches hearts, can discover the truth. Lord Stafford was not a man beloved, especially of his own family.

* * * * *

22nd. A solemn public Fast that God would prevent all Popish plots, avert his judgments, and give a blessing to the proceedings of parliament now assembled, and which struck at the succession of the Duke of York.

29th. The Viscount Stafford was beheaded on Tower-hill.

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CHARACTER OF SHAFTESBURY (1681).

Source.—Dryden's *Absalom and Achitophel*.

... The false Achitophel^[12] was ...
A name to all succeeding ages curst.
For close designs and crooked counsels fit,
Sagacious, bold, and turbulent of wit,
Restless, unfixed in principles and place,
In power unpleased, impatient of disgrace;
A fiery soul, which working out its way,
Fretted the pigmy body to decay,
And o'er-informed the tenement of clay.
A daring pilot in extremity,
Pleased with the danger, when the wave went high,
He sought the storms; but, for a calm unfit,
Would steer too nigh the sands to boast his wit.
Great wits are sure to madness near allied,
And thin partitions do their bounds divide.
Else, why should he, with wealth and honour blest,
Refuse his age the needful hours of rest?
Punish a body which he could not please,
Bankrupt of life, yet prodigal of ease?
And all to leave what with his toil he won
To that unfeathered two-legged thing, a son
Got while his soul did huddled notions try,
And born a shapeless lump, like anarchy.
In friendship false, implacable in hate
Resolved to ruin or to rule the State.
To compass this the triple bond he broke,
The pillars of the public safety shook,
And fitted Israel^[13] for a foreign yoke.
Then, seized with fear, yet still affecting fame,
Usurped a patriot's all atoning name.
So easy still it proves in factious times
With public zeal to cancel private crimes.
How safe is treason and how sacred ill,
Where none can sin against the people's will;
Where none can wink and no offence be known,
Since in another's guilt they find their own!
Yet fame deserved no enemy can grudge:
The statesman we abhor, but praise the judge.
In Israel's courts ne'er sat an Abbethdin^[14]
With more discerning eyes or hands more clean,
Unbribed, unsought, the wretched to redress,
Swift of despatch and easy of access.
Oh! had he been content to serve the Crown
With virtues only proper to the gown,
Or had the rankness of the soul been freed
From cockle that oppressed the noble seed,
David^[15] for him his tuneful harp had strung
And Heaven had wanted one immortal song.
But, wild ambition loves to slide, not stand,
And Fortune's ice prefers to Virtue's land.
Achitophel, grown weary to possess
A lawful fame and lazy happiness,
Disdained the golden fruit to gather free
And lent the crowd his arm to shake the tree.
Now, manifest of crimes contrived long since,
He stood at bold defiance with his Prince,
Held up the buckler of the people's cause
Against the Crown, and skulked behind the laws.
The wished occasion of the Plot^[16] he takes;
Some circumstances finds, but more he makes;
By buzzing emissaries fills the ears
Of listening crowds with jealousies and fear
Of arbitrary counsels brought to light,
And proves the King himself a Jebusite.^[17]
Weak arguments! which yet he knew full well
Were strong with people easy to rebel.
For governed by the moon, the giddy Jews^[18]
Tread the same track when she the prime renews.
And once in twenty years, their scribes record,
By natural instinct they change their lord.
Achitophel still wants a chief, and none
Was found so fit as warlike Absalom.^[19]
Not that he wished his greatness to create,
For politicians neither love nor hate:
But, for he knew his title not allowed
Would keep him still depending on the crowd:
That kingly power, thus ebbing out, might be
Drawn to the dregs of a democracy.
Him he attempts with studied arts to please.

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[12] Shaftesbury.

[13] England.

[14] The President of the Jewish judicature. Shaftesbury had been made Lord Chancellor in 1672.

[15] Charles II.

[16] The Popish Plot.

[17] A Roman Catholic.

[18] The English people.

[19] Monmouth, whom Shaftesbury proposed as Charles II.'s successor during the Exclusion controversy (1679-1681).

JUDGE JEFFREYS—A CHARACTER SKETCH.

Source.—North's *Lives of the Norths*. Vol. i., pp. 288-291. Bohn edition.

"Noisy in nature. Turbulent at first setting out. Deserter in difficulties. Full of tricks. Helped by similar friendships. Honesty, law, policy, alike."

This, to conclude, is the summary character of the Lord Chief Justice Jeffreys and needs no interpreter. And since nothing historical is amiss in a design like this, I will subjoin what I have personally noted of that man; and some things of indubitable report concerning him. His friendships and conversation lay among the good fellows and humorists; and his delights were accordingly, drinking, laughing, singing, kissing, and all the extravagances of the bottle. He had a set of banterers, for the most part, near him; as in old time men kept fools to make them merry. And these fellows abusing one another and their betters, were a regale to him. And no friendship or dearness could be so great in private which he would not use ill, and to an extravagant degree, in publick. No one that had any expectations from him was safe from his public contempt and derision which some of his minions at the bar bitterly felt. Those above or that could hurt or benefit him, and none else, might depend on fair quarter at his hands. When he was in temper and matters indifferent came before him, he became his seat of justice better than any other I ever saw in his place. He took a pleasure in mortifying fraudulent attorneys and would deal forth his severities with a sort of majesty. He had extraordinary natural abilities, but little acquired beyond that practice in affairs had supplied. He talked fluently and with spirit; and his weakness was that he could not reprehend without scolding; and in such Billingsgate language as should not come out of the mouth of any man. He called it "giving a lick with the rough side of his tongue." It was ordinary to hear him say, "Go, you are a filthy, lousy, nitty rascal;" with much more of like elegance. Scarce a day passed that he did not chide some one or other of the bar when he sat in the Chancery: and it was commonly a lecture of a quarter of an hour long. And they used to say, "This is yours; my turn will be to-morrow." He seemed to lay nothing of his business to heart nor care what he did or left undone; and spent in the Chancery court what time he thought fit to spare. Many times on days of causes at his house, the company have waited five hours in a morning, and after eleven, he hath come out inflamed and staring like one distracted. And that visage he put on when he animadverted on such as he took offence at, which made him a terror to real offenders; whom also he terrified, with his face and voice, as if the thunder of the day of judgement broke over their heads; and nothing ever made men tremble like his vocal inflictions. He loved to insult and was bold without check; but that only when his place was uppermost. To give an instance. A city attorney was petitioned against for some abuse; and affidavit was made that when he was told of my lord chancellor, "My lord chancellor," said he, "I made him;" meaning his being a means to bring him early into city business. When this affidavit was read, "Well," said the lord chancellor, "then I will lay my maker by the heels." And with that conceit one of his best old friends went to jail. One of these intemperances was fatal to him. There was a scrivener of Wapping brought to hearing for relief against a bummery bond^[20]; the contingency of losing all being showed, the bill was going to be dismissed. But one of the plaintiff's counsel said that he was a strange fellow, and sometimes went to church, sometimes to conventicles; and none could tell what to make of him; and "it was thought he was a trimmer." At that the chancellor fired; and "A trimmer!" said he; "I have heard much of that monster, but never saw one. Come forth Mr. Trimmer, turn you round and let us see your shape:" and at that rate talked so long that the poor fellow was ready to drop under him; but at last, the bill was dismissed with costs, and he went his way. In the hall, one of his friends asked him how he came off? "Came off," said he, "I am escaped from the terrors of that man's face which I would scarce undergo again to save my life; and I shall certainly have the frightful impression of it as long as I live." Afterwards when the Prince of Orange came, and all was in confusion, this lord chancellor, being very obnoxious, disguised himself in order to go beyond sea. He was in a seaman's garb and drinking a pot in a cellar. This scrivener came into the cellar after some of his clients; and his eye caught that face which made him start; and the chancellor, seeing himself eyed, feigned a cough and turned to the wall with his pot in his hand. But Mr. Trimmer went out and gave notice that he was there; whereupon the mob flowed in and he was in extreme hazard of his life; but the lord mayor saved him and lost himself. For the chancellor being hurried with such crowd and noise before him, and so dismally not only disguised but disordered; and there having been an amity betwixt them, as also a veneration on the lord mayor's part, he had not spirits to sustain the shock but fell down in a swoon; and, in not many hours after, died. But this Lord Jeffries came to the seal without any concern at the weight of duty incumbent upon him; for at the first being merry over a bottle with some of his old friends, one of them told him that he would find the business heavy. "No," said he, "I'll make it light." But, to conclude with a strange inconsistency, he would drink and be merry, kiss and slaver, with these bon companions over night, as the way of such is, and the next day fall upon them

ranting and scolding with a virulence insufferable.

[20] A mortgage on a ship.

THE TRIAL OF THE SEVEN BISHOPS (1688).

Source.—Bishop Kennet's *Complete History*, vol. iii., pp. 484-486. 1706 edition.

On June 15, came on the Bishop's Tryal, the most Important, perhaps, that was ever known before in Westminster-Hall; not only Seven Prelates Contending for the Rights of the *Anglican* Church, but Seven Peers of the Realm Standing up for the Liberties of England. The Court of King's-Bench being Sat, His Majesty's Attorney-General mov'd for a *Habeas Corpus*, directed to Sir *Edward Hales* Lieutenant of the *Tower*, to bring up His Grace the Lord Arch-Bishop of *Canterbury*, and the Six Bishops; which was granted, and the Prisoners were accordingly brought up by Water. At their Landing, they were receiv'd by several Divines, and Persons of Quality, and by a vast Concourse of People, who with repeated acclamations uttered wishes for their Deliverance. On the Bench sate Sir Robert Wright, Lord Chief-Justice, and Mr. Justice Holloway, two of the King's Creatures; Mr. Justice *Powell* a Protestant of great Integrity, and Mr. Justice Allibone a profess'd Papist. The Council for the King, was Sir *Thomas Powis* Attorney-General, Sir William Williams Solicitor-General, Sir *Bartholomew Shower* Recorder of *London*, Serjeant *Trinder* a Papist, etc. And for the Prisoners, Sir *Robert Sawyer*, Mr. *Finch*, Mr. *Pollexfen*, Sir *George Treby*, Serjeant *Pemberton*, Serjeant *Levinz*, and the last and greatest, Mr. *Somers*. The Court was extremely fill'd, and with Persons of the Highest Quality, as if they interpos'd in the last Tryal for the Liberties of the Church and Nation; The Marquesses of *Hallifax* and *Worcester*, the Earls of *Shrewsbury*, *Kent*, *Bedford*, *Dorset*, *Bullingbrooke*, *Manchester*, *Burlington*, *Carlisle*, *Danby*, *Radnor* and *Nottingham*; Viscount *Falconberg*, and the Lords Grey of *Ruthyn*, *Paget*, *Shandois*, *Vaughan*, and *Carberry*. The Return and Warrant being read, the Attorney-General mov'd, That the Information might be read to the Prisoners, and that they might immediately Plead to it. This Motion the Bishops' Council opposed; Objecting, First, that the Prisoners were Committed by the Lord Chancellor, and some other of the Privy Council, without expressing the Warrant, That it was by Order of the Privy-Council; and therefore, That the Commitment was Illegal, and that the Prisoners were not Legally in Court. And, Secondly, That the Fact for which they were Committed was such, as they ought not to have been Imprison'd for; because a Peer ought not to be Committed, in the first Instance, for a Misdemeanor. Judge *Powel* refused to deliver his Opinion, before he had consulted Books: But the Lord Chief-Justice, Judge *Allibone* and Judge *Holloway* Agreed, That the Fact charg'd in the Warrant, was such a Misdemeanor, as was a Breach of the Peace; and therefore, That the Information ought to be read, and the Bishops must Plead to it. After the reading of the Information, the Bishops' Council desir'd that they might have an Imparlance till the next Term, to consider what they had to Plead. Sir Samuel *Astry*, Clerk of the Crown, being ask'd what was the Course of the Court? Answer'd, that of late Years, if a Man appear'd upon a Recognizance, or was a Person in Custody, he ought to Plead at the first Instance; but that he had known it to be at the Discretion of the Court to grant what Line they pleas'd. After this Answer, the Lord Chief-Justice declar'd, That the Bishops should now Plead to the Information. Thereupon the Lord Arch-Bishop of *Canterbury* offer'd a Plea in behalf of himself and his Brethren the other Defendants, alledging, *That they were Peers of this Kingdom of ENGLAND, and Lords of Parliament, and ought not to be compell'd to Answer instantly, for the Misdemeanour mentioned in the Information; but that they ought to be requir'd to Appear by due Process of Law; and upon their Appearance, to have a Copy of the said Information, and reasonable Time given them to Imparle thereupon.* The King's Council labour'd hard to have the Plea rejected. After a long Debate, Judge *Powel* said, He was for receiving the Plea, and Considering of it; but the rest of the Judges declar'd for Rejecting of it: So the Prisoners at last Plead, *Not Guilty*. The King's Council pray'd, the Clerk might join Issue on behalf of the King; and desir'd the Defendants to take Notice, That they intended to Try this Cause on that Day Fortnight; adding That they wereailable, if they pleas'd. Sir *Robert Sawyer* desir'd, that their own Recognizance might be taken; which was readily granted.

On *June 29* the Bishops Appear'd before the Court of *King's Bench*, according to their Recognizance, the Appearance being still greater than a Fortnight before; for there were now present the Marquesses of *Halifax*, and *Worcester*, the Earls of *Shrewsbury*, *Kent*, *Bedford*, *Pembroke*, *Dorset*, *Bullenbrooke*, *Manchester*, *Rivers*, *Stamford*, *Carnarven*, *Chesterfield*, *Scarsdale*, *Clarendon*, *Danby*, *Sussex*, *Radnor*, *Nottingham* and *Abington*, Viscount *Falconberg*, and the Lords *Newport*, *Grey of Ruthyn*, *Paget*, *Shandois*, *Vaughan*, *Carberry*, *Lumley*, *Carteret* and *Ossulston*. This splendid Appearance was chiefly owing to the indefatigable Care and Solicitation of the Clergy, and especially of the Reverend Dr. *Tennison*. And indeed, the making such a Figure in the Court, had possibly some good Effect upon the Jury, if not upon the Bench: And it was afterwards observ'd by way of Jesting upon Words *That the Bishops were Deliver'd by the Nobilee before, and the Mobilee behind.* The Information being Read, and Open'd to the Jury; the Attorney-General, to take off the Odium of this Prosecution, and in some measure to pacify the People, who could not forbear showing their Resentments, even in the face of the Court, began with Observing, First, That the Bishops were not Prosecuted as Bishops, much less for any Point or Matter of Religion,

but as Subjects of this Kingdom, and only for a Temporal Crime, as having censur'd and Affronted the King to his very Face. Secondly, That they were not Prosecuted for Omitting to do any thing; but as they were Actors in Accusing, and, in effect, of Arraigning His Majesty, and his Government &c. A great deal of Time was spent in Proving, that the Petition produc'd in Court, was the Hand writing of the Arch-Bishop of *Canterbury*; That it was Signed by him and the Six Bishops; And that it was the same which was Presented to His Majesty. After an Elaborate Proof of these Particulars, by the Depositions of Sir *John Nicholas* ... and by the Earl of *Sunderland*, who in Court affirm'd, That he Introduced the Bishops, and was in the Room when they deliver'd the said *Petition* to His Majesty. The Fact being Prov'd, the Bishop's Council were very Learned and Eloquent in Defence of their Clients: Mr. *Somers* spoke last, and mention'd the great Case of *Thomas and Sorrel* in the *Exchequer-Chamber*, upon the Validity of a *Dispensation*; urging, That there it was the Opinion of every one of the Judges, That there never could be an Abrogation, or a Suspension (which is a Temporary Abrogation) of an Act of Parliament, but by the Legislative Power: That indeed it was Disputed, how far the King might Dispense with the Penalties in such a particular Law, as to particular Persons; but it was Agreed by all, That the King had no Power to Suspend any Law: That by the Law of all Civiliz'd Nations, If the Prince does require something to be done, which the Person who is to do it takes to be Unlawful; it is not only Lawful, but his Duty, *Rescribere Principi*; which is all the Bishops had done here, and that in the most humble manner: That as to Matters of Fact alleg'd in the said *Petition*, there cou'd be no Design to Diminish the Prerogative, because the King had no such Prerogative: That the *Petition* cou'd not be Seditious, because it was Presented to the King in Private, and Alone; Nor False, because the Matter of it was True; Nor Malicious, for the Occasion was not sought, the Thing was press'd upon them; Nor, in short, a Libel, because the Intent was Innocent, and they kept within the Bounds set by the Act of Parliament, that gives the Subject leave to apply to his Prince by Petition, when he is aggriev'd. {70}

When the Council on both sides had done, Chief-Justice *Wright* summ'd up the Evidence, and told the Jury, That Sometimes the *Dispensing Power* had been allow'd, as in Richard II'd's time, and sometimes deny'd; but that it was a Question out of the present Case; If they believ'd the Petition to be the same that was Presented by the Bishops to the King, then the Publication was sufficiently Prov'd: And whatever tended to Disturb the Government, or make a Stir among the People, was certainly within the Name of *Libellus Famosus*; and his opinion, in short, was, That the Bishops *Petition* was a *Libel*.

Mr. Justice *Holloway* declar'd, That the End and Intention of every Action was to be Consider'd: That the Bishops were Charg'd with Delivering a *Petition* which, according to their Defence, was done with all the Humility and Decency imaginable: That the Delivering of a *Petition* could be no fault, it being the right of every Subject to *Petition*: Therefore, if the Jury were satisfy'd, They did it with no Ill Intention, but only to shew the Reasons for their Disobedience to the King's Command, he cou'd not think it to be a *Libel*.

Mr. Justice *Powel* more plainly declar'd, That He could discern no Sedition or any other Crime fixed upon the Bishops, since there was nothing offer'd by the King's Council to render the *Petition* False, Seditious or Malicious. He admonish'd the Jury to Consider that the Contents of the *Petition* were, That the Bishops Apprehended the *Declaration to be Illegal, as being founded upon a Dispensing Power claim'd by the King*; and that for his Part he did not remember in any Case in all the Law, that there was any such Power in the King, and if not, the *Petition* could not be a Libel. He concluded with telling them, That he could see no Difference between the King's Power to *Dispense* with the Laws Ecclesiastical, and his Power to Dispense with any Laws whatsoever: That if this was once allow'd of, there would be no need of Parliaments, and all the Legislature would be in the King, and so he left the Issue to God and their Consciences. {71}

Mr. Justice *Allibone* was prepossess'd against Protestant Bishops, and to deliver his Opinion of their Guilt, he laid down Two odd Positions; 1. That no Man can take upon him to Write against the Actual Exercise of the Government, unless he have Leave from the Government, but he makes a Libel by what he Writes, whether True or False. 2. That no private Man can take upon him to Write concerning the Government; and therefore if he intrudes himself into the Affairs of the Publick, he is a Libeller for so doing. These Positions he back'd by a Resolution of the Judges of King James 1st's Time; *That to frame a Petition to the King to put the Penal Laws in Execution, was next Door to Treason*; which is a gross Misquotation, instead of a Petition *against the Penal Laws*, and for which, being taken up by Justice *Powel* and Serjeant *Pemberton*, little Heed was given to any thing he said afterwards. Whereupon the Jury withdrew, sat up all Night, and next Morning brought in the Reverend Prelates, *Not Guilty*.

There were immediately very Loud Acclamations thro' *Westminster-Hall*, and the Words *Not Guilty, Not Guilty*, went round with such Shouts and Huzza's, that the King's Solicitor mov'd very earnestly that such as had shouted in the Court might be Committed; whereupon a Gentleman of *Grey's-Inn* was laid hold on, but soon discharged with this short Reproof from the Chief-Justice; "*Sir, I am as glad as you can be that Lords the Bishops are Acquitted but ... you might Rejoice in your Chamber ... and not here.*"

We have great satisfaction to find, by 35, and since, by Mons. Zuylistein, that your Highness is so ready and willing to give us such assistance as they have related to us. We have great reason to believe we shall be every day in a worse condition than we are, and less able to defend ourselves, and, therefore, we do earnestly wish we might be so happy as to find a remedy before it be too late for us to contribute to our own deliverance; but, although these be our wishes, yet we will by no means put your Highness into any expectations which may misguide your own councils in this matter; so that the best advice we can give is, to inform your Highness truly both of the state of things here at this time, and of the difficulties which appear to us. As to the first, the people are so generally dissatisfied with the present conduct of the government in relation to their religion, liberties, and properties (all which have been greatly invaded); and they are in such expectations of their prospects being daily worse, that your Highness may be assured there are nineteen parts of twenty of the people throughout the kingdom who are desirous of a change; and who, we believe, would willingly contribute to it, if they had such a protection to countenance their rising, as would secure them from being destroyed, before they could get to be in a posture able to defend themselves: it is no less certain, that much the greatest part of the nobility and gentry are as much dissatisfied, although it be not safe to speak to many of them beforehand; and there is no doubt but that some of the most considerable of them would venture themselves with your Highness at your first landing, whose interest would be able to draw great numbers to them, whenever they could protect them, and the raising and drawing men together; and, if such a strength could be landed as were able to defend itself and them, till they could be got together into some order, we make no question but that strength would be quickly increased to a number double to the army here, although their army should remain firm to them; whereas we do, upon very good grounds, believe, that their army then would be very much divided among themselves; many of the officers being so discontented, that they continue in their service only for a subsistence (besides that some of their minds are known already): and very many of the common soldiers do daily show such an aversion to the Popish religion, that there is the greater probability imaginable of great numbers of deserters which would come from them, should there be such an occasion; and amongst the seamen, it is almost certain that there is not one in ten who would do them any service in such a war. Besides all this, we do much doubt whether this present state of things will not yet be much changed to the worse, before another year, by a great alteration, which will probably be made both in the officers and soldiers of the army, and by such other changes as are not only to be expected from a packed parliament, but what the meeting of any parliament, in our present circumstances, may produce against those who will be looked upon as principal obstructers of their proceedings there; it being taken for granted, that, if things cannot then be carried to their wishes in a parliamentary way, other measures will be put in execution by more violent means; and, although such proceedings will then heighten the discontent, yet such courses will, probably, be taken at that time, as will prevent all possible means of relieving ourselves. {72}

These considerations make us of opinion, that this is a season in which we may more probably contribute to our own safeties than hereafter (although we must own to your Highness there are some judgments differing from ours in this particular), in so much that, if the circumstances stand so with your Highness, that you believe you can get here time enough in a condition to give assistance this year sufficient for a relief under those circumstances which have been now represented, we who subscribe this will not fail to attend your Highness upon your landing, and to do all that lies in our power to prepare others to be in as much readiness as such an action is capable of, where there is so much danger in communicating an affair of such a nature, till it be near the time of its being made public. But, as we have already told your Highness, we must also lay our difficulties before your Highness; which are chiefly, that we know not what alarm your preparations for this expedition may give, or what notice it will be necessary for you to give the states beforehand, by either of which means their intelligence or suspicions here may be such as may cause us to be secured before your landing; and we must presume to inform your Highness, that your compliment upon the birth of the child (which not one in a thousand here believes to be the Queen's) hath done you some injury; the false imposing of that upon the Princess and the nation being not only an infinite exasperation of people's minds here, but being certainly one of the chief causes upon which the declaration of your entering the Kingdom in a hostile manner must be founded upon your part, although many other reasons are to be given on ours. If, upon a due consideration of all these circumstances, your Highness shall think fit to venture upon the attempt, or, at least, to make such preparations for it as are necessary (which we wish you may), there must be no more time in letting us know your resolution concerning it, and in what time we may depend that all the preparations will be ready; as also whether your Highness does believe the preparations can be so managed as not to give them warning here, both to make them increase their force, and to secure those they shall suspect would join with you. We need not say any thing about ammunition, artillery, mortar-pieces, spare arms, etc., because, if you think fit to put any thing in execution, you will provide enough of these kinds, and will take care to bring some good engineers with you; and we have desired Mr. H.^[21] to consult you about all such matters, to whom we have communicated our thoughts in many particulars too tedious to have been written, and about which no certain resolutions can be taken till we have heard again from your Highness. {73}

- [21] Admiral Herbert.
- [22] Shrewsbury.
- [23] Devonshire.
- [24] Compton, Bishop of London.
- [25] Admiral Russell.
- [26] Henry Sidney.

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THE COMING OF WILLIAM OF ORANGE (1688).

Source.—From Burnet's *History of His Own Times*, pp. 286-293. Abridged edition, 1841.

Torbay was thought the best place for the fleet to lie in, and it was proposed to land the army as near as possible; but when it was perceived next morning, that we had overrun it, and had nowhere to go now but to Plymouth, where we could promise ourselves no favourable reception, the Admiral began to give up all for lost, till the wind abating, and turning to the south, with a soft and gentle gale carried the whole fleet into Torbay in the space of four hours.

The foot immediately went on shore, the horse were next day landed, and the artillery and heavy baggage sent to Topsham, the seaport of Exeter, where the Prince intended to stay some time, both to refresh his men and to give the country an opportunity to declare its affections. When the Prince entered Exeter, the Bishop and Dean ran away, the clergy stood off, the magistrates were fearful, and it was full a week before any gentlemen of the country joined him, though they saw every day persons of condition coming in to him—among the first of whom was Lord Colchester, eldest son to the Earl of Rivers, Lord Wharton, Lord Abingdon, and Mr. Russell, Lord Russell's brother.

Seymour was then Recorder of Exeter. He joined the Prince, with several other gentlemen of quality and estate, and gave the good advice of having an association signed by all who come in, as the only means to prevent desertion, and to secure them entirely to the Prince's party.

The heads of the university of Oxford sent Dr. Finch, son to the Earl of Winchelsea, then made Warden of All Souls College, to assure the Prince that they would declare for him, inviting him at the same time to come to Oxford, and to accept of their plate if he needed it. A sudden turn from those principles which they carried so high not many years before! But all this was but a small accession.

The King came down to Salisbury, and sent his troops twenty miles farther; whereupon the Prince, leaving Devonshire and Exeter under Seymour's government, with a small garrison and the heavy artillery under Colonel Gibson, who was made Deputy Governor as to the military part, advanced with his army; and understanding that some officers of note (Lord Cornbury, Colonel Langston, and others) designed to come over and bring their men with them, but that they could not depend on their subalterns, he ordered a body of his men to advance, and favour their revolt. The parties were within two miles of one another, when the whisper ran about that they were betrayed, which put them in such confusion that many rode back, though one whole regiment, and about a hundred besides, came over in a body, which gave great encouragement to the Prince's party, and (as it was managed by the flatterers) was made an instance to the King of his army's fidelity to him, since those who attempted to lead their regiments away were forced to do it by stratagem, which, as soon as they perceived, they deserted their leaders and came back.

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But all this would not pacify the King's uneasy mind. His spirits sank, his blood was in such a fermentation that it gushed out of his nose several times a day, and with this hurry of thought and dejection of mind all things about him began to put on a gloomy aspect. The spies that he sent out took his money, but never returned to bring him any information; so that he knew nothing but what common report told him, which magnified the number of his enemies, and made him believe the Prince was coming upon him before he had moved from Exeter. The city of London, he heard, was unquiet; the Earls of Devonshire and Danby and Lord Lumley were drawing great bodies of men in Yorkshire; the Lord Delamere had a regiment in Cheshire; York and Newcastle had declared for the Prince; and the bulk of the nation did so evidently discover their inclinations for him, that the King saw he had nothing to trust to but his army; and the army, he began to fear, was not to be relied on. In conclusion, when he heard that Lord Churchill and the Duke of Grafton (who was one of King Charles's sons by the Duchess of Cleveland), and the most gallant of all he had, were gone to the Prince, and soon after that Prince George, the Duke of Ormond, and the Lord Drumlanrig, eldest son to the Duke of Queensberry, had forsaken him, he was quite confounded, and not knowing whom to depend on any longer, or what further designs might be against him, he instantly went to London.

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The Princess Anne, when she heard of the King's return, was so struck with the apprehension of his displeasure, and what possibly might be the consequence of it, that she persuaded Lady Churchill to prevail with the Bishop of London to carry them both off. The

Bishop, as it was agreed, received them about midnight at the back-stairs, and carried them to the Earl of Dorset's, where they were furnished with what they wanted, and so conducted them to Northampton, where that Earl soon provided a body of horse to serve the Princess as her guard; and not long after a small army was formed about her, which, according to their desire, was commanded by the Bishop of London.

At this time there was a foolish ballad went about, treating the Papists, and chiefly the Irish, in a ridiculous manner, which made an impression on the army, and thence on the whole country, not to be imagined but by those who saw it; and a bold man adventured to publish in the Prince's name another Declaration, setting forth the desperate designs of the Papists, and the great danger the nation was in by their means, and requiring all persons to turn them out of their employments, to secure all strong places, and to do their utmost in order to execute the laws, and bring all things again into their proper channel. The paper was penned with a good spirit, though none ever claimed the merit of it, and no doubt being made but that it was published by the Prince's direction, it set everything to work, and put the rabble and apprentices to pulling down mass-houses and doing many irregular actions.

When the King saw himself thus forsaken, not only by those whom he had trusted and favoured most, but even by his own children, the army in the last distraction, the country on every side revolting, and the city in an ungovernable fermentation, he called a general meeting of all the Privy Councillors and Peers in town to ask their advice and what was fit to be done. The general advice was that he should send commissioners to the Prince to treat with him, which, though sore against the King's inclination, the dejection he was in and the desperate state of his affairs made him consent to. The persons appointed were the Marquis of Halifax, the Earl of Nottingham, and the Lord Godolphin; and when they had waited on the Prince at Hungerford, desiring to know what it was that he demanded, after a day's consultation with those who were about him, he returned answer "that he desired a Parliament might be presently called, and no one continued in any employment who would not qualify himself according to law; that the Tower of London might be put in the keeping of the City, and the fleet and all strong places in the hands of Protestants; that the armies on both sides might not, while the Parliament was sitting, come within twenty miles of London; that a proportion of the revenue might be set apart for the payment of the Prince's army, and himself allowed to come to London with the same number of guards that the King had." {78}

These were the Prince's demands, which, when the King read, he owned more moderate than he expected; but before they came to his hands he had engaged himself in other resolutions. The priests and all violent Papists, who saw that a treaty with the Prince would not only ruin their whole design, but expose them as a mark and sacrifice to the malice of their enemies, persuaded the Queen that she would certainly be impeached, that witnesses would be set up against her and her son, and that nothing but violence could be expected. With these suggestions they wrought upon her fear so far, that she not only resolved to go to France herself, and take the child with her, but prevailed with the King likewise to follow her in a few days. The Queen went down to Portsmouth, and from thence in a man-of-war went over to France, taking along with her the midwife and those who were concerned in her son's birth, who not long after were all so disposed of that it never could be yet learned what became of them; and on the 10th of December, about three in the morning, the King went away in disguise with Sir Edward Hales, whose servant he pretended to be. They passed the river, throwing the Great Seal into it, which was afterwards found by a fisherman near Vauxhall, and in a miserable fisher-boat, which Hales had provided to carry them over to France, when, not having gone far, some fishermen of Feversham, who were watching for priests and such other delinquents as they fancied were making their escape, came up to them, and knowing Sir Edward Hales, took both the King and him, and brought them to Feversham. {79}

It was strange that a great King, who had a good army and a strong fleet, should choose rather to abandon all than either try his fate with that part of the army that stood firm to him, or stay and see the issue of Parliament. This was variously imputed to his want of courage, his consciousness of guilt, or the advice of those about him; but so it was that his deserting in this manner, and leaving them to be pillaged by an army that he had ordered to be disbanded without pay, was thought the forfeiture of his right, and the expiration of his reign; and with this notion I now proceed to relate what passed in the Interregnum (though under the same title still) until the throne, which was then left vacant, came to be filled.

When it was noised about town that the King was gone, the apprentices and rabble, supposing the priests had persuaded him to it, broke out again with fresh fury upon all suspected houses, and did much havoc in many places. They met with Jeffreys as he was making his escape in disguise, and he being known by some of them, was insulted with all the scorn and rudeness that malice could invent, and after some hour's tossing about, was carried to the Lord Mayor to be committed to the Tower, which Lord Lucas had now seized, and in it declared for the Prince.

The Lord Mayor was so struck with the terror of the rude populace, and with the disgrace of a man who had made all people tremble before him, that he fell into fits of which he died soon after; but to prevent all future disorders in the City, he called a meeting of the Privy Councillors and Peers at the Guildhall, who all agreed to send an invitation to the Prince, desiring him to come and take the government of the nation into his hands until a Parliament should meet and reduce all things to a proper settlement. {80}

The Prince was at Abingdon when the news of the King's desertion and the City's disorder met him, and upon this it was proposed that he should make all imaginable haste to London; but some were against it, because, though there had been but two small actions, one at Winkinton, in Dorsetshire, and the other at Reading, during the whole campaign, in neither of which the King's forces gave them much reason to dread them, yet there were so many of the disbanded soldiers scattered along the road, all the way to London, that it was thought unsafe for the Prince to advance faster than his troops could march before him, which delay was attended with very bad consequences. When the people of Feversham understood that it was the King they had in their custody, they changed their rough usage into all the respect they could possibly pay him. The country came in, and were moved with this astonishing instance of all worldly greatness, that he who had ruled three kingdoms, and might have been arbiter of all Europe, was now found in such mean hands, and in so low an equipage; and when the news was brought to London, all the indignation that was formerly conceived against him was turned into pity and compassion. The Privy Council upon this occasion met, and agreed to have the King sent for. The Earl of Feversham went with the coaches and guards to bring him back. In his passage through the City he was welcomed by great numbers with loud acclamations of joy, and at his coming to Whitehall had a numerous Court; but when he came to reflect on the state of his affairs, he found them in so ruinous a condition, that there was no possibility of making any stand; and therefore he sent the Earl of Feversham (but without demanding a pass) to Windsor, to desire the Prince to come to St. James's and consult with him the best means of settling the nation. {81}

The Prince had some reason to take this procedure of the Council amiss, after they had invited him to take the government into his own hands; and because the Earl of Feversham had commanded the army against him, and was now come without a passport, it was thought advisable to put him in arrest. The tender point was how to dispose of the King's person; and when some proposed rougher methods, such as keeping him in prison or sending him to Breda, at least until the nation was settled, the Prince would not consent to it; for he was for no violence or compulsion upon him, though he held it necessary for their mutual quiet and safety that he should remove from London.

When this was resolved on, the Lords Halifax, Shrewsbury and Delamere were appointed to go and order the English guards to be drawn off, and sent into country quarters, while Count Solms with the Dutch was to come and take all the posts about Court. The thing was executed without resistance, but not without murmuring, and it was near midnight before all was settled, when the lords sent notice to the King that they had a message to deliver to him. They told him "the necessity of affairs required that the Prince should come presently to London, and they thought it would conduce both to the safety of the King's person and the quiet of the City to have him retire to some house out of town, and they named Ham; adding that he should be attended with a guard, but only to secure his person, and not give him any disturbance." When the lords had delivered their message they withdrew; but the King sent immediately after them to know if the Prince would permit him to go to Rochester. It was soon seen that the intent of this was to forward his escape, and therefore the Prince willingly consented to it; and as the King next day went out of town, the Prince came through the park privately to St. James's which disgusted many who had stood some time in the wet to see him. The next day all the bishops in town (except the Archbishop, who had once agreed to do it), the clergy of London, and the several companies of the City came to welcome him, and express a great deal of joy for the deliverance wrought by his means. As the Prince took notice of Serjeant Maynard's great age, and how he had outlived all the men of the law, he answered he had liked to have outlived the law itself, had not his Highness come over to their relief. {82}

When compliments were over, the first thing that came under consultation was how to settle the nation. The lawyers were of opinion that the Prince might declare himself King, as Henry VII. had done, and then call a Parliament, which would be a legal assembly; but their notion in this was so contrary to the Prince's Declaration, and so liable to give offence, that it could not be admitted. Upon this the Prince called together all the peers and members of the three late Parliaments that were in town, together with some of the citizens of London, desiring their advice in the present conjuncture. They agreed in an address to him that he would write missive letters round the nation, in such manner as the writs were issued out, for sending up representatives, and that in the meantime he would be pleased to take the administration of the government into his hands.

While these things were carrying on in London, the King at Rochester was left in full liberty, and had all the respect paid to him that he could wish. Most of the Dutch guards that attended him happened to be Papists; and when he went to Mass they went with him, and joined very reverently in the devotion; whereupon, being asked how they could serve in an expedition that was intended to destroy their own religion, one of them answered briskly that his soul was God's, but his sword was the Prince of Orange's. The King continued there a week, and many who were zealous for his interest went to him, and desired him to stay and see the result. But while he was distracted between his own inclinations and his friends' importunities, a letter came from the Queen reminding him of his promise, and upbraiding him for not performing it, which determined his purpose; and on the last day of this memorable year he went from Rochester very secretly, and got safely into France, leaving a paper on his table, wherein he reproached the nation for forsaking him, and promised that, though he was going to seek for foreign aid to restore him to his throne, yet he would make no use of it either to overthrow the established religion or the laws of the land. {83}

THE BILL OF RIGHTS (1689).

Source.—*Statutes of the Realm*. Vol. vi., pp. 142-145.

Whereas the Lords Spiritual and Temporal, and Commons, assembled at Westminster, lawfully, fully, and freely representing all the estates of the people of this realm, did, upon the thirteenth day of February, in the year of our Lord one thousand six hundred eighty-eight, present unto their Majesties, then called and known by the names and style of William and Mary, Prince and Princess of Orange, being present in their proper persons, a certain declaration in writing, made by the said Lords and Commons, in the words following; viz.:—

Whereas the late King James II., by the assistance of diverse evil counsellors, judges, and ministers employed by him, did endeavour to subvert and extirpate the Protestant religion, and the laws and liberties of this kingdom:—

1. By assuming and exercising a power of dispensing with and suspending of laws, and the execution of laws, without consent of Parliament.

2. By committing and prosecuting divers worthy prelates, for humbly petitioning to be excused from concurring to the same assumed power.

3. By issuing and causing to be executed a commission under the Great Seal for erecting a court, called the Court of Commissioners for Ecclesiastical Causes.

4. By levying money for and to the use of the Crown, by pretence of prerogative, for other time, and in other manner than the same was granted by Parliament. {84}

5. By raising and keeping a standing army within this kingdom in time of peace, without consent of Parliament, and quartering soldiers contrary to law.

6. By causing several good subjects, being Protestants, to be disarmed, at the same time when Papists were both armed and employed contrary to law.

7. By violating the freedom of election of members to serve in Parliament.

8. By prosecutions in the Court of King's Bench, for matters and causes cognizable only in Parliament; and by diverse other arbitrary and illegal courses.

9. And whereas of late years, partial, corrupt, and unqualified persons have been returned and served on juries in trials, and particularly diverse jurors in trials for high treason, which were not freeholders.

10. And excessive bail hath been required of persons committed in criminal cases, to elude the benefit of the laws made for the liberty of the subjects.

11. And excessive fines have been imposed; and illegal and cruel punishments inflicted.

12. And several grants and promises made of fines and forfeitures, before any conviction or judgment against the persons upon whom the same were to be levied.

All which are utterly and directly contrary to the known laws and statutes, and freedom of this realm.

And whereas the said late King James II. having abdicated the government, and the throne being thereby vacant, his Highness the Prince of Orange (whom it hath pleased Almighty God to make the glorious instrument of delivering this kingdom from popery and arbitrary power) did (by the advice of the Lords Spiritual and Temporal, and diverse principal persons of the Commons) cause letters to be written to the Lords Spiritual and Temporal, being Protestants, and other letters to the several counties, cities, universities, boroughs, and cinque ports, for the choosing of such persons as represent them, as were of right to be sent to Parliament, to meet and sit at Westminster upon the two-and-twentieth day of January, in this year one thousand six hundred eighty and eight, in order to such an establishment, as that their religion, laws and liberties might not again be in danger of being subverted; upon which letters, elections have been accordingly made. {85}

And thereupon the said Lords Spiritual and Temporal, and Commons, pursuant to their respective letters and elections, being now assembled in a full and free representation of this nation, taking into their most serious consideration the best means for attaining the ends aforesaid, do in the first place (as their ancestors in like case have usually done), for the vindicating and asserting their ancient rights and liberties, declare:—

1. That the pretended power of suspending of laws, or the execution of laws, by regal authority, without consent of parliament, is illegal.

2. That the pretended power of dispensing with laws, or the execution of laws by regal authority, as it hath been assumed and exercised of late, is illegal.

3. That the commission for erecting the late Court of Commissioners for Ecclesiastical causes, and all other commissions and courts of like nature, are illegal and pernicious.

4. That levying money for or to the use of the Crown, by pretence of prerogative, without grant of parliament, for longer time or in other manner than the same is or shall be granted, is illegal.

5. That it is the right of the subjects to petition the king, and all commitments and prosecutions for such petitioning are illegal.

6. That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of parliament, is against law.

7. That the subjects which are Protestants may have arms for their defence suitable to their conditions, and as allowed by law.

8. That election of members of parliament ought to be free.

9. That the freedom of speech, and debates or proceedings in parliament, ought not to be impeached or questioned in any court or place out of parliament. {86}

10. That excessive bail ought not to be required, nor excessive fines imposed; nor cruel and unusual punishment inflicted.

11. That jurors ought to be duly impanelled and returned, and jurors which pass upon men in trials for high treason ought to be freeholders.

12. That all grants and promises of fines and forfeitures of particular persons before conviction, are illegal and void.

13. And that for redress of all grievances, and for the amending, strengthening, and preserving of the laws, parliaments ought to be held frequently.

And they do claim, demand, and insist upon all and singular the premises, as their undoubted rights and liberties; and that no declarations, judgments, doings or proceedings, to the prejudice of the people in any of the said premises, ought in any wise to be drawn hereafter into consequence or example.

To which demand of their rights they are particularly encouraged by the declaration of his Highness the Prince of Orange, as being the only means for obtaining a full redress and remedy therein.

Having therefore an entire confidence that his said Highness the Prince of Orange will perfect the deliverance so far advanced by him, and will still preserve them from the violation of their rights, which they have here asserted, and from all other attempts upon their religion, rights, and liberties:

II. The said Lords Spiritual and Temporal, and Commons, assembled at Westminster, do resolve, that William and Mary, Prince and Princess of Orange, be, and be declared, King and Queen of England, France, and Ireland, and the dominions thereunto belonging, to hold the Crown and royal dignity of the said kingdom and dominions to them the said Prince and Princess during their lives, and the life of the survivor of them; and that the sole and full exercise of the regal power be only in, and executed by, the said Prince of Orange, in the names of the said Prince and Princess, during their joint lives; and after their deceases, the said Crown and royal dignity of the said kingdoms and dominions to be to the heirs of the body of the said Princess; and for default of such issue to the Princess Anne of Denmark, and the heirs of her body and for default of such issue to the heirs of the body of the said Prince of Orange. And the Lords Spiritual and Temporal, and Commons, do pray the said Prince and Princess to accept the same accordingly. {87}

III. And that the oaths hereafter mentioned be taken by all persons of whom the oaths of allegiance and supremacy might be required by law, instead of them; and that the said oaths of allegiance and supremacy be abrogated.

I, A. B., do sincerely promise and swear, That I will be faithful and bear true allegiance to their Majesties King William and Queen Mary:

So help me God.

I, A. B., do swear, That I do from my heart, abhor, detest, and abjure as impious and heretical, that damnable doctrine and position, that Princes excommunicated or deprived by the Pope, or any authority of the See of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare, that no foreign prince, person, prelate, state, or potentate hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority ecclesiastical or spiritual, within this realm:

So help me God.

IV. Upon which their said Majesties did accept the Crown and royal dignity of the kingdoms of England, France, and Ireland, and the dominions thereunto belonging, according to the resolution and desire of the said Lords and Commons contained in the said declaration.

V. And thereupon their Majesties were pleased, that the said Lords Spiritual and Temporal, and Commons, being the two Houses of Parliament, should continue to sit, and with their Majesties' royal concurrence make effectual provision for the settlement of the religion, laws, and liberties of this kingdom, so that the same for the future might not be in danger again of being subverted; to which the said Lords Spiritual and Temporal, and Commons, did agree and proceed to act accordingly. {88}

VI. Now in pursuance of the premises, the said Lords Spiritual and Temporal, and Commons, in parliament assembled, for the ratifying, confirming, and establishing the said declaration, and the articles, clauses, matters, and things therein contained, by the force of a law made in due form by authority of parliament, do pray that it may be declared and enacted, That all and singular the rights and liberties asserted and claimed in the said declaration, are the true, ancient, and indubitable rights and liberties of the people of this kingdom, and so shall be esteemed, allowed, adjudged, deemed, and taken to be, and that all

and every the particulars aforesaid shall be firmly and strictly holden and observed, as they are expressed in the said declaration; and all officers and ministers whatsoever shall serve their Majesties and their successors according to the same in all times to come.

VII. And the said Lords Spiritual and Temporal, and Commons ... declare, that King James II. having abdicated the government, and their Majesties having accepted the Crown and royal dignity aforesaid, their said Majesties did become, were, are, and of right ought to be, by the laws of this realm, our sovereign liege Lord and Lady, King and Queen of England, France, and Ireland, and the dominions thereunto belonging....

VIII. And for preventing all questions and divisions in this realm, by reason of any pretended titles to the Crown, and for preserving a certainty in the succession thereof, in and upon which the unity, peace, tranquillity, and safety of this nation doth, under God, wholly consist and depend, the said Lords Spiritual and Temporal, and Commons, do beseech their Majesties that it may be enacted, established, and declared, that the Crown and regal government of the said kingdoms and dominions, with all and singular the premises thereunto belonging and appertaining, shall be and continue to their said Majesties, and the survivor of them, during their lives, and the life of the survivor of them. And that the entire, perfect, and full exercise of the regal power and government be only in, and executed by, his Majesty, in the names of both their Majesties during their joint lives; and after their deceases the said Crown and premises shall be and remain to the heirs of the body of her Majesty: and for default of such issue, to her Royal Highness the Princess Anne of Denmark, and the heirs of her body; and for default of such issue, to the heirs of the body of his said Majesty.... {89}

IX. And whereas it hath been found by experience, that it is inconsistent with the safety and welfare of this Protestant kingdom, to be governed by a Popish prince, or by any king or queen marrying a Papist, the said Lords Spiritual and Temporal, and Commons, do further pray that it may be enacted, That all and every person and persons that is, are, or shall be reconciled to, or shall hold communion with, the See or Church of Rome, or shall profess the Popish religion, or shall marry a Papist, shall be excluded, and be for ever incapable to inherit, possess, or enjoy the Crown and government of this realm, and Ireland, and the dominions thereunto belonging, or any part of the same, or to have, use, or exercise any regal power, authority, or jurisdiction within the same; and in all and every such case or cases the people of these realms shall be and are hereby absolved of their allegiance; and the said Crown and Government shall from time to time descend to, and be enjoyed by, such persons or persons, being protestants, as should have inherited and enjoyed the same in case the said person or persons so reconciled, holding communion, or professing, or marrying as aforesaid, were naturally dead....

XII. And be it further declared and enacted by the authority aforesaid, That from and after this present session of parliament, no dispensation by *non obstante* of or to any statute, or any part thereof, shall be allowed, but that the same shall be held void and of no effect, except a dispensation be allowed of in such statute, and except in such cases as shall be specially provided for by one or more bill or bills to be passed during this present session of parliament.... {90}

CORRESPONDENCE RELATING TO THE NON-JURORS (1691).

Source.—*Letters between Ambrose Bonwicke and Richard Blechynden* (Cambridge in the Days of Queen Anne, by J. E. B. Mayor, pp. 217-221).

Aug. 11. Bonwicke to Blechynden.

I suppose ... that king *James* had a right to my allegiance, and that secured by an oath; and unless he has given away this right or forfeited it, it is still in him. Now to me it does not appear that he has done either, therefore I dare not give it to another, which ... is the design of the new oaths.... I ought not to have entered into the obligation if I had not designed to have kept it.

Aug. 15. Blechynden to Bonwicke.

He that has no longer a right to the government has no longer a right to my allegiance.... King *James* has shewn, that he neither has the qualifications for government, nor for this of the *English*.... A full possession of the power, especially when recognised by the grandees and main body of the people, gives him that has it a title to the obedience and fidelity (or, if you will, allegiance) of all within his territories; at least they are guilty of no sin that promise fidelity to him.

Aug. 20. Bonwicke to Blechynden.

I should be glad to find my friends and relations (whom I have so great a concern for) are in the right, and that it is prejudice in me has blinded me so long. Though I suppose it would be perjury in me to quit that oath that I still think obligatory, yet I have a very charitable opinion of those that have taken the new one, and suppose that conscience has been as much their guide in taking it, as it has been mine in refusing it.... I suppose a man may be dispossessed of a legal right no otherwise than by law.... I am to consider how I am to behave

myself under a king, that has possession and not right. The execution of those laws that protect me are (*sic*) in his hands; I will give him all the obedience that is necessary for that purpose.... But to take an oath of allegiance to the king *de facto*, certainly cancels my oath of allegiance to the former.... If it were barely submitting to him in power, I suppose we should have no great dispute. {91}

Aug. 25. Blechynden to Bonwicke.

Municipal laws are not the sole measure of right and wrong. There is a superior law of right reason, which respects the common good of mankind, which gave beginning to all civil societies.... You say treason against the king *de facto* is not treason *de jure*; hereby you must mean according to equity and right reason; for treason against a king *de facto* is the only treason by the law of the land, if *Coke* and *Hales*^[27] may be credited.... You call for a legal forfeiture; nothing else, say you, will forfeit a legal right to a crown. But if you please to consult the gentlemen that write politics, who surely are the best guides in this affair, you will find them assign a great many others.... The assemblies of the *grandees* and parliaments have near forty times either deposed their prince or waived the next of kin for the good of the community.

Aug. 31. Bonwicke to Blechynden.

Reason must be our best guide, and she has directed you to take the oaths, as she does me to refuse them. I consider on one side there is only a little temporal concern, and on the other the danger of perjury.... For what you urge, that therefore I ought to have no protection from king *William*, I must be contented; but I think it is the law that protects us both. At present it only deprives us of our livings, and that we must submit to. When the laws become more severe, we must shift as well as we can, and if we cannot live in this country, fly to another.... A whole nation can as ill dispense with their oaths as a single person.

Sept. 5. Bonwicke to Blechynden. {92}

I do really take those laws which have been made since king *William's* coming to the crown to be good laws.... King *James* has lost thus much by losing possession: he has lost the assistance of his people, for it would be treason and illegal to fight against king *William*, who has now the law on his side.

Sept. 8. Blechynden to Bonwicke.

The defence of the society being the sole ground (and measure too) of our obedience and fidelity to our chief governor, it is plain that it is due to him, and to him only, that can and does defend society.... If you will rightly weigh the matter, it is not only a little temporal concern that pleads for your taking oaths. For (pardon my plain dealing) you are chargeable with disobedience to the powers that be, with depriving your country (for which we are all in a great measure made) of the good you may do in your present station, or in the ministry; and with the making or strengthening a party against the public establishment, to the great prejudice of church and state; besides the injury to yourself and family, which an honest man ought not to prejudice but upon very good grounds. All this, I say, you are chargeable with, if the taking the oaths be not manifestly sinful. For the danger or fear of its being so is not sufficient to justify the neglect of any duty, and an opposition to a public establishment and the benefits of it. Reason will prefer the good of the community before that of a single man, especially of one already very false to his trust.... It is not plain that I am sworn to king *James*; the oath in an equitable interpretation not reaching the present case; nor has king *James* any reason to insist on it as the present circumstances are; nor ought you to oblige me by my oath to hurt my neighbours, or my country, how rigorous soever I might be otherwise to myself. There is a great deal of difference between a private oath relating to my own concerns of which I am master; and a public, which was made for the good of the public, and therefore ought in no wise to be strained to the prejudice of the same.... The affection that men are bred up with towards the memory of king *Charles* the first, and the abhorrence of the parliament of 1641, does extremely prejudice men for kings and against parliament; but both extremes are to be carefully shunned. {93}

[27] *Coke* and *Hales* were amongst the most eminent of Stuart lawyers.

PACIFICATION OF THE HIGHLANDS (1692).

Source.—*Calendar of State Papers, Domestic Series, 1691-92:*

[Pp. 101, 102.]

Jan. 16, 1692.—Instructions, signed by the King, for Sir Thomas Levingston:—

We allow you to receive the submissions of *Glengarry*, or those with him, upon their taking the oath of allegiance and delivering up the house of *Invergarry*; to be safe, as to their lives, but as to their estates they must depend upon our mercy.

In case you find the house of *Invergarry* cannot probably be taken in this season of the

year, with the artillery and other provisions that you can bring there, we leave it to your discretion to give Glengarry the assurance of an entire indemnity for life and fortune, upon the delivery of his house and arms, and taking the oath of allegiance. In this you are allowed to act as you find the circumstances of the affair requires. But it were much better that these who have not taken the benefit of our indemnity, in the terms and with the "dyet" prefixed by our proclamation, should be obliged to "render" upon mercy; and the taking of the oath of allegiance is indispensable, others having already taken it. "If McKean of Glencoe and that tribe can be well separated from the rest, it will be a proper vindication of the public justice to extirpate that set of thieves." The "double of these instructions are only communicated to Col. Hill."

[Pp. 153, 154.]

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Feb. 28, 1692. Colonel Hill to the Earl of Portland.

My last gave you an account of the houses of Invergarry and Island Donan being in my possession for the King, and of the ruin of Glencoe, the latter named of which houses, I presume, were better destroyed than kept, for it is situated in such a place that it is hard to relieve it in winter, or at any time well, but by sea; it cannot contain a force to awe those countries in case they should again prove rebellious, and whilst my Lord Seaforth is come in, there is no doubt but his people may be kept quiet, and young Sir Donald McDonald is "a peaceable inclined man," and his relations in Skye mostly protestants, so there is no fear from thence, and that house will be but a charge to little other purpose, as is fit to be blown up.

Those men of Glencoe that (by help of the storm) escaped, would submit to mercy if their lives may be granted them, upon giving security to live peaceably under the government, and not to rob, steal, or receive stolen goods hereafter, and I humbly conceive (since there are enough killed for an example and to vindicate public justice) it were advisable so to receive them, since it will be troublesome to take them, the Highlanders being generally allied one to another, and they may join with other broken men, and be hurtful to the country. Nevertheless, in the meantime, it were necessary that the proclamation against them ... were issued out. At the present they (the men of Glencoe) lie dormant in caves and remote places.

The people now all seem resolved on settlement, and cry out for a jurisdiction among them (and the country will never be right till it be so) they flock in daily to submit to the King's mercy. Appin is a much changed man for the better, professes to everyone he meets his sincerity in keeping the oath of allegiance, and all those people of Appin have good inclinations to quiet, being many of them intelligent men, of whom I doubt not to make very good subjects. The Laird is a "pretty young man" of about 21 years, and had taken the oath before the day, but that he was tied to his bed by sickness at that time, and was carried in a boat to me, to do it, sooner than he was well able.

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It were meet that some things were left to the discretion of whoever commands in so remote a place as this, otherwise sometimes advantages are lost before orders can be obtained, and then (for want of true intelligence of matters) the orders may happen to be wrongly conceived, and when I was here before, the whole was left to me, and it succeeded well. The more authority any(one) has here, the more the people observe to obey.

* * * * *

The captain of Clanronald, "who is one of the prettiest handsome youths I have seen," came in and brought all the chief of his friends, and made his submission and took the oath with the greatest frankness imaginable, as did also all his friends; he has gone to his uncle, the Laird of McLeod, to settle his affairs and to get up some money; he then resolves to wait on the King and Queen, and if he overtake the King at London, he will beg his favour that he may attend him into Flanders. If the King be gone, ere he reach London, he resolves to follow him, and to be wholly governed by the King's pleasure; only he prays he may be so disposed of as to better his education. It will be an act of great charity to "breed" him. I have sent to McNeil of Bara (a remote island) who I doubt not will come in as the rest; so all the work is now done but the settlement of a civil jurisdiction.

THE TREASONS ACT (1696).

Source.—*Statutes of the Realm*. Vol. vii., pp. 6, 7.

Whereas nothing is more just and reasonable than that persons prosecuted for High Treason, and Misprision of Treason, whereby the Liberties, Lives, Honour, Estates, Blood, and Posterity of the Subject may be lost and destroyed, should be justly and equally tried and that persons accused as offenders therein should not be debarred of all just and equal means for defence of their innocencies in such cases; in order thereunto and for the better regulation of trials of persons prosecuted for High Treason and Misprision of such Treason, Be it enacted That ... all and every person or persons whatsoever that shall be accused and indicted for High Treason ... shall have a true copy of the whole indictment, but not the names of the witnesses, delivered unto them or any of them five days at the least before he or they shall be tried for the same, whereby to enable them, or any of them, respectively to advise with Counsel thereupon to plead and make their defence.... And that every person so

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accused and indicted, arraigned, or tried for Treason ... shall be ... admitted to make his and their full defence by Counsel learned in the Law and to make any proof that he or they can produce by lawful witness or witnesses who shall then be upon oath for his or their just defence in that behalf; and in case any person or persons so accused or indicted shall desire Counsel, the Court before whom such person or persons shall be tried, or some judge of that Court ... is hereby authorized and required immediately upon his or their request to assign to such person or persons such and so many Counsel, not exceeding two ... and such Counsel shall have free access at all seasonable hours.

And be it enacted That ... no person ... shall be indicted, tried, or attainted of High Treason ... but by and upon the oaths and testimony of two lawful witnesses, either both of them to the same overt act, or one of them to one and another of them to another overt act of the same Treason, unless the party indicted ... shall willingly, without violence and in open Court, confess the same, or shall stand mute, or refuse to plead.

And be it further enacted That if two or more distinct Treasons of diverse heads or kinds shall be alleged in one bill of indictment, one witness produced to prove one of the said Treasons, and another witness produced to prove another of the said Treasons, shall not be deemed or taken to be two witnesses to the same Treason.

And ... be it further enacted ... That ... no person or persons whatsoever shall be indicted, tried, or prosecuted for ... Treason ... unless the same indictment be found by a Grand Jury within three years next after the Treason or offence was done and committed. {97}

And ... all and every person or persons who shall be accused, indicted or tried for Treason ... shall have copies of the panel of jurors who are to try them duly ... delivered unto them ... two days at the least before he or they shall be tried; and all persons so accused and indicted for Treason ... shall have the like Process of the Court, where they shall be tried, to compel their witnesses to appear for them at any such Trial or Trials.

And be it further enacted. That no evidence shall be admitted or given of any overt act that is not expressly laid in the indictment against any person.

And be it further enacted That upon the Trial of any Peer or Peeress either for Treason or Misprision all the Peers who have a right to sit and vote in Parliament shall be duly summoned twenty days at the least before every such Trial; and that every Peer so summoned and appearing at such Trial shall vote in the Trial.

THE COLONIAL POST (1699).

Source.—*Calendar of Treasury Papers, 1697-1701-02*, pp. 289-290.

Report of Sir R. Cotton, Knt., and Sir Tho. Frankland, postmasters, addressed to the Lords of the Treasury, on the memorials of Thomas Neale and Andrew Hamilton, Esqrs., stating that the latter had established a regular post to pass weekly from Boston to "New York in New England," and from New York to Newcastle in Pennsylvania, that the profits had every year increased so as to defray all charges except his salary; that the Attorney and Solicitor-General were of opinion the King could settle the rates for letters carried beyond sea &c.; advising the appointment of an officer to take charge of all the letters directed to the plantations, and send them in sealed bags, to be delivered to the deputy-postmaster in the first port where the ship should arrive, the master receiving a penny for each letter under his care, and upon such officers being established, a public notice should be given that no other person presume to make any collection of letters for those parts; they were of opinion that the rate for inland letters proposed by Mr. Hamilton was too high, "it having been found by experience in the office here, that the easy and cheap corresponding doth encourage people to write letters, and that this revenue was but little in proportion to what it now is till the postage of letters was reduced from six pence to three pence;" it would require £1,200 further charge than that already expended, to enlarge the post through Virginia and Maryland, etc. Dated 27 April, 1699. {98}

Accompanied by:—

"A calculation what charge will carry the post from Newcastle in Pennsylvania to James' City in Virginia about 400 miles."

The memorial of Thomas Neale, Esq.:

Also another memorial from him, showing that he had deputed Andrew Hamilton, Esq., to erect post offices, who had at the said Thomas Neale's charge, settled them 700 miles in length on the continent of America, the accounts for which were then laid before their Lordships; also that the deputy-post-master had come over to afford information, and proposed the method contained in the enclosed memorial to support the post.

The said memorial of Andrew Hamilton, setting out the good effects of the Post Office, and suggesting various improvements:

He states:—"The method at present used to get letters transported to America is this: the masters bound thither, put up bags in coffee houses, wherein the letters are put, and for which one penny per letter is usually paid, and two pence if it exceed a single letter. This is liable to several abuses. First, any one under pretence that he wants to have his letters up {99}

again, may come to those bags and take out other men's letters, and thereby discover the secrets of the merchants; and 'tis in their power entirely to withdraw 'em. 2^{ndly} Several masters, upon their arrival, often keep up letters till they have disposed of their loading and are ready to sail again, and then drop them to the great hurt of those concerned, which inconveniences would be prevented, if letters were delivered from the Post Office in mails, and likewise delivered by them in mails into the Post Office where they arrive," etc.

ACT OF SETTLEMENT (1701).

Source.—*Statutes of the Realm*. Vol. vii., pp. 636-638.

After reciting the Bill of Rights and declaring the succession vested in the most Excellent Princess Sophia, and the heirs of her body, being Protestants (in case of default of heirs to Anne), the Act of Settlement lays down:—

I. That whosoever shall hereafter come to the possession of this Crown shall join in communion with the Church of England, as by law established.

II. That in case the Crown and imperial dignity of this realm shall hereafter come to any person, not being a native of this kingdom of England, this nation be not obliged to engage in any war for the defence of any dominions or territories which do not belong to the Crown of England, without the consent of Parliament.

III. That no person who shall hereafter come to the possession of this Crown shall go out of the dominions of England, Scotland, or Ireland, without consent of Parliament.

IV. That ... all matters and things relating to the well-governing of this kingdom, which are properly cognizable in the Privy Council by the Laws and Customs of this realm, shall be transacted there, and all resolutions taken thereupon shall be signed by such of the Privy Council as shall advise and consent to the same.

V. That ... no person born out of the kingdoms of England, Scotland, or Ireland, or the dominions thereunto belonging (although he be naturalized or made a denizen, except such as are born of English parents) shall be capable to be of the Privy Council, or a member of either House of Parliament, or to enjoy any office or place of trust, either civil or military, or to have any grant of lands, tenements, or hereditaments from the Crown, to himself or any other or others in trust for him. {100}

VI. That no person who has an office or place of profit under the King, or receives a pension from the Crown, shall be capable of serving as a member of the House of Commons.

VII. That ... Judges' Commissions be made *Quamdiu se bene gesserint*, and their salaries ascertained and established; but upon the Address of both Houses of Parliament it may be lawful to remove them.

VIII. That no pardon under the Great Seal of England be pleadable to an impeachment by the Commons in Parliament.

MARLBOROUGH'S LETTERS RELATING TO BLENHEIM (1704).

Source.—Coxe's *Life of Marlborough*, vol. i., pp. 206, 213-215. Bohn edition.

A. *The Note to his Wife from the Blenheim Battlefield.*

August 13, 1704.—I have not time to say more but to beg you will give my duty to the queen, and let her know her army has had a glorious victory. M. Tallard and two other generals are in my coach, and I am following the rest. The bearer, my aide-de-camp, Colonel Parke will give her an account of what has passed....—MARLBOROUGH.

B. *To his Wife.*

August 14.—Before the battle was quite done yesterday, I writ to my dearest soul to let her know that I was well, and that God had blessed her majesty's arms with as great a victory as has ever been known; for prisoners I have the Marshal de Tallard, and the greatest part of his general officers, above 8,000 men, and near 1,500 officers. In short, the army of M. de Tallard, which was that which I fought with, is quite ruined; that of the elector of Bavaria and the Marshal de Marsin, which Prince Eugene fought against, I am afraid, has not had much loss, for I cannot find that he has many prisoners. As soon as the elector knew that Monsieur de Tallard was like to be beaten, he marched off, so that I came only time enough to see him retire. As all these prisoners are taken by the troops I command, it is in my power to send as many of them to England as her majesty shall think for her honour and service. My own opinion in this matter is, that the Marshal de Tallard, and the general officers, should be sent or brought to her majesty when I come to England; but should all the officers be brought, it would be a very great expense, and I think the honour is in having the marshal and such other officers as her majesty pleases. But I shall do in this, as in all things, that which shall be most agreeable to her. I am so very much out of order with having been seventeen hours {101}

on horseback yesterday, and not having been able to sleep above three hours last night, that I can write to none of my friends.... Had the success of Prince Eugene been equal to his merit, we should in that day's action have made an end of the war.

C. To his Wife.

August 18.—I have been so very much out of order for these four or five days that I have been obliged this morning to be let blood, which I hope will set me right; for I should be very much troubled not to be able to follow the blow we have given, which appears greater every day than another, for we have now above 11,000 prisoners. I have also this day a deputation from the town of Augsburg, to let me know the French were marched out of it yesterday morning, by which they have abandoned the country of Bavaria, so that the orders are already given for the putting a garrison into it. If we can be so lucky as to force them from Ulm, where they are now altogether, we shall certainly then drive them to the other side of the Rhine.... Never was victory so complete, notwithstanding they were stronger than we, and very advantageously posted. But believe me, my dear soul, there was an absolute necessity for the good of the common cause to make this venture, which God has so blessed. I am told the elector has sent for his wife and children to come to Ulm. If it be true, he will not then quit the French interest, which I had much rather he should do, if it might be upon reasonable terms; but the Imperialists are for his entire ruin.... {102}

D. To Lord Godolphin.

August 28.—The troops under my command are advanced three days on their march towards the Rhine, but I have been obliged to stay here^[28] to finish, if possible, the treaty with the electoress.... By the letters we have intercepted of the enemy's, going to Paris from their camp at Dublingen, they all own to have lost 40,000 men.

[28] At Sefelingen.

ACT FOR THE UNION OF THE TWO KINGDOMS OF ENGLAND AND SCOTLAND (1707).

Source.—*Statutes of the Realm*. Vol. viii., pp. 566-577.

The Act recites:—

I. That the two kingdoms of England and Scotland shall, upon the first day of May, which shall be in the year one thousand seven hundred and seven, and for ever after, be united into one Kingdom by the name of Great Britain; and, that the ensigns armorial of the said United Kingdom be such as her Majesty shall appoint, and the crosses of St. George and St. Andrew be conjoined in such manner as her Majesty shall think fit, and used in all flags, banners, standards, and ensigns, both at sea and land.

II. That the succession of the monarchy of the United Kingdom of Great Britain, and of the dominions thereunto belonging, after her most sacred Majesty, be, remain, and continue to the most excellent Princess Sophia, Electoress and Duchess Dowager of Hanover, and the heirs of her body being protestants. {103}

III. That the United Kingdom of Great Britain be represented by one and the same Parliament, to be styled, The Parliament of Great Britain.

IV. That all the subjects of the United Kingdom of Great Britain shall, from and after the union, have full freedom and intercourse of trade and navigation to and from any port or place within the said United Kingdom, and the dominions and plantations thereunto belonging; and that there be a communication of all other rights, privileges, and advantages, which do or may belong to the subjects of either kingdom; except where it is otherwise expressly agreed.

V.-XV. (These articles deal with Trade chiefly.)

XVI. That from and after the union, the coin shall be of the same standard and value throughout the United Kingdom; as now in England, and a mint shall be continued in Scotland, under the same rules as the mint in England, and the present officers of the mint continued, subject to such regulations and alterations as her Majesty, her heirs or successors, or the Parliament of Great Britain shall think fit.

XVII. That from and after the union, the same weights and measures shall be used throughout the United Kingdom, as are now established in England, and standards of weights and measures shall be kept by those burghs in Scotland to whom the keeping the standards of weights and measures, now in use there, does of special right belong: All which standards shall be sent down to such respective burghs, from the standards kept in the Exchequer at Westminster, subject nevertheless to such regulations as the Parliament of Great Britain shall think fit.

XVIII. That the laws concerning regulation of trade, customs, and such excises to which Scotland is, by virtue of this treaty, to be liable, be the same in Scotland, from and after the union, as in England; and that all other laws in use within the kingdom of Scotland, do after

the union, and notwithstanding thereof, remain in the same force as before (except such as are contrary to, or inconsistent with, this treaty), but alterable by the Parliament of Great Britain; with this difference between the laws concerning public right, policy, and civil government, and those which concern private right, that the laws which concern public right, policy, and civil government may be the same throughout the whole United Kingdom; but that no alteration be made in laws which concern private right, except for evident utility of the subjects within Scotland. {104}

XIX. (Scottish Courts of Law to remain as before, the right, however, of the United Parliament to make regulations and alterations being recognised.)^[29]

XX.-XXI. (Concern Heritable Offices and the rights of Royal Burghs.)

XXII. That, by virtue of this treaty, of the peers of Scotland, at the time of the Union, sixteen shall be the number to sit and vote in the House of Lords, and forty-five the number of representatives of Scotland in the House of Commons of the Parliament of Great Britain; and that when her Majesty, her heirs or successors, shall declare her or their pleasure for holding the first, or any other subsequent, Parliament of Great Britain, until the Parliament of Great Britain shall make further provision therein, a writ do issue under the great seal of the United Kingdom, directed to the Privy Council of Scotland, commanding them to cause sixteen peers, who are to sit in the House of Lords, to be summoned to Parliament, and forty-five members to be elected to sit in the House of Commons of the Parliament of Great Britain.

XXIII. That the aforesaid sixteen peers of Scotland mentioned in the last preceding article, to sit in the House of Lords of the Parliament of Great Britain, shall have all privileges of Parliament, which the peers of England now have, and which they, or any peers of Great Britain shall have after the union.... And in case that any trials of peers shall hereafter happen, when there is no Parliament in being, the sixteen peers of Scotland who sat in the last preceding Parliament, shall be summoned in the same manner and have the same powers and privileges at such trials, as any other peers of Great Britain; and that all peers of Scotland, and their successors to their honours and dignities shall, from and after the union, be peers of Great Britain, and have rank and precedence next and immediately after the peers of the like order and degrees in England at the time of the union. {105}

XXIV. (Deals with the Seals.)

XXV. (Scots to retain the Presbyterian system of Church Government and English to retain the Episcopalian.)

^[29] No provision is made by the Act for the House of Lords to exercise final Appellate Jurisdiction.

PROCEEDINGS ON THE IMPEACHMENT OF DR. SACHEVERELL (1710).

Source.—*The Parliamentary History of England from the Earliest Period to the Year 1803*. Vol. vi., pp. 806, 809. London, 1810.

P. 806. *Complaint in the Commons of Dr. Sacheverell's Sermons*. Dec. 13. A complaint being made to the House of Commons, of two printed Books; the one intituled, "The Communication of Sin; a Sermon, preached at the Assizes, held at Derby, August 15, 1709, by Dr. Henry Sacheverell;" and the other intituled, "The Perils of false Brethren, both in Church and State; set forth in a Sermon preached before the Right Hon. the Lord Mayor, Aldermen, and Citizens of London, at the Cathedral Church of St. Paul, on the 5th of November, 1709;" preached also by the said Dr. Henry Sacheverell; and both printed for Henry Clements, which Books were delivered in at the clerk's table; where several paragraphs in the epistle dedicatory, preceding the first-mentioned Book, and also several paragraphs in the latter Book, were read:

Resolution thereon.] Sir Peter King and others having made speeches against the audaciousness of the Doctor, who had advanced positions directly opposite to Revolution principles, to the present government, and to the Protestant Succession, and consequently tending to cherish factions, and stir up rebellion: those, who favoured the Doctor's cause, were surprised at this sudden attack, and, no member offering to speak in his defence, it was resolved, "That the two Sermons were malicious, scandalous, and seditious libels, highly reflecting on the queen, the late Revolution, and the Protestant Succession, tending to alienate the affections of her majesty's subjects, and to create jealousies and divisions among them." {106}

The Doctor was ordered to attend at the bar of the House the next day, and, being examined, owned the two Sermons. He likewise told them, what encouragement he had from the lord-mayor to print "The Perils of False Brethren." Sir Samuel Garrard, being a member of the House, was asked, whether the Sermon was printed at his desire or order? if he had owned it, he would have been expelled the House: but he denied, that he ever desired, or ordered, or encouraged, the printing thereof. Though the Doctor offered to prove it, and brought witnesses for that purpose, yet the House would not enter upon that examination, but it was thought more decent to seem to give credit to their own member, though few indeed believed him.

The Doctor standing to what he had said, without expressing the least consciousness of having done amiss, he was directed to withdraw; and it was resolved, "That he should be impeached of high crimes and misdemeanours, and Mr. Dolben was ordered to do it at the bar of the House of Lords, in the name of all the Commons of Great Britain." At the same

time a Committee was appointed to draw up the Articles against him, and the Doctor was taken into custody of the Serjeant at Arms.

[The Charge against Sacheverell.]

P. 809. I. "He, the said Henry Sacheverell, in his said Sermon preached at St. Paul's, doth suggest and maintain, 'That the necessary means used to bring about the said happy Revolution, were odious and unjustifiable; that his late majesty, in his Declaration, disclaimed the least imputation of resistance; and that to impute resistance to the said Revolution, is to cast black and odious colours upon his late majesty and the said Revolution.' {107}

II. "He, the said Henry Sacheverell, in his said Sermon preached at St. Paul's, doth suggest and maintain, 'That the aforesaid toleration granted by law is unreasonable, and the allowance of it unwarrantable;' and asserts that he is a false brother, with relation to God, religion or the church, who defends toleration and liberty of conscience; that queen Elizabeth was deluded by archbishop Grindall,' whom he scurrilously calls a false son of the church and a perfidious prelate, 'to the toleration of the Genevan discipline; and that it is the duty of superior pastors, to thunder out their ecclesiastical anathemas against persons entitled to the benefit of the said Toleration;' and insolently dares or defies any power on earth to reverse such sentences.

III. "He, the said Henry Sacheverell, in his said Sermon preached at St. Paul's, doth falsely and seditiously suggest and assert, 'that the church of England is in a condition of great peril and adversity under her majesty's administration;' and, in order to arraign and blacken the said Vote or Resolution of both Houses of Parliament, approved by her majesty as aforesaid, he, in opposition thereto, doth suggest the church to be in danger; and, as a parallel, mentions a Vote, that the person of king Charles the 1st was voted to be out of danger, at the same time that his murderers were conspiring his death; thereby wickedly and maliciously insinuating, that the members of both Houses, who passed the said vote, were then conspiring the ruin of the Church.

IV. "He, the said Henry Sacheverell, in his said Sermons and Books, doth falsely and maliciously suggest, 'that her majesty's administration both in ecclesiastical and civil affairs, tends to the destruction of the constitution; and that there are men of characters and stations, in church and state, who are false brethren, and do themselves weaken, undermine, and betray, and do encourage, and put it in the power of others, who are professed enemies, to overturn and destroy the constitution and establishment;' and chargeth her majesty, and those in authority under her, both in church and state, with a general maladministration: and, as a public incendiary, he persuades her majesty's subjects to keep up a distinction of faction and parties, instils groundless jealousies, foments destructive divisions among them, and excites and stirs them up to arms and violence. And, that his said malicious and seditious suggestions may make the stronger impressions upon the minds of her majesty's subjects, he, the said Henry Sacheverell, doth wickedly wrest and pervert divers texts and passages of holy scripture." {108}

MARLBOROUGH'S REPLY TO THE CHARGE OF PECULATION (1712).

Source.—*The Case of his Grace the D— of M., to be Represented by him to the Honourable House of Commons, in Vindication of Himself from the Charge of the Commissioners of Accounts in Relation to the Two and Half per Cent. Bread and Bread Waggons* (published 1712). Acton Library Pamphlets, No. d. 25, 1001¹².

[The following extract deals with Marlborough's "commissions" on the bread supplied to the Army on the Continent. The Tories alleged that he had defrauded the Exchequer by taking his 2½ per cent. commission.]

The first Article, in the Report, is founded on the Deposition of Sir *Solomon Medina*, by which you are Informed of a yearly Sum paid by him and his Predecessor, Contractors for Bread and Bread-Waggons, to myself. This Payment, ... I have called a Perquisite of the General or Commander in Chief in the *Low-Countries*; and it has been constantly apply'd to one of the most Important Parts of the Service there, I mean the procuring Intelligence, and other Secret Service.

The Commissioners are pleased to observe, That these Sums cannot be esteemed legal Perquisites, because they don't find 'em Claim'd or Receiv'd by any other *English* General in the *Low-Countries*. But I must take leave to affirm to this House, That this Perquisite or Payment, has been allowed to that General or Commander in Chief, in the *Low-Countries*, both before and ever since the Revolution, to enable him to carry on such Secret Service. The like Allowance was made to Prince *Waldeck*, whilst he was General of the Dutch Army in *Flanders*; it was made during the last War as well as this; and for your further Satisfaction in this matter, I am content to refer my self to Sir *Solomon Medina*, who cannot but own, that when he made this Allowance, he knew it to be the constant Practice during the former Wars in the *Low-Countries*, and particularly when Prince *Waldeck* commanded there. And if it be a Circumstance worth your notice, he must Inform you also, That the Allowance of Waggons, which the Report takes Notice of, is usual likewise; that he has allowed the like, or near the like Number to Count *Tilly*, though he was not Velt-Marshal, and that there is a proportionate Allowance of the same kind to other Officers. The Report may have observed {109}

very rightly, that the strictest Enquiry the Commissioners could make, they cannot find that any English General ever receiv'd this Perquisite. But I presume to say, the Reason is, that there never was any other English General besides my self, who was Commander in Chief in the *Low-Countries*. I crave leave then to say, That this Observation in the Report was Occasion'd through the want of due Information in the Usage of the Army. In receiving this as an established and known Perquisite, I have follow'd and kept up that Usage which I found in the Army when I first enter'd upon that Service; And upon this Ground alone, I hope that this House will not think I was Unwarranted in taking it.

But that no doubt may remain with you, I will State, as well as I can, what I have learnt, and during that time I have been in the Service, have been always understood to be the Ground, as well as the Design of this Allowance. The Contracts of Bread being of necessity at the same Rates for the whole Army, and it being for the Security of the Service that those Contracts should be in the fewest Hands; the certain Gain upon so large a sum as a Contract for the whole, or even part of the Army, even at the lowest Prices, makes this yearly allowance to have been thought not Unreasonable from the Contractor. This being an Allowance generally arising from Contracts that concern a variety of Troops, all under the same General, must naturally fall under the Direction, and come into the Hands of the Commander in Chief, as an Allowance to enable him to carry on such Designs which could not be foreseen, but yet necessary to be put in execution, and which chiefly depend upon Intelligence. {110}

I thought it more needful to give you this Account of the Nature and Design of this Allowance, because I observe from the Report, that the Objection is to the Justice and Reasonableness of the Perquisite it self, without having regard to the Application or Use for which it is intended.

But the Commissioners apprehend this not to be a Justifiable Perquisite, because they say, the Publick or the Troops, necessarily suffer in proportion to every such Perquisite.

If these Observations were well grounded, I should think them good Reasons to put an end to the Allowance, and at the same time to blame those who first introduced it: But I take upon me to affirm, that this neither is nor can be the Cause. I have never heard a Complaint either of publick or particular Injury from this Allowance; nor does the Report assign any particular wherein it may be judged to be so.

This Allowance to the General can have no Influence upon the Contract it self, which is annually made and signed at the *Treasury*, and the Price regulated by what the States have agreed to pay for the Bread for their Forces. I appeal to all the Officers who have served with me in *Flanders*, whether the Forces in Her Majesty's Pay have not all along had as much, and as good Bread, as those of the *States*, and at the same Prices; which every Body will believe to be the Lowest, that consider the Frugal Economy of the *States*, and the small Pay of their Troops. And therefore I may safely conclude, that if the *English* have had their Bread as Cheap as the *Dutch*, they have had it as Cheap as was possible. Nor indeed can it be imagined to be otherwise; for the very supposition of two different Prices paid by different Troops in the same Army, for the same Quantity of Bread, would occasion a Mutiny. {111}

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'Twill be necessary that I trouble the House with an account of the Time and Occasion whence this Payment of Two and Half *per Cent.* by the Foreign Troops commenced.

During the last War, the Allowance by Parliament for the Contingencies of the Army, of which that of Secret Service is the principal, was Fifty Thousand Pounds *per Annum*; but this Allowance fell so far short of the Expense on that Head, that upon the Prospect of this War's breaking out, the Late King assured me, That this part of the Service never cost him less than Seventy Thousand Pounds a year; However the Allowance of Parliament for the whole Contingent Service during this War, has been but Ten Thousand Pounds *per annum*; Three Thousand Pounds of which, or thereabouts, has generally gone for other Contingencies, than that of Intelligence. The Late King being unwilling to come to Parliament for more Money on that Head of the Service, proposed this Allowance from the Foreign Troops, as an Expedient to assist that part of the Service, and Commanded me to make the Proposition to them; which I did accordingly, and it was readily Consented to. By this Means a New Fund of about Fifteen Thousand Pounds *per annum*, was provided for carrying on the Secret Service, without any Expense to the Publick, or grievance to the Troops from whom the Allowance was made: For when the Publick pays, those Troops are not at all affected, or one Farthing increased in Consideration of this Deduction; nor is there in any Conventions for them any weight laid upon it, the Hire of Foreign Troops being governed by settled Rules and Treaties, and the Convention of the *States* for them, being in the same Terms.

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The true design of this Deduction being to supply the Secret Service, Gentlemen, I hope, you will observe that this, together with the *Article* of the *Allowance* by Parliament, when put together, doth fall short of the *Allowance* given by Parliament, in the last War, upon this Head. {112}

At the Revolution, a general war broke out in Europe, wherein many princes joined in an alliance against France, to check the ambitious designs of that monarch; and here the emperor, the Dutch, and England were principals. About this time the custom first began among us of borrowing millions upon funds of interest: It was pretended, that the war could not possibly last above one or two campaigns; and that the debts contracted might be easily paid in a few years, by a gentle tax, without burthening the subject. But the true reason for embracing this expedient, was the security of a new prince, not firmly settled on the throne: People were tempted to lend, by great premiums and large interest, and it concerned them nearly to preserve that government, which they trusted with their money. The person^[30] said to have been author of so detestable a project, is still living, and lives to see some of its fatal consequences, whereof his grandchildren will not see an end. And this pernicious counsel closed very well with the posture of affairs at that time: For, a set of upstarts, who had little or no part in the Revolution, but valued themselves by their noise and pretended zeal when the work was over, were got into credit at court, by the merit of becoming undertakers and projectors of loans and funds: These, finding that the gentlemen of estates were not willing to come into their measures, fell upon those new schemes of raising money, in order to create a monied interest, that might in time vie with the landed, and of which they hoped to be at the head. {113}

The ground of the first war, for ten years after the Revolution, as to the part we had in it, was, to make France acknowledge the late king, and to recover Hudson's Bay. But during that whole war, the sea was almost entirely neglected, and the greatest part of six millions annually employed to enlarge the frontier of the Dutch. For the king was a general, but not an admiral; and although King of England, was a native of Holland.

After ten years fighting to little purpose; after the loss of above an hundred thousand men, and a debt remaining of twenty millions, we at length hearkened to the terms of a peace, which was concluded with great advantages to the empire and Holland, but none at all to us; ^[31] and clogged soon after by the famous treaty of partition;^[32] by which, Naples, Sicily, and Lorrain, were to be added to the French dominions; or if that crown should think fit to set aside the treaty, upon the Spaniards refusing to accept it, as they declared they would, to the several parties at the very time of transacting it; then the French would have pretensions to the whole monarchy. And so it proved in the event; for the late King of Spain reckoning it an indignity to have his territories cantoned out into parcels, by other princes, during his own life, and without his consent, rather chose to bequeath the monarchy entire to a younger son of France: And this prince^[33] was acknowledged for King of Spain both by us and Holland. {114}

It must be granted, that the counsels of entering into this war were violently opposed by the church-party, who first advised the late king to acknowledge the Duke of Anjou; and particularly, 'tis affirmed that a certain great person,^[34] who was then in the church interest, told the king in November, 1701, That since His Majesty was determined to engage in a war so contrary to his private opinion, he could serve him no longer, and accordingly gave up his employment; though he happened afterwards to change his mind, when he was to be at the head of the Treasury, and have the sole management of affairs at home; while those abroad were to be in the hands of one, whose advantage, by all sorts of ties, he was engaged to promote.

The declarations of war against France and Spain, made by us and Holland, are dated within a few days of each other. In that published by the States, they say very truly That "they are nearest, and most exposed to the fire; that they are blocked up on all sides, and actually attacked by the Kings of France and Spain; that their declaration is the effect of an urgent and pressing necessity;" with other expressions to the same purpose. They "desire the assistance of all kings and princes," &c. The grounds of their quarrel with France, are such as only affect themselves, or at least more immediately than any other prince or state; such as, "the French refusing to grant the Tariff promised by the treaty of Ryswick; the loading the Dutch inhabitants settled in France, with excessive duties, contrary to the said treaty; the violation of the Partition Treaty, by the French accepting the King of Spain's will, and threatening the States, if they would not comply; the seizing the Spanish Netherlands by the French troops, and turning out the Dutch, who by permission of the late King of Spain were in garrison there; by which means that republic was deprived of her barrier, contrary to the treaty of partition, where it was particularly stipulated, that the Spanish Netherlands should be left to the archduke." They alleged, that "the French king governed Flanders as his own, though under the name of his grandson, and sent great numbers of troops thither to fright them: That he had seized the city and citadel of Liège, had possessed himself of several places in the archbishopric of Cologne, and maintained troops in the country of Wolfenbuttel, in order to block up the Dutch on all sides; and caused his resident to give in a memorial, wherein he threatened the States to act against them, if they refused complying with the contents of that memorial." {115}

The Queen's declaration of war is grounded upon the grand alliance, as this was upon the unjust usurpations and encroachments of the French king; whereof the instances produced are, "his keeping in possession a great part of the Spanish dominions, seizing Milan and the Spanish Low Countries, making himself master of Cadiz, &c. And instead of giving satisfaction in these points, his putting an indignity and affront on Her Majesty and kingdoms, by declaring the pretended Prince of Wales, K. of England, &c.," which last was the only personal quarrel we had in the war; and even this was positively denied by France,

that king being willing to acknowledge Her Majesty.

I think it plainly appears by both declarations, that England ought no more to have been a principal in this war, than Prussia, or any other power, who came afterwards into that alliance. Holland was first in the danger, the French troops being at that time just at the gates of Nimeguen. But the complaints made in our declaration, do all, except the last, as much or more concern almost every prince in Europe.

For, among the several parties who came first or last into this confederacy, there were but few who, in proportion, had more to get or to lose, to hope or to fear, from the good or ill success of this war, than we. The Dutch took up arms to defend themselves from immediate ruin; and by a successful war, they proposed to have a larger extent of country, and a better frontier against France. The emperor hoped to recover the monarchy of Spain, or some part of it, for his younger son, chiefly at the expense of us and Holland. The King of Portugal had received intelligence, that Philip designed to renew the old pretensions of Spain upon that kingdom, which is surrounded by the other on all sides, except towards the sea, and could therefore only be defended by maritime powers. This, with the advantageous terms offered by K. Charles,^[35] as well as by us, prevailed with that prince to enter into the alliance. The Duke of Savoy's temptations and fears were yet greater: The main charge of the war on that side was to be supplied by England, and the profit to redound to him. In case Milan should be conquered, it was stipulated that his highness should have the Duchy of Montferrat, belonging to the Duke of Mantua, the provinces of Alexandria and Valencia, and Lomellino, with other lands between the Po and the Tanaro, together with the Vigevenasco, or in lieu of it, an equivalent out of the province of Novara, adjoining to his own state; beside whatever else could be taken from France on that side by the confederate forces. Then, he was in terrible apprehensions of being surrounded by France, who had so many troops in the Milanese, and might have easily swallowed up his whole duchy. {116}

The rest of the allies came in purely for subsidies, whereof they sunk considerable sums into their own coffers, and refused to send their contingent to the emperor, alleging their troops were already hired by England and Holland.

Some time after the Duke of Anjou's succeeding to the monarchy of Spain, in breach of the partition treaty, the question here in England was, Whether the peace should be continued, or a new war begun. Those who were for the former alleged the debts and difficulties we laboured under; that both we and the Dutch had already acknowledged Philip for King of Spain; that the inclinations of the Spaniards to the house of Austria, and their aversion for that of Bourbon, were not so surely to be reckoned upon, as some would pretend; that we thought it a piece of insolence, as well as injustice, in the French to offer putting a king upon us; and the Spaniards would conceive, we had as little reason to force one upon them; that it was true, the nature and genius of those two people differed very much, and so would probably continue to do, as well under a king of French blood, as one of Austrian; but, that if we should engage in a war for dethroning the D. of Anjou, we should certainly effect what, by the progress and operations of it, we endeavoured to prevent, I mean an union of interest and affections between the two nations; for the Spaniards must of necessity call in French troops to their assistance: This would introduce French counsellors into King Phillip's court; and this, by degrees, would habituate and reconcile the two nations: That to assist King Charles by English or Dutch forces, would render him odious to his new subjects, who have nothing in so great an abomination, as those whom they hold for heretics: That the French would by this means become masters of the treasures in the Spanish West Indies: That, in the last war, when Spain, Cologne, and Bavaria were in our alliance, and by a modest computation brought sixty thousand men into the field against the common enemy; when Flanders, the seat of war, was on our side, and His Majesty, a prince of great valour and conduct, at the head of the whole confederate army; yet we had no reason to boast of our success: How then should we be able to oppose France with those powers against us, which would carry sixty thousand men from us to the enemy, and so make us, upon the balance, weaker by one hundred and twenty thousand men at the beginning of this war, than of that in 1688? {117}

On the other side, those whose opinion, or some private motives, inclined them to give their advice for entering into a new war, alleged how dangerous it would be for England, that Philip should be King of Spain; that we could have no security for our trade, while that kingdom was subject to a prince of the Bourbon family; nor any hopes of preserving the balance of Europe, because the grandfather would, in effect, be king, while his grandson had but the title, and thereby have a better opportunity than ever of pursuing his design for universal monarchy. These and the like arguments prevailed; and so, without offering at any other remedy, without taking time to consider the consequences, or to reflect on our own condition, we hastily engaged in a war which hath cost us sixty millions; and after repeated, as well as unexpected success in arms, hath put us and our posterity in a worse condition, not only than any of our allies, but even our conquered enemies themselves. {118}

The part we have acted in the conduct of this whole war, with reference to our allies abroad, and to a prevailing faction at home, is what I shall now particularly examine; where I presume it will appear, by plain matters of fact, that no nation was ever so long or so scandalously abused by the folly, the temerity, the corruption, the ambition of its domestic enemies; or treated with so much insolence, injustice and ingratitude by its foreign friends.

This will be manifest by proving the three following points.

First, That against all manner of prudence, or common reason, we engaged in this war as principals, when we ought to have acted only as auxiliaries.

Secondly, That we spent all our vigour in pursuing that part of the war which could least answer the end we proposed by beginning of it; and made no efforts at all where we could have most weakened the common enemy, and at the same time enriched ourselves.

Lastly, That we suffered each of our allies to break every article in those treaties and agreements by which they were bound, and to lay the burthen upon us.

[30] Dr. Gilbert Burnet, Bishop of Sarum.

[31] The Peace of Ryswick, concluded in October, 1697. All that Louis did for England by that peace was to acknowledge William as King of England, and to engage not to assist his enemies. The Dutch and Leopold, however, were much better treated. The former had its commerce re-established, while to the latter were given many fortresses and towns, and advantages strengthening his empire. The Peace of Ryswick was truly not a peace, but a temporary cessation of hostilities.

[32] The Partition Treaties arose out of the troublesome question of the Spanish succession. After the Peace of Ryswick William III. and Louis XIV. attempted to settle this question by a partition of the Spanish possessions.

[33] This was Philip of Anjou, second son of the Dauphin.

[34] Sidney Godolphin, one of the greatest financiers among English statesmen. He was Lord High Treasurer under Queen Anne, and an intimate friend, as well as relative by marriage, of Marlborough. He was created an Earl in 1706, but was removed from his office at the fall of the Whig ministry in 1710.

[35] The Archduke Charles, who styled himself Charles III. of Spain.

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VICAR OF BRAY.

Old Song Composed in the time of George I.

The song illustrates the many changes of religion in the later Stuart period.

1. In good King Charles's golden days
When loyalty no harm meant,
A zealous High-Churchman was I,
And so I got preferment.
To teach my flock, I never missed,
Kings were by God appointed,
And damned are those that dare resist
Or touch the Lord's anointed.

Chorus. And this is law that I'll maintain
Until my dying day, sir,
That whatsoever King shall reign
I'll still be Vicar of Bray, sir.

2. When royal James possessed the Crown
And Popery came in fashion
The penal laws I hooted down
And signed the Declaration.
The Church of Rome I found would fit
Full well my constitution,
And I had been a Jesuit
But for the Revolution.

Chorus. And this is law, etc.

3. When William was our King declared
To ease the nation's grievance,
With this new wind about I steered
And swore to him allegiance.
Old principles I did revoke,
Set conscience at a distance;
Passive obedience was a joke,
A jest was non-resistance.

Chorus. And this is law, etc.

4. When royal Anne became our Queen,
—The Church of England's glory,—
Another face of this was seen
And I became a Tory.
Old principles I did revoke,
Set conscience at a distance;
Passive obedience was a joke,
A jest was non-resistance.

Chorus. And this is law, etc.

5. When George in Pudding-time came o'er,
And moderate men looked big, sir,
My principles I changed once more,
And thus became a Whig, sir.
And so preferment I secured
From our new faith's defender,
And almost every day abjured
The Pope and the Pretender.

Chorus. And this is law, etc.

6. The illustrious House of Hanover
And Protestant Succession,
To them I do allegiance swear—
Whilst they can keep possession.
For in my faith and loyalty
I never more shall falter,
And George my lawful King shall be—
Until the times do alter.

Chorus. And this is law, etc.

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